



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

21 March 1990

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

POSTPONEMENT OF ORDER OF THE DAY

MR STEVENSON (10.31): I move:

That order of the day No. 1, private members' business, be postponed until the next day of sitting.

I ask for this postponement because yesterday in this Assembly there was tabled the Standing Committee on Scrutiny of Bills and Subordinate Legislation Report No. 2 of 1990. That report extensively discusses the two publications control amendment bills and there are a number of points which I feel are worthy of discussion and public notice prior to going ahead with the legislation. One particular point is that there has been a rumour that my Bill introduces draconian police powers. My Bill actually says nothing whatsoever about police powers. Within the report there is a mention that a police officer may enter any place and may search for and seize anything that he or she believes on reasonable grounds to be connected with an offence that is found on or in the place if - and only if - the search and seizure is made with consent of the person in charge of the property or under a warrant under section 34.

So, simply put, the police do have powers in the Publications Control Act but that was not of my doing. I was simply amending the Act; the police powers were already there. Indeed, the powers are only with the consent of the person owning the property or, standardly as with other legislation, with a search warrant; in other words, the police have to convince a person who has the responsibility of issuing a search warrant that they have reasonable cause to believe that the search will produce something.

There is another point that has come up about this. I know there are a large number of people in Canberra who wish to be in this Assembly when the matter of X-rated videos is debated. I think that it would be excellent if, as a general rule - not just for private members' business - when we are going to debate a matter of high public interest we give the Canberra public an opportunity to be here. In other words, we should give a week's notice perhaps, as a general rule. That is something I will be discussing with various members of this Assembly. I think it would be an excellent idea on those occasions where the people of Canberra are particularly concerned about an

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issue for them to have advance notice. No doubt that could be put in the media so that people have an opportunity to make whatever arrangements they need to make to enable them to come along to this Assembly.

MR MOORE (10.34): Mr Speaker, I oppose the motion proposed by Mr Stevenson. I accept that he has some quite valid points, but he is talking about the matters that we deal with in the detail stage of the Bill. The appropriate thing to do is to move through the in-principle stage of the Bill, then postpone it so that the concerns that he has expressed can be dealt with in the detail stage. I think it is appropriate to oppose the motion that he has put to change private members' business.

MS FOLLETT (Leader of the Opposition) (10.35): Mr Speaker, we are opposed to the further postponement of dealing with this Bill. As Mr Moore has quite rightly said, nothing Mr Stevenson has raised in any way relates to the in-principle debate on this Bill. I think it is extremely foolhardy to be putting off at this stage a debate which has been on notice for some time.

We clearly have a report from the Scrutiny of Bills Committee which indicates some difficulties with the Bill. Surely if the Bill is inadequate, if the Bill is wrong, if members do not like it, the procedure quite clearly available to them is to vote against it in principle. I see nothing in what Mr Stevenson said that would persuade me to postpone it. He went further to say that he would like an audience for this debate. Well, Mr Stevenson introduced this Bill some six weeks ago, I believe, and I think he has had more than adequate time to drum up an audience. I think the fact that there is either a very small or unsatisfactory audience in Mr Stevenson's view indicates that this is a minor matter. It is not a matter which is foremost in the minds of the people of Canberra. It is a matter that can readily be dealt with. I say again that if the Bill is inadequate, if the Bill is wrong, members should quite clearly vote against it, and I urge them all to do so.

MR KAINE (Chief Minister) (10.36): Mr Speaker, I am rather intrigued with the position taken by the Leader of the Opposition. As I understand it, according to the daily program, this Bill is a private member's Bill; it is Mr Stevenson's Bill. If Mr Stevenson considers that in his view he wishes to change the time of the debate, for whatever reason, it is his prerogative. Speaking for the Government, I understand that it is convention in most parliaments that the Government accedes to the wishes of the mover of a private member's Bill; it is his Bill. For the Leader of the Opposition to argue that he should have his rights set aside in favour of the rights of the Opposition or of the Government is quite untenable and absurd. For my part, Mr Speaker, if it is Mr Stevenson's wish that his Bill - and I repeat, his Bill - not be proceeded with, that is his prerogative and the Government will accede to that.

MR BERRY (10.38): I must say that I have never heard such a lot of claptrap in my life as what - -
-

Mr Kaine: Because you are not interested in democracy, you are only interested in jackboots. Jackboots, that is what you are on about.

MR BERRY: You would know more about that on your side of the house - I can see Mr Stefaniak smiling there because he was the chief author of jackboot tactics earlier in this Assembly. The clear position is that the continuance of debate on this issue in the Assembly today does not suit the Government. It is not an issue about whether it is private members' business or not, and I am sure that if there was private members' business from this side of the house on which it suited the Government to go ahead, contrary to the wishes of the private member, then the Government would of course satisfy its own tactics and its own tacticians, if you like.

The clear issue is that there is a piece of legislation which is due to be debated in this place. Surely the Government, in all its wisdom, with all of its Executive Deputies, could have decided whether it supports the Bill or not. Surely Government members have taken the time to read the report on the Bill and surely they are in a position to decide today about their in principle agreement or otherwise to this piece of legislation.

Mr Speaker, I think the Government is playing games. It is involved in tactics and merely wishes to shuffle pieces of legislation in and out of the business paper to make it look as though it is doing its job. Quite clearly it is not. It is not able to bring decent levels of business to this Assembly, and it is prepared to play with this Assembly and the people who willingly participate in the debate in this place in order to satisfy its own need to fool the public into believing that the Liberal/Rally coalition Government is actually doing something.

MR JENSEN (10.42): Mr Speaker, I would suggest that Mr Berry has once again gone off the track in relation to the Government's attitude to this particular matter. The Government was quite prepared to debate this Bill today, no problems at all. However, Mr Stevenson came to the Government with a request that the Bill be deferred.

On that basis the Government, as it is wont to do with private members' business - and that is what this is, private members' business, it is not the Government's business - has sought to have that business ordered in accordance with the wishes of the private member. That is the procedure that has been adopted by this Government and will continue to be adopted.

Mrs Grassby: When it suits it.

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MR JENSEN: Mrs Grassby interjects, "When it suits it". I would suggest that it will be a long time before Mrs Grassby is able to suggest that this Government is not happy to accept the order of private members' business as it is put forward by those on the other side of the Assembly. That is no problem at all, Mr Speaker; let them try. We will be clear that private members' business is private members' business and we will not seek to interfere with the order. We will be prepared to debate it whenever and wherever you wish.

Question resolved in the affirmative.

PUBLICATIONS CONTROL (AMENDMENT) BILL 1990 [NO. 2]

Debate resumed from 21 February 1990, on motion by **Mr Moore:**

That this Bill be agreed to in principle.

MR COLLAERY (Attorney-General) (10.42): Mr Speaker, Mr Moore's Bill, like his supposed matter of public importance yesterday, is, in my view, an opportunistic attempt to steal the limelight. More importantly, the difference between this private member's Bill and the one that preceded it is that whilst Mr Stevenson has his own agenda, we see in Mr Moore's Bill an attempt to force the pace on the Government, to plagiarise our policy and to put his own personal image forward, as he did once with fluoride - as those of us in the Rally well know.

If we put through a Bill that has legal anomalies, as we are likely to do if we accede to this Moore proposal - I will come to that later - I can assure all members that when the national press gets going on the fact that we have created some incredible legal tangles in this city as a result of this ill-thought-out legislation, they will find, as we found on fluoride, that they will not hear a squeak from Mr Moore. He will not be there; I can assure them of that, from personal experience.

Mr Speaker, it is very important that in looking at the Bill before us today, members of this Assembly consider the implications for the reputation of self-government in putting through a Bill which has been inadequately researched and put together and which may have serious, unintended results.

I was at the Raiders game at Bruce and over the boos I had a conversation with the representative of Video Ezy, the new sponsor of the Raiders game. That gentleman told me of a couple of extraordinary meetings that he and reputable video operators, with reputable small businesses in this city and other cities in Australia, had with Mr Moore. That person warned me of the possible serious anomalies, not only in unintended legal effect but also in commercial effect.

I will deal with the commercial effect first because I am sure that members support the present difficult position of small business in the Territory. There are reputable, properly operated and profitable video shops and outlets in this city. It appears, from the advice that came to me from that gentleman, that under any of Mr Moore's proposals or intended amendments a proportion of their R-rated films would be caught.

To insist on their move to Fyshwick or an industrial suburb may well result in those small businessmen losing far more than the 15 per cent of the business that they tell me is the R-rated content of their shelves. The fact is that people will not go to Curtin to get one video and then to Fyshwick to get another - for example, *The Deerhunter*. The chances are that eventually they will go out to Fyshwick to get all the family videos, because who is to say that the Fyshwick dealers will not put on their own Mickey Mouse-Walt Disney section and have G-rated videos there as well.

There are serious social and business implications in Mr Moore's proposal. That has been put to me by a leading member of the reputable video industry and those implications are that there needs to be a very serious look at the R-rated classification. I note that the Leader of the Opposition has a proposal on notice today for a review of "R" classification guidelines and that Ms Follett intends to move a motion in her name in relation to those classification guidelines. In the circumstances, and against the background of advice from my Law Office, it would appear that we need to look more carefully at the full implications of this Bill. I will go on to give more examples, but I do warn members against supporting this Bill at this stage.

We will address the overall issue at another time. I am speaking only to foreshadow a request that debate on this matter be adjourned, but at this stage, Mr Speaker, I am not going to speak about the issue in principle. That is for another debate on the serious Bill that Mr Stevenson has put forward, not on the opportunistic sideline that Mr Moore has brought in. Ultimately though, controls rest with social sensitivity, education, appropriate values in guidelines and a deal of self-regulation.

Mr Moore's proposal to move X-rated videos out of the city is generally in line with Alliance Government policy, but it sets the pace for the implementation of our policies. We are a stable, responsible government. As Attorney-General, I am entitled to have the fullest advice from my Law Office and I am entitled to allow its officers to continue current discussion with the Office of Industry and Development relating to interrelated aspects involving, for example, the location of so-called sex shops in our city area. There is one, of course, located in Northbourne Avenue not far from here - in the heritage area of Canberra city, next to commercial enterprises which are antipathetic

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to it. I am sure that the Leader of the Opposition will understand that there are planning implications in relation to those issues. I am advised that the Office of Industry and Development and the leasing branch have already taken steps in relation to a bordello in Ainslie, wisely using our leasing powers.

There is clearly an important question to do with whether sex shops should sell these videos and the like and whether this Government should not have a properly balanced overall policy to address the issues and the fundamental underlying concerns in society about access, not only to videos but also to certain products that perhaps should be arguably - and I stress the word "arguably" - accessible elsewhere. That remains for this Assembly to resolve in another debate.

Mr Speaker, to give an example of the complications of moving quickly into laws that move some of the video selling outlets out of the city, let me explain the interrelated complications of dealing with a sex shop that may be located in a commercial district antipathetic to the general business in that area. Laws that blithely deal with the business of a sex shop may well, in their definitional clauses, strike at other agencies - for example, pharmacies that sell condoms, other compounds, preparations and devices, and other things that do not relate to a prurient view of human activity.

The overall issue that strikes the Government in this matter is Mr Moore's decision to push us along a policy line whilst we are developing, sensibly and level-headedly, a proper approach to an overall social issue and that the video issue is not alone in that context. I can assure the house that there are issues before the State Attorneys and the State police Ministers that relate directly to these concerns.

Of course Mr Moore has the right to introduce legislation, but I suggest to members that they have an obligation to consider all aspects of this issue before acceding to this eye-catching tactic by Mr Moore. The questions of X-rated videos, interstate practice and controls and the activities and correlated events around sex shops need to be discussed at national level. It will be discussed following initiatives that I took in Adelaide a few weeks ago at the next meeting of the States Attorneys-General in June.

Mr Speaker, I should mention that the Commonwealth Chief Censor is also a participant in discussions concerning censorship. The Commonwealth Chief Censor is a party to the dialogue on which this new Government is taking the running nationally and we hope to get together before this Assembly puts something into concrete that may have a whole range of legal implications and may involve this Government or other parties in extensive, expensive, divisive and blocking litigation in our courts.

The courts have enough on their hands at the moment without being asked to interpret Bills of this nature which, clearly, on the advice available to me, require further elaboration and guidance. It may well be that Mr Moore's Bill, in essence, is appropriate. It may well be that Mr Moore's Bill will be supported by the Government. It may well be that this Government will bring forward its own Bill embracing some other aspects. Be that as it may, this is a premature attempt by Mr Moore again to bring forward an issue before we have had a chance to look at the real issues of classification as foreshadowed by, for example, the Leader of the Opposition.

Mr Kaine: Before he has had a chance to research it, too.

MR COLLAERY: And, indeed, Mr Speaker, as my leader reminds me, before Mr Moore has had a chance to fully research it. I have the advantage of discussions with a party that he attempted to discuss it with and who informed me that after the meeting with Mr Moore, Mr Moore was asking more questions than he was giving answers.

I ask members not to support this Bill at this stage because it is not in the form or the timescale to accord with the Alliance Government's own implementation plans. I also indicate to the house that there are initiatives afoot by this Government to ensure that the Moore Bill, which only appears to cover half of the issues, covers all the issues.

Although I saw Mr Wood raising his arms in horror, I do foreshadow the questions which this Assembly might wish to resolve in open session or elsewhere, as to whether aspects of the matters that the Leader of the Opposition foreshadows might be appropriate matters for the Social Policy Committee. Before I am jumped on, Mr Speaker, I hasten to add that I am not moving any motion to that effect, and nor is the Government. But I believe we should learn from our experience with fluoride. Some of us came clean on the fluoride issue. It was Mr Moore who remained silent for a whole long period after the issue he pressed through did not meet with the acclaim that he expected.

Mr Speaker, once again, we have the stunt man in the corner coming up from behind the pillar with a proposal. Whilst encouraging debate on this issue, we see a fundamental difference between Mr Stevenson's right as a private member to withdraw debate on an issue that he does not wish to proceed with - it is not our function to take over and press forward Mr Stevenson's debate - and this issue which, with the advantage of law advice, I am asking the house to defer. We have seen, in the second report of the Standing Committee on the Scrutiny of Bills and Subordinate Legislation, some fairly clear warnings about unintended results of legislation.

I suggest and encourage the house to support an adjournment of Mr Moore's Bill to another time when there is a chance

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for the Government to give a full and final statement on a number of issues, issues that are currently being researched. As Mr Moore well knows from his trips to Sydney to see the Chief Censor, there are a range of issues affecting publications themselves - for example, the video Blood Feast and the magazine Toxic Horror with which Mr Moore may well be familiar, having taken an interest in the subject. The fact is that there are some considerable questions as to whether some of these videos are available in the ACT and there is a question about their publication and distribution from the United States. There are also a number of issues of classification which the Government needs to research and deal with, with the Chief Censor. To sum it up in a nutshell, Mr Speaker, we are not ready for Mr Moore's initiative and we believe that it would be responsible of the Assembly to defer that debate.

Mr Berry: I raise a point of order. Can I take it that Mr Collaery has moved an adjournment motion on the debate?

Mr Collaery: No.

MR MOORE (10.57): Since no adjournment has been moved, I would like to exercise my right of reply on the in-principle stage of my own Bill. Mr Collaery is the only member who has spoken on this Bill and, as usual, when he has got nothing to go by, he mounts a personal attack. He has made a series of points about fluoride. I have already pointed out to the Assembly that members could have checked with Mr Berry at the time as to my opinion; they could have checked on a meeting I had on that particular issue with the delegates of the AMA and so forth. It was quite clear that I wanted the issue to go to a committee, but Mr Collaery and other Rally members were so gungho to get you, Mr Speaker, on side - and I presume they had not discussed it with you because they usually do not discuss things with people - in order to form a government that they also went gungho into the fluoride issue instead of taking it to a committee. If they want to present things that way, then let them do so. I see Mr Collaery there laughing at that objection, but I would suggest that a much more reliable source of facts would be the representatives of the AMA rather than Mr Collaery who, as we know, chops and changes and has a great deal of difficulty distinguishing between fantasy and reality.

Had Mr Collaery read the amendment that I am making to my own Bill, he would know that what he has been talking about today is absolutely irrelevant. Most of his speech was totally irrelevant, the reason being that I made an announcement yesterday on ABC radio. I followed that up by distributing a copy of an amendment to my own Bill, which I now seek to move. Do I need to seek leave to move that amendment, which has been tabled?

MR SPEAKER: I believe your timing is incorrect. This would come up during the detail stage.

MR MOORE: All right; I will foreshadow that amendment and move it in the detail stage, should we get to the detail stage. That amendment gives Mr Collaery as Attorney-General the power to put R-rated movies in Fyshwick, if he wishes. It also gives him the power to put them in a restricted publications area, in the same way as X-rated movies are dealt with now. The effect of the amendment is to move the X-rated movies out to Fyshwick in line with Rally policy - a compromise policy which was reached on the table tennis table in my house at the time when we decided these matters - of restricting them from family accessible areas. All I have done - and he calls it grandstanding or getting the spotlight - is to move at a time when I thought a compromise was necessary - and I will come back to why I thought a compromise was necessary - and put into effect a policy that I had reached with other members of the then executive of the Residents Rally, which has now, of course, become the developers Rally. The point that I am making is that as a result of this amendment, the Attorney-General's power - - -

Mr Jensen: Good one, Michael.

MR MOORE: In fact, Mr Jensen, I will exempt you from my previous comment because I believe you are very genuine about this matter and I would like to have that on the record.

My amendment, which says that the films shall not be exhibited or displayed, except in a restricted publications area, and applies just to R-rated films, gives the Attorney-General the power to judge that by regulation. That is clear from a reading of the principal Act.

How did I come to that conclusion? Mr Collaery had a brief chat with one member of the video industry, but I have the minutes of several meetings that I had with members of the video industry. This was a compromise that I reached with them after two long telephone conversations with the Chief Censor, plus a trip to Sydney and a two-hour meeting with him and one of the members of his staff. I came to that conclusion because members of the video industry talked about the educative process and showed me the front of their video covers - and I have a couple of examples here if members wish to look at them - on which they now add a description of exactly what is in a movie so that adults can decide what they want to watch. That is what we are talking about here when we look at the difference between Mr Stevenson's Bill and my Bill.

What I am attempting to do, and I explained it very clearly in my original speech, is to minimise the usage of both violent movies and also non-violent erotica. We have to choose between the principle of paternalism and value judgments, which is the sort of thing we find in Mr Stevenson's Bill or a sensible compromise which allows the right of consenting adults to do, read or view what they want in their own home provided it does no harm to others.

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What Mr Stevenson's Bill attempts to do is best illustrated by the series of telephone calls I had after an advertisement in the paper giving my telephone number to people who wanted to object to X-rated videos and support his Bill. I asked them, "If you had the opportunity to support the banning of 'The Last Temptation of Christ', what would you do?" Without fail, they all said they would ban it. What we are talking about, of course, is not the banning of non-violent erotica. It is a foot in the door; it is an attempt to take over the censorship role of the Federal Government, which we do not have the right to do.

Mr Wood: We cannot do that; we do not have the power to do it.

MR MOORE: We do not have the power, but that discussion will arise when we return to Mr Stevenson's Bill. The point I am trying to make is that I reached a compromise with the video industry, so that all the matters that Mr Collaery brought up in his speech were irrelevant. Had he read what was distributed to him this morning and had he taken note of what was said on the ABC yesterday, he would have understood that the amendment introduces something quite different.

I am entitled to certain rights relating to private members' business and Mr Collaery's attempt to adjourn the debate is, of course, totally inappropriate. Between 10 o'clock and 10.25 this morning I saw three changes of position by the Government. I was told "We are going to do this, we are going to do that, we are going to do the other". At 10.25, with the bells ringing, I was told that it was likely that Mr Collaery would move for an adjournment of the debate on my Bill. Was this because he was worried, as he said about five times, about grandstanding? Was he worried about Michael Moore getting a bit of publicity? I could not care less. I introduced this Bill because of Mr Collaery's shifting sands. The way I read the numbers was very simple - eight-eight, with the decision to be made by Mr Collaery on Mr Stevenson's Bill.

I do not believe that the Stevenson Bill should be carried and therefore I attempted to find a compromise for Mr Collaery so that we did not have the stupid situation that we had last time where he made up his mind on the floor, then changed it at the last minute when we were about to tax the X-rated videos. What we have is a chameleon who does not know what he is doing and who hates making decisions. If he can put anything off at any time, that is exactly what he will do, and that is what he is on about here. If he can possibly put it off and leave it to the State Attorneys so that he can do his grandstanding - and let him do it, I am very happy; I am sure they will be delighted with the way he is approaching it - he will do so.

What we are really interested in is doing what is best for the people of Canberra. That is the most important thing. We have the opportunity now to show that we can accept the compromise position and defeat the draconian Bill that has been put up by Dennis Stevenson. That is what it is about, and that is why this compromise has been put forward.

What Mr Collaery has said today is, basically, that the Government has these objections to Mr Moore's Bill, not because of what is in it but because of its timing. Its timing does not suit the Government because it does not give Mr Collaery the opportunity to go to the Attorneys-General and say, "Look, here's the way to do it. I'm the wonderful person, I'm the Attorney-General; I'm not just a bum lawyer who earns \$3000 a year. I'm now an Attorney-General and I can push all the Attorneys-General into this way, that way or the other way". So Mr Collaery is going to feel really good about that, and feeling good about it is exactly one of the questions I have asked people who have phoned me about X-rated movies.

What do they say when they phone up? They say, "Can you support Dennis Stevenson's Bill?" I say, "Look, what do you want to do? Do you want to minimise the usage of these videos or do you want to feel good that you've tried to ban them?" And that is what this is really about. If you attempt to go for the prohibition line that Dennis Stevenson has put up - and I argued this strongly when I introduced this Bill - you will actually increase the usage and also spread the usage of non-violent erotica to include violent erotica, snuff movies, bestiality, and all the revolting things that are around. That is what you will do if you try and ban these videos.

The video industry has 250,000 names and addresses in the ACT. Do you really think it is going to say, "Ah, well, we're not going to earn any more money now. It was a good idea but I suppose we'll retire now because they don't want any X-rated videos around the place"? What absolute nonsense. Of course the industry will not do that; it will get going. And what sort of restrictions or regulations do we have to try to do anything about it?

Mr Jensen: Like in the States, Michael. Tell them about the States.

MR MOORE: The States have the same opportunity to put up a Dennis Stevenson Bill - exactly the same opportunity. They can do it and they have not done it because they do not want to do it. That is the difference. Pulling ourselves into line with the States is absolute nonsense - and that is from Bernard Collaery himself who told the Attorneys-General that they were all hypocrites, according to the report on WIN television.

Mr Jensen: I raise a point of order, Mr Speaker. You have already mentioned reference to members by their christian names - - -

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MR SPEAKER: I take your point, Mr Jensen. The term "honourable member" can be used, or the normal prefix before - - -

Mr Moore: But we are not entitled to the term "honourable" at all.

MR SPEAKER: We certainly are not, but I am trying to infer there that you should use the accepted title or prefix.

MR MOORE: I am certainly not going to use the term "honourable" with Mr Collaery. There is no way he could be interpreted as being honourable in any way.

MR SPEAKER: Please proceed.

Mr Collaery: I raise a point of order, Mr Speaker.

MR SPEAKER: I take that point of order. Withdraw that comment, Mr Moore.

MR MOORE: Withdraw which one, Mr Speaker? The "honourable"?

MR SPEAKER: The imputation that Mr Collaery is not an honourable man.

MR MOORE: If there are any imputations, Mr Speaker, I gladly withdraw them. It is quite clear from the green book, which Mr Collaery always has with him, that the term "honourable" is not appropriately used by members of this Assembly. At the meeting of State Attorneys-General, when Mr Collaery called them hypocrites, of course he was in one of his normal psychological projectionist states! That is exactly the situation. Now, in the same way, he is saying, "Don't vote for this Bill now, vote for it later, because then we'll be able to take credit for it instead of Mr Moore". I do not really care whether members vote for it now or later. The reason I introduced it was to try to give Mr Collaery a compromise way out so that we do not have to have this draconian way - - -

Mr Collaery: Oh! He wanted to help me.

MR MOORE: Because he is simply not to be trusted - I withdraw that imputation, Mr Speaker. The point that I am trying to make is that the logical thing to do now is to go straight with this Bill, pass it and make Mr Stevenson's Bill redundant. Then we will have achieved a logical, rational, middle ground on this issue and, with the amendment that I foreshadow, the power is still with Mr Collaery to deal with R-rated movies as he sees fit because it becomes a regulation and the regulation is entirely in his hands.

Mr Jensen: It is in the hands of the Assembly.

MR MOORE: It is entirely in his hands unless the Assembly finds the regulation unacceptable. That is exactly what he is objecting to, because he will then have to make a decision, and that is what he does not want to do. If he can possibly find a way to put off a decision he will, because he has not made any decisions since he has been in power. In more than 100 days no decisions whatsoever have been made and that is exactly how he is trying to keep the ball in play - "No-decision Collaery".

Question resolved in the negative.

BUSINESS LEASES REVIEW BILL 1990

MR WHALAN (11.15): I present the Business Leases Review Bill 1990. I move:

That this Bill be agreed to in principle.

This Bill seeks to establish an Act of this Assembly which will regulate the relationship between lessors and lessees and provide a mechanism for resolving disputes between parties to a business lease. I would like to preface my remarks on this matter by outlining the commitment of the ACT Labor Party to legislation of this type.

During the election campaign leading up to the formation of the first Legislative Assembly of the ACT, the Australian Labor Party distributed many hundreds of copies of a circular to commercial tenants throughout the ACT. These included commercial tenants in both the retail industry and other types of commercial activity. It was not limited to that, and I would like to place on record very quickly the notes of that circular that we sent around to commercial tenants. It said:

Next Saturday you will vote for the first parliament to govern the ACT. We are going to election at a time of publicity about extreme rent increases and other impositions on commercial tenants. Normally we would not wish to intrude on the commercial relationship between business tenants and their landlords, but in the interests of the consumer and small business we believe it necessary to step in and make this relationship fairer and more equitable.

A Labor Government is committed to introducing legislation to protect commercial tenants. This will be known as the Business Leases Review Act. The terms of the legislation are based on discussions with groups such as the Shopping Centre Tenants Association. The Australian Labor Party has examined the report of the ACT working party on business leases review legislation. This matter was discussed at a recent meeting of the

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Tenants Association and the Australian Labor Party was questioned why the legislation had not been introduced earlier.

It is a fact that the legislation was opposed by the Business Regulation Review Unit of the Department of Industry, Technology and Commerce and it did not proceed. But the ACT Labor Party does support the legislation and in government will introduce it into the ACT Parliament.

Mr Kaine: Why didn't you do so? You had seven months.

MR WHALAN: Mr Kaine has interjected, as he usually does, and asked me why we did not do so. I will explain to Mr Kaine. Unfortunately, Mr Speaker, when we were in government we had respect for the institution of this Assembly. Clearly, this Government has no respect for it whatsoever. No other party offers comprehensive protection; certainly the Liberal Party opposes power to arbitrate on rent. We believe that a tribunal without power to arbitrate on rent will be a toothless tiger. That was the basis of our statement, Mr Speaker.

This, then, was the submission of the Australian Labor Party in the period prior to the formation of this Assembly. What happened subsequently was that in July an estoppel was placed on movement in this direction by the Government, by virtue of the actions of Mr Jensen when, in July in this chamber, he moved a motion that a select committee be established to review this issue of the tenancy of commercial premises.

In those circumstances, Mr Speaker, out of deference to the activities of that committee, we placed on hold any move that the Government had made toward the establishment of legislation of this type. What happened subsequently then was that the committee went through its consideration. That consideration ended with the production of a report to this Assembly. After getting some extensions to allow them time to complete their report, members of the committee finally came forward with a report on 20 February of this year.

The recommendations of that report are outlined at (ix) of the report, Tenancy of Commercial Premises, and those recommendations are:

The Committee recommends that:

1. the relevant Minister invite the principal industry associations acting on behalf of the landlord and tenant groups to enter into negotiations to formulate a Code of Practice relating to tenancies, including an appropriate dispute settlement mechanism;
2. Fair Trading Legislation be enacted to support the Code of Practice; and
3. if general agreement on a Code of Practice cannot be reached within six months of tabling

this report, the Government should prepare a Code for discussion within the industry.

They were the recommendations of the committee. Like all those people in the community who had looked to this Assembly and to the report of that committee for some support and assistance, we were stunned and dismayed by the wimpishness of the recommendations. This is a wimp recommendation. It is in that context, Mr Speaker, that in the Labor Party's consideration of this report we decided upon a course of action.

We decided that time could not be wasted while the report was debated. It eventually got onto the agenda of Government business. We happen to know that this Government is so terrified about the democratic processes that it deliberately postpones sessions while its members go out to social occasions. It deliberately postpones sessions of this Assembly and it was clear to us that, as a result, we would be denied the opportunities to discuss that. We decided to take the initiative on the matter and introduce to the Assembly the legislation which had been drafted in 1983 and was the subject of the review of a working party established for that purpose.

We believe there are certain aspects of this legislation. Which we would regard as not being totally satisfactory, but in order to get it introduced, we have introduced it in a modified form. At this time I would like to place on the record once again the way in which this Government again is abusing -
- -

Members interjected.

Mrs Grassby: On a point of order, Mr Speaker, this is a serious matter, but we cannot hear the speaker.

MR SPEAKER: Order, order! Please proceed, Mr Whalan.

MR WHALAN: Mr Speaker, I thank you for your rather belated but effective intervention in this matter.

Mr Jensen: On a point of order, Mr Speaker, that is a reflection on the Speaker.

MR SPEAKER: Please withdraw that imputation, Mr Whalan.

MR WHALAN: Mr Speaker, Mr Kaine is just giving you your riding instructions from the floor -
- -

MR SPEAKER: Order, Mr Whalan! Please withdraw the imputation. I will allow the Assembly to proceed in an orderly manner.

MR WHALAN: I withdraw the imputation that you are being manipulated by the Government.

MR SPEAKER: Please proceed.

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MR WHALAN: The situation now is that the legislation has been introduced in a form which picks up that legislation of 1983. One of the difficulties that the Opposition faces is that the Government has set on a deliberate course to frustrate private members' legislation by refusing to provide the equivalent type of drafting assistance and facilities that we gave to it when it was in opposition. The Government is undermining this Assembly in a sinister way and the Assembly should be on the alert as to what is happening, because it places at risk the whole democratic process within this Assembly. In future, we hope that there will be the opportunity for the Opposition to be given more assistance on drafting, but so far that has been denied - denied in such a manner as makes it necessary for us to modify legislation of this sort in the - - -

Mr Jensen: That is mendacious, Paul.

Mr Berry: On a point of order, Mr Speaker, I heard Mr Jensen's words quite clearly from here and I am sure you did.

MR SPEAKER: You are making a speech, Mr Berry. What is your point of order?

Mr Berry: I heard Mr Jensen accuse Mr Whalan of being a liar.

MR SPEAKER: You are making a speech. Please get to your point of order!

Mr Berry: Now, I think that is a - - -

MR SPEAKER: Please read your standing orders, Mr Berry. You have a problem here. Please withdraw that statement, Mr Jensen. Get to the point next time, Mr Berry.

Mr Jensen: I withdraw it, Mr Speaker.

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

MR WHALAN: I did not hear the remark made by Mr Jensen, but perhaps I could invite him outside to talk about it.

Mr Collaery: What about your stainless steel plate?

MR WHALAN: At least mine is in my leg and not in my head, Bernard.

MR SPEAKER: Order! Please proceed, Mr Whalan.

MR WHALAN: The legislation that we have introduced here highlights the enormous conflicts that exist within the Government. We have based this legislation on the views that have been expressed to us by the Shopping Centre Tenants Association of Australia. This group of business people have presented the views that they believe should be

covered in legislation. Their views were ignored entirely in the document, The Tenancy of Commercial Premises, and that is a great disappointment.

It is worthwhile highlighting the difficulties that this coalition, this conservative Alliance Government, has in trying to reconcile the different conservative attitudes which are displayed within their grouping. In a very timely article in the Canberra Times, Leanne Mason covered this situation quite well. I would like to congratulate Leanne on the very clear manner in which she has presented the deep divisions within the Government on yet another issue of division.

Just yesterday we saw the dramatic division between the Chief Minister and his deputy over the Canberra Times site. This issue is just continuing this process. Leanne Mason's article spoke about the storm brewing between Residents Rally members of the Assembly and the Rally's executive over the rejection of Rally policy by a Government member of the party. The Rally executive believes its views have been ignored by the Legislative Assembly's Select Committee on the Tenancy of Commercial Premises - - -

Mr Kaine: On a point of order, Mr Speaker, I draw attention to standing order 58 and I submit that Mr Whalan ought to be debating the matter on which he has put forward a motion. What he is talking about at the moment is totally irrelevant.

MR SPEAKER: Thank you. Please do not debate the issue, Mr Kaine. Please stick to the point, Mr Whalan.

MR WHALAN: This particular article is absolutely and totally devoted to the question of the legislation which is before this Assembly - and I thank you for your ruling in that way, Mr Speaker. The article says:

The situation is particularly displeasing for the party because of the role of Rally MLA and committee member Norm Jensen. He appears to have compromised his party's position by not dissenting from the committee's report which seems to favour Liberal views.

There are those who believe he has crumbled before the influences of the committee's Liberal chairwoman, Robyn Nolan.

I can see Norm Jensen quivering at the knees when faced with that. The article continues:

In the early days of its existence, the Rally got behind those tenants -

it is referring to the tenants who had been complaining about unreasonably high and rapid increases in rents -

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supporting their calls for legislation to control the relationship between tenants and their landlords. It was the Rally push that got the select committee up and running.

Indeed, it was Mr Jensen's motion that formed the committee.

Mr Jensen was seen by the tenants as their champion in getting the committee set up to push forcefully for specific legislation. As far as the tenants are concerned, he is no longer their champion.

When the article goes on to the recommendations, which I have already read to the Assembly, it says:

Instead of specific legislation, the committee has recommended the tenants and landlords get together to work out their own code of practice, to eventually be supported by general legislation in the form of a Fair Trading Act which would concentrate on consumer protection.

The recommendation does nothing to rectify what the Residents Rally identifies as an imbalance between negotiating powers of the landlords and the tenants.

The fact that Mr Jensen has not dissented from the recommendations of the committee is being viewed by his own party as a backdown.

Quite clearly, this is yet another piece of evidence of the way in which members of the conservative coalition have to bend over backwards in order to accommodate the other conservative members of their grouping. We have seen it time and again so far, and, of course, the net result is that it has a paralysing effect. All that bending over - a most unusual and unreasonable posture - has a paralysing effect on their capacity to do things. That is demonstrated - and it will be discussed this afternoon during the matter of public importance - by the total lack of activity that we have seen coming from this Government in the last 100 days since it was sworn in.

In the same context, I could take members of the Assembly to extracts from the Hansard, which demonstrate the superficial commitment to this matter in the legislation by the now Deputy Chief Minister, Mr Bernard Collaery. Mr Speaker, you might recall the attacks on Mr Hedley that Mr Collaery initiated in this Assembly in the context of this very matter. It was in this context that Mr Hedley was viciously and quite improperly attacked by Mr Collaery. I refer you to the Hansard of July 1989 when this matter came up in the Assembly. It was in that context that Mr Collaery - - -

MR SPEAKER: Order! Your time has expired Mr Whalan.

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

VERY FAST TRAIN PROJECT

Debate resumed from 21 February 1990, on motion by **Ms Follett**:

That this Assembly calls on the Government to -

- (1) encourage public support for the very fast train project;
- (2) undertake specific studies on environmental and planning issues associated with the project; and
- (3) make representations to the Commonwealth Government with a view to seeking a co-ordinated national approach to development of the project.

MR KAINE (Chief Minister) (11.33): When the debate on this matter was adjourned a month ago, I had just reached my concluding remarks and I will complete them now.

In addressing this motion, I have listed the actions taken and the policies adopted by the Alliance Government since it came to office and clearly our attitude to the VFT project is one of positive support backed by positive action. In stark contrast, Labor members are displaying an attitude of political cynicism and that is just what we would have expected from them. They support it in principle when it is politically expedient to do so, but they duck for cover when it comes to even the faintest suggestion that they should actually put up some money.

If Ms Follett is serious about this project, she would be less concerned with political point scoring and concentrate her efforts on addressing the problems that her own party seems to have in coming to grips with the future economic development of this Territory. If her enthusiasm for the VFT is genuine, I would call upon her to join with us in a truly bipartisan approach to this project and then perhaps we can get on with the job of addressing the many genuine issues which need to be resolved before this major project can proceed. But of course, Mr Speaker, she first has to deliver all factions of the Labor Party.

In marked contradistinction to the political cream puffs in the Labor Opposition, the Alliance Government has made clear its commitment to the VFT project and for that reason, Mr Speaker, I move:

That all words after "Assembly" be omitted and the following substituted:
"commends the Government for -

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- (1) encouraging public support for the very fast train project;
- (2) undertaking specific studies on environmental and planning issues associated with the project; and
- (3) its active participation in discussions with the Governments of NSW, Victoria and the Commonwealth directed towards achieving a coordinated national approach to the development of the project."

MR MOORE (11.35): Mr Speaker, on its initial viewing, the very fast train project seems like a very good idea, but it does have some major problems. Those major problems are best illustrated by the Institution of Engineers conference today - supposedly a conference to work out the ramifications of the very fast train and what it is likely to do. But at the price per head - and I have heard various figures bandied about, from \$350 to \$650; either way it does not matter - it is clearly aimed at the corporate sector. It is aimed at getting people there who can see how they might make money out of the very fast train. I am the last one to be critical about anybody making money out of a project; it is quite appropriate and that is how our system works. But when you are making money out of a project there are different ways to do it and one of the things about which we have to be very careful with the very fast train project is just how that money is made.

There were two suggested routes for the very fast train, one going through Wagga and down alongside the Hume Highway; the other going down through Gippsland and a number of very sensitive environmental areas. The people who are pushing the very fast train project have already pooh-poohed their own suggestion of going down the Hume Highway. Why? If you are just looking at just the very fast train, at getting people from Sydney to Melbourne through Canberra very quickly and doing so in the cheapest possible way, then you should look at that particular route. Why do they favour the other route? The reason is that as far as the corporate groups are concerned, the very fast train project is really about a land grab. That is something that members of the Rally should look at closely. It is about a land grab. What you do is open a whole series of new areas to land development. You do not make your money on the very fast train; there is no suggestion of making money on the ticketing or anything like that - it is about making your money on land development, on land speculation.

If you support the notion of big corporate citizens making huge amounts of money on land speculation, then it is appropriate to support the very fast train project and to support its route down through environmentally sensitive areas - what I will call the eastern route. It is very questionable to hand that money over to the speculators and

use the excuse of a very fast train to do it. If we are really looking at a very fast train for its own advantages, then we would be looking at a route running down by the Hume Highway through Wagga and picking up what are already intensive areas of population - Albury, Wodonga, Shepparton and so on. Then we would have a sensible link where people could move very quickly between those major centres as well as between the two major Australian capitals and the national capital.

There are some very important questions to be asked and when I look at these questions and then look at Trevor Kaine's amendment, I find myself sickened because, in effect, he was the one who was talking about offering \$20m to the - - -

Ms Follett: No, \$30m.

MR MOORE: The man who offers \$30m to the very fast train project is the same man who tells us we have got to have millions of dollars of cuts to education, to health. He is the same man who - - -

Mr Kaine: On a point of order, Mr Speaker, I made no such offer; I made no such statement; I am being misrepresented.

MR MOORE: This is the same man who is always talking about cuts, who says that the only way we can manage to deal with anything here is to slaughter the current education and health systems. The same man can turn around and suggest that \$30m can go off to some private enterprise. This is the same man who will refuse to get 100 per cent betterment tax from a change of purpose clause on developers. He is not prepared to get those millions of dollars which would easily cover the sort of cuts that he wants to make.

There are certain things that he wants to do, so we have to be very careful with this very fast train project to ensure that people who are trying to make ends meet are not disadvantaged. We have to make sure that this is not just another method of taking money from those who have little and giving it to those who have plenty because should the very fast train take the eastern route that is what this is about.

Should it go down the Hume Highway, should it go through those other major areas, this would be a totally different story. In that case you would find general Australian support for what could be a useful and very special help for the communities of this area, as well as those in Sydney and Melbourne. Also, there would be some environmental advantages. Many environmentalists have been slow to point out some of the environmental advantages of the very fast train, which is superior to aeroplanes in respect of fuel consumption and numbers of people carried.

There are environmental advantages, but we have to make sure that they are recognised. We also have to be careful

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and ensure that we do not have these conferences which exclude full public debate - like the conference of the Institution of Engineers today. I think it is totally irresponsible of the Institution of Engineers to set up a conference along those lines, which excludes people who are concerned about the environment because, by and large, those who express their concern about the environment are not supported by big money, as opposed to those who support land speculation and making money. They, of course, in turn, are supported by that very same money.

People in Australia have become very aware of what it is like to feel the pinch. The economic policies of the past 20 years have meant that ordinary people have had to watch things tightening up while the wealthy corporate citizens get wealthier and wealthier. That will not be tolerated. Neither of the major parties have done anything about it, nor do they appear to be prepared to do anything about it. I can assure members that middle class working Australia has just about had enough. That applies to this very fast train project as well. There is a way for it to go, there is a way for it to be an advantage to citizens, and a very big advantage - - -

Mr Kaine: Michael is going to vote Democrat.

MR MOORE: I hear Mr Kaine interjecting that I am going to vote Democrat. I can tell him that as yet I have not made up my mind which way I am going to vote, and even if I had I would not be about to share that knowledge with him.

I propose to encourage public support for the very fast train project, as Mr Whalan has suggested, and that is quite right. But I make it clear that I support the very fast train project on the more western route. I am very keen that there should be specific studies on environmental planning and development issues - and I should say there that I accept that planning includes development in general jargon. Therefore, I am prepared to support what Mr Whalan has suggested, and this shabby move by Mr Kaine to try to take over a private member's motion and make his Government look good is nothing more than that - a shabby attempt to take over private members' initiatives in the same way as Mr Collaery did this morning. I shall vote against Mr Kaine's amendment.

MR DUBY (Minister for Finance and Urban Services) (11.45): The last few sentences of Mr Moore's diatribe seemed to feature the word "shabby" and I think that is an indication of the shabbiness of the sorts of things that Mr Moore brought to bear in this debate. I am frankly sick and tired of hearing how the Alliance Government is going to give \$30m to people to develop the VFT concept, and I hereby challenge Mr Moore to produce one iota of evidence that Mr Kaine has ever, at any stage, indicated that that is what the Government is going to do. One quote, one piece of paper, even a misquoted piece from that pinnacle of shabbiness, the Canberra Times, will give him his answer -

not once. Instead, of course, what Mr Moore is doing is mouthing the words of his masters.

We heard the comments of the Labor Party, desperate for a headline, saying some time back that somehow the ACT Government would produce \$30m of public funds to support the VFT consortium. That is an absolute untruth, an absolute extension of more untruths. Of course, the Labor Party at least has had the commonsense and decency to realise that it was wrong and it has not made any more of those comments. But not Mr Moore. As usual, Mr Moore is behind the times and is still persisting with this outrageous allegation which cannot be proved, which cannot even be hinted at. There is no proof anywhere. As I said, I am waiting. I would like you to produce one iota of evidence that the Alliance Government is going to give one cent of public money to the VFT consortium. I am glad I was able to get up and put that particular rumour to rest, as it deserves. Mr Kaine did not say it and never has said it. If you can find where he said it, I would like to know about it.

The original motion that was put by Ms Follett called on the Government to encourage public support for the VFT project, to undertake specific studies on environmental and planning issues associated with the project and make representations to the Commonwealth Government with a view to seeking a coordinated national approach to the development of the project.

Once again, the Labor Party is behind the times because that is exactly what this Government has done. I endorse entirely the amendment to the motion that has been circulated by Mr Kaine which points out that those very three matters that Ms Follett has raised have been undertaken by this Government. There is no question that we have undertaken to encourage public support for the VFT project which, of course, is something we have always done. If you look back through question time last year you will notice that Ms Follett had grave doubts about the viability and the suitability of the VFT project for the ACT, and it took quite a deal of very perceptive questioning from the Opposition at the time to finally get the previous Labor Government to come out and say that it supported the project. In an answer given back in July, Ms Follett is recorded in Hansard as saying:

I can see that there may appear to be some inconsistency in the way that those remarks have been reported.

That was what Ms Follett said about her attitude to the VFT because she did a backflip. The previous Labor Government was not at all sure what it was going to do. Finally Labor members, like everyone else involved in the project, have recognised that there are a number of very important issues which have to be addressed in dealing with the VFT project. There are environmental issues, planning issues, social and

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economic issues and I think it is to the Government's credit that it has recognised those facts and has initiated the very things which this original motion from the Labor Party asked the Government to do.

The ACT VFT Advisory Committee, which the previous Government, to its credit, set up, has been continued and is reporting on these matters to the Alliance Government. That committee is in the process of undertaking, through coordinated action by the Government, specific studies on environmental and planning issues associated with the VFT.

I do not think people like Mr Moore realise just what an economic bonanza the VFT project would be to the ACT. It would turn this economy around and provide numerous jobs, especially given the geographic location of Canberra between the two obvious centres of the line, Melbourne and Sydney. The route which is taken really does not matter all that much, frankly. I have a personal preference for the eastern route, but that is neither here nor there.

The fact remains that the project itself, when it is established, will be an absolute economic bonanza to the ACT and to the workers and businesses of Canberra. As a matter of fact, figures that have been bandied about have shown that if the project were to become a reality - and I am very hopeful that it will - in the planning and construction phase alone there is a possibility that expenditure in the order of \$200m or so could be generated, just here in the ACT.

When we consider that the new Parliament House had an expenditure of the order of a billion dollars, we find that we are talking about a substantial project. I am amazed to hear the complaints from Mr Moore about the VFT project. It is something which all members of this Assembly have demonstrated in this debate that they accept and support. As I said, the only fact that I find quite remarkable is that Mr Moore has chosen this debate to attack the Institution of Engineers, which is doing its bit in initiating public debate and informing the public on the whole issue. I noted that he said that the Institution of Engineers were having their seminar today and that there was no-one there to present the environmentalists' side. Such, of course, is not the case and, frankly, if the way he spoke today is indicative of the attitudes of the people who would want to get into the seminar for nothing, so be it. All in all, I think that the Government has clearly demonstrated that it is doing all those things that Mr Kaine has listed in his motion and I heartily support the amendment.

MR STEFANIAK (11.53): Like Mr DUBY, I wholeheartedly support the amendment, although I would go a bit further than Mr DUBY. He went through the original motion by Ms FOLLETT, but paragraph 3 of that motion only makes mention of representations to the Commonwealth Government. Mr Kaine's amendment commends the Government for its active

participation in discussions with not only the Commonwealth Government but also the Governments of New South Wales and Victoria, the other governments involved in this most exciting project.

I am a little concerned to hear in the debate, first, the figure of \$30m again being bandied about without any proof and, secondly, Mr Moore's restrictive comments as to where the route should be. He said he would support a route down the Hume Highway, the very western route, but not any other route.

This Government has encouraged public support for the very fast train project. We are undertaking specific studies on environmental and planning issues associated with the project. That involves looking at all possible viable routes and they have to be viable environmentally as much as anything else so I really cannot see what Mr Moore is concerned about. The most environmentally sound, cost-effective and practical route surely will be the one that will be chosen for this most exciting project and I do not think we can stress enough just how exciting it is.

Mr Moore: Why don't you send it through a national park?

MR STEFANIAK: This project has the potential to really make Canberra. It puts us an hour from Sydney, two hours from Melbourne. It has immense potential in terms of tourism and in the development stage, providing jobs initially and continuing to provide them. Canberra can be a commuter city for people going to work in Sydney. There are all sorts of benefits that this very exciting project will bring to the Territory and I think most members of this house appreciate that. I would certainly hate to see anything done by this house which would interfere with this exciting project which has immense potential for the citizens of this Territory.

MR JENSEN (11.55): Mr Speaker, I think it is appropriate to quickly sort out once again the emotional claptrap and misrepresentation that we have heard from Mr Moore, and also previously from the Leader of the Opposition, in relation to the provision of funds from the ACT budget towards this project.

The clear implication of both these members today, and in the case of Ms Follett also in the past, was that the \$30m would come out of the current budget. That was the implication that was coming across. What a lot of claptrap and complete and utter misrepresentation. It is the sort of thing that we are getting from the Opposition members all the time. They cannot stick to the facts; they have to misrepresent the issues all the time.

When this debate was going on in the media, we saw headlines such as "Kaine gives \$30m to the VFT project". The new director of the Conservation Council of the South-East Region and Canberra, Mr Rodney Falconer, came to me

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and expressed concern about this issue. He asked me what it was all about. I said, "Well, hang on a minute, Rodney, I think you will find that there has been a complete and utter misrepresentation of what is going on". When I explained the facts to him, sent him a copy of the report and referred him to that, he apologised to me. He then said, "I am sorry, I was taken in by this sort of emotional claptrap". So it is a cheap headline. That is all the Opposition members can do - search for the cheap headlines in much the same way as Mrs Grassby did in relation to the Northbourne flats. Cheap headlines, that is all they are good for. Their attitude is, "Let's go for a cheap headline; don't let the facts get in the way of a good story".

Mr Speaker, many times during his period in the Assembly, I seem to recall Mr Whalan referring to the need for more jobs for our children and the need to develop a viable private sector industry in the ACT. That is something which we in the Alliance Government fully support.

I also note that once again today Mr Moore insulted the Conservation Council of the South-East Region and Canberra by saying that that body is not being represented at the Institution of Engineers conference today. As I understand it, Mr Falconer, the director of the Conservation Council of the South-East Region and Canberra has been invited to speak at that conference. He is acknowledged as the representative of that particular movement in this part of Canberra. Therefore, he is there, and he is being offered the opportunity to put the conservation movement's case to the Institution.

Ms Follett's motion, which we are debating today, relates to an issue which is of concern to all members of the house and, I would suggest, to most members of the ACT community. We all acknowledge that the VFT is a visionary project, one which could have considerable benefits for the ACT. But I think we would also agree that it is a project with far-reaching implications, no doubt about that. Earlier, I heard Mr Moore say that the route for the VFT would go through national parks.

Mr Moore: That is not what I said at all.

MR JENSEN: You did say that; you said it in an interjection. He said it in an interjection, Mr Speaker, and I would let the record stand.

Mr Moore: I did not. I said, "Why don't you send it through a national park, Mr Stefaniak?".

MR JENSEN: Mr Speaker, I would suggest that if Mr Moore has a look at the area through which the proposed route will go, he will see that there is not one national park affected - not one. So let us get the facts right, Mr Moore, and let us not misrepresent the situation once again.

The Alliance Government is fully aware of the decision to carry out thorough environmental assessments. We are committed to ensuring that development decisions made now do not compromise the environment quality of the ACT in the future. That is why the legislation that was tabled yesterday in this Assembly will be a forerunner for the type of environmental impact legislation for this country. It is a major plus for the ACT in relation to environmental impact assessment legislation. We will be very interested to hear the comments on that from members of the Opposition when that matter comes up for debate in this house.

Mr Speaker, there are a number of environmental impacts which are typically associated with construction projects of this size. They have already been identified. There were even environmental aspects associated with the construction project of the building of the new Parliament House. There were some major environmental concerns about that at the time. A hill was removed and replaced by a building. But those concerns were got around and the situation was resolved.

As far as the VFT is concerned, the impacts include short term ones applicable only to the construction phase, and long term ones on wildlife, heritage and aboriginal sites and river and flood plain crossings. All these aspects will be taken into account during the development and process of the route. Let us look at the comments that were made by the ACT Government in relation to this issue. The Government's submission - the report entitled Response to the VFT Concept, dated January 1990 - refers to all the areas in which there is concern. In fact there are 127 items in the back of that report. For example, there is Annexure A - Sites of known heritage significance in the proposed VFT corridor. All those things will be looked at and taken into account during this assessment. Then, of course, there are the noise and visual impacts of the train itself. Once again we hear much emotional talk about these impacts. I suggest that there will be a time and place when a lot of the emotional aspects of this matter can be put to rest.

The ACT VFT Advisory Committee will be advising the Government on the likely environmental impacts of the VFT project on the ACT and the region, as part of satisfying its formal terms of reference. This committee has sought and received several submissions from the community concerning the impact of the project on the ACT environment. I also seem to recall that the chairman of that committee is very careful to provide opportunities for the community to participate in this discussion, to make sure that the community can put its point of view. The committee has gone out of its way to ensure this. The chairman and members have said that they do not want the VFT people at those meetings; they want the community to be able to have their say. I think that is a very appropriate course for the chairman, Mr Scully, to take and it is one that we fully support.

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In the ACT we would all agree that a coordinated ACT, New South Wales, Victorian and Commonwealth environmental impact study would be preferable to four independent assessments. Indeed, the intergovernmental group has been charged with investigating and organising a coordinated approach. At a recent heads of agency meeting in Sydney, preparation of draft EIS guidelines was agreed to.

As I have already said, the Government supports the need to seek a coordinated national approach to this project, in the interests of efficiency and consistency. A coordinated approach by the Commonwealth and State governments to the issue of land purchase and resumption is needed - the important factor that Mr Moore raised today. One of the things that this group could perhaps look at would be a funding package that could be worked out whereby the designated transport corridor is ultimately owned by the governments involved and leased back to the transport operators. In this way, the governments could, for example, maintain greater control over the environmental and other important aspects of the route. That is one option that is available.

In conclusion, I would like to reiterate the potential importance of this project for the ACT. The original ideas came from Dr Paul Wild and others at the CSIRO, and the headquarters of the VFT project team is in Canberra. If the VFT project goes ahead, it will be likely that this important industry will be retained in Canberra providing a significant element in our community and in the finances of the Territory.

MR BERRY (12.05): It did not take long for Mr Jensen to forget his position on private members' business and the indication that the Government really did not want to interfere with the carriage of private members' business through this place. Immediately after his very emotional speech on the passage of private members' business, he does a complete turnaround and supports the Government's interference with this private member's business which was put up by the Leader of the Opposition.

Mr Collaery: On a point of order, Mr Speaker, this is irrelevant.

MR SPEAKER: Please remain relevant, Mr Berry.

MR BERRY: I am entirely relevant because this is about Mr Norman Jensen doing a complete turnaround. It is a bit of duplicity in which he will be found out. The Government will rue the day that it made that statement that it would not interfere. In fact, it did not take more than a couple of hours for it to do a complete turnaround.

Mr Kaine: On a point of order, Mr Speaker, I again draw attention to standing order 58. The speaker is obliged to be relevant and I do not quite know the relevance of his present comments.

MR SPEAKER: Thank you. Please get to the point, Mr Berry.

MR BERRY: If the Chief Minister would care just to listen very closely to the words that I am saying instead of being agitated about being found out again, he would realise - - -

MR SPEAKER: Order! Please get to the discussion, Mr Berry.

MR BERRY: The fact is that the amendment the Chief Minister moved is a complete turnaround on what the Government was alleged to - - -

Mr Kaine: I am entitled to move an amendment to any motion.

MR SPEAKER: Order, Mr Kaine. Please proceed, Mr Berry.

MR BERRY: I think it is about time you straightened these people out, Mr Speaker.

MR SPEAKER: Thank you for your direction, Mr Berry. Please get to the point.

MR BERRY: I think the point has been clearly demonstrated and Government members are agitated that they have been found out within a few hours. That is fair enough. Mr Kaine is now leaving the chamber. I would take off too, Mr Kaine - there is more to come. What has happened here is that the Government is so popular - he said, tongue in cheek - that it has had to congratulate itself because nobody else will. Suddenly it has to commend itself on this issue of the VFT project. We can see how popular the Government has been. We saw Mr Bernard Collaery booed off the stage at the Raiders' game.

MR SPEAKER: Order, Mr Berry. In accordance with standing order 58, I ask you to debate the issue before the house.

MR BERRY: I am; I am debating the amendment.

MR SPEAKER: Mr Collaery's appearance on stage somewhere has nothing to do with the debate.

MR BERRY: It is about the popularity of the Government to which you belong, Mr Speaker. I mean I am very sorry if that offends some of the Government members, but the fact is that this is about the Government commending itself, patting itself on the back because it needs to feel that it is popular. That certainly has not been demonstrated by the public reaction to some of the Ministers. Mr Collaery was also booed off Stage 88. Mr Jensen would say that those people were probably emotional because he disagreed with them. Issues such as the environment and people who disagree are merely matters of emotion, they are not matters of fact. The fact is you are unpopular and you

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have got to pat yourself on the back because nobody else will.

The issue is about the \$30m that was offered as a handout to the project. It was very clearly made unless, that is, the Chief Minister has said that he made another mistake, or the Chief Minister has said that it was the fault of the public servants, or the media need to be hammered now because they have recorded his mistake, or there is an allegation that it was a mistake of the public service. Let us get down to the bottom of this. The fact of the matter is that the Chief Minister is responsible for an announcement that \$30m will be handed over to the VFT project.

Mr Collaery: No such statement was made.

A member: Prove it. Come on, put your money where your mouth is, Wayne.

MR BERRY: The taxpayers - - -

Mrs Grassby: He said it in a speech.

MR SPEAKER: Order!

MR BERRY: The taxpayers have to bear the brunt of these rash promises, and it is just like this Government opposite to be handing out gifts to its business mates while it talks about \$300m wishy-washy hospital plans, as again was announced by the Chief Minister opposite.

Mr Kaine: Carrying on with \$300m! You are a ratbag.

MR SPEAKER: Order! Please withdraw that.

Mr Kaine: I withdraw that.

Mr Duby: It is not fair to rats.

Mr Berry: He will have to withdraw that one, too.

MR SPEAKER: Please withdraw that, Mr Duby.

Mr Duby: I withdraw that.

MR BERRY: I will get back to the popular Mr Duby later. The fact of the matter is that the Government is seeking to commend itself for encouraging public support for the very fast train project. Well, the public support is not being encouraged by the Government because I can tell you that the public is very suspicious about the motives of this Government. For example, I will bet a dollar or two that the public are not convinced that the VFT will depend on a land grab and speculation for its viability. What has the Government done to go out to the public and convince them that that is not the case? Well, I have not heard anything. All it has done is sit around in this place

patting itself on the back. And what is it doing? Well, nothing, as is evident by its performance outside of this place. These are the sorts of public concerns which have to be dealt with.

Let us look at the Government's performance on trains generally. They were apologists for the Greiner Government winding down the - and Mrs Nolan knows a bit about this - apologists for the Greiner Government - - -

Mr Jensen: On a point of order, Mr Speaker; relevance - I thought we were speaking about the VFT.

MR BERRY: No, we are talking about a commendation the Government wishes to impose on itself for doing something.

MR SPEAKER: Objection overruled; please proceed, Mr Berry.

MR BERRY: The fact of the matter is this Government has not got any credibility on transport to the ACT because it is clearly an apologist for the Greiner Government's wind down in the delivery of rail services to this city. Now, not a whimper about that. It encouraged the Greiner Government to impose unacceptable timetables on the rails so that people would not use the train system and it would eventually fall in a great big heap. That is what this Government opposite is about. Of course, it is a rightist Government opposite even though Mr Collaery would claim he was of the left - and if he keeps telling himself that he will probably believe it.

Mrs Grassby: No, he believes he is a socialist.

MR SPEAKER: Order!

MR BERRY: The fact of the matter is that the people who will suffer the impact of this Government's actions.

Mrs Grassby: He has a social conscience he tries to tell you. He would not know what it meant.

MR BERRY: This so-called social conscience that Mr Collaery alleges he supports, from his left vantage point, he said, tongue-in-cheek again, the - - -

A member: That is right.

MR BERRY: It is the old people and the people on low incomes who will suffer because of this Government's apologist approach to the antics of the Greiner Government. And it is the same sort of people and it is the same sort of policies which the Federal Liberals have modelled their election promises on. That is the sort of government we have opposite.

Let me say just a couple of words about Mr DUBY and his stand to win confidence for the Government on the basis of its popularity and the commendation that they tend to hand

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out for themselves. Mr DUBY, I think, is renowned as the most unpopular person in Canberra.

Ms Follett: Hear, hear.

Mr DUBY: Hated is the word.

MR BERRY: He has well earned the title of the most hated person.

MR SPEAKER: Mr DUBY, withdraw that comment!

Dr Kinloch: Some of us think it is our turn. We think it is unfair. We want a turn too.

Mrs Grassby: Oh, do not worry, Hector, you will get it.

MR SPEAKER: Order! Please proceed, Mr Berry.

MR BERRY: Anyway, Mr DUBY, has something to do with the tourist industry, but there was not a word from Mr DUBY when these trains from New South Wales were going to be slashed. With the support of Mrs Nolan, Mr DUBY just sat back and let it all cruise by, but all the people at the recent tourist industry - - -

Mr Jensen: Here we go, misrepresentation again. It is easy, is not it? Cheap headlines are easy, are they not?

MR SPEAKER: Order, order!

MR BERRY: Those at the function at the Hyatt were awake to him because they did not even applaud him, not a clap, not even from his own government mates.

What this is about, Mr Speaker, is the interference with private members business. There is a commendable motion from the Leader of the Opposition which has been interfered with by the Government opposite because what they have set out to do is to pat themselves on the back. I must say that a delivery of a pat on the back by themselves would be much better than those they are going to get from the people of Canberra, which are zilch.

MR COLLAERY (Attorney-General) (12.15): Mr Speaker, sometimes these debates are more interesting for their interjections than the speaker. I enjoyed the last session. One of the interjections I will come back to, and that was Mrs Grassby saying that I had no social conscience. We will come back to that boomerang in a minute.

I believe that the record is important. This Hansard should show some factual matters. Firstly, I will read into the record the Residents Rally policy on the VFT, supported, and in fact, I believe, typed at the time by Mr Michael Moore. It is as follows:

We support a joint Federal State Territory inquiry into the Very Fast Train proposal with a maximum public input to investigate its economic viability and its social and environmental impact, and to look at alternative routes.

That is the policy and that is the policy that Mr Moore formally embraced. Mr Moore, it is regrettable that you also chose to denigrate the interest and the contribution that could be made by the Conservation Council. That was a regrettable comment and further regrettable was that you used the privilege of this chamber to attack the Institution of Engineers as well. They have taken a very interesting role in current issues and I suggest that that was an unfair approach to take. I trust that any media present will give balance to that.

Mr Moore: I did not denigrate anybody. You are the denigrator. I do not mention names.

MR SPEAKER: Order!

MR COLLAERY: As for the - there is some noise from the pillar, Mr Speaker.

MR SPEAKER: Please proceed, Mr Collaery.

MR COLLAERY: Mr Speaker, I find it difficult to speak when the gentleman opposite me springs up - - -

Mr Moore: You just said that you enjoyed interjections.

Ms Follett: You said you liked it.

MR SPEAKER: Order!

MR COLLAERY: Mr Speaker, I would be grateful if you could keep Mr Moore on his couch because that is where we tried to get him when he was in the Rally.

The economic costs to the Territory that my colleague Mr Kaine referred to were, of course, infrastructure costs. For the record, I draw attention to the January 1990 report for the ACT Office of Industry and Development, paragraph 3.2: economic costs. For the record, and I trust any media listening have access to this document, my colleague Mr Kaine and the report were referring to infrastructure costs. Infrastructure costs mean costs such as the \$6m that Mr Whalan approved as Minister, through the former Cabinet, for the infrastructure support of the Bruce Stadium. There have been other costs that we are committed to in regard to the Bruce Stadium and I am sure we have not finished seeing the bill. It ill behoves those opposite us, and particularly the current Opposition, to suggest that the infrastructure contribution for the common good, in the public interest, on a subject that has been broadly endorsed such as the VFT, is a handout or is a direct contribution of cash. It shows a total - - -

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Mr Duby: It will bring \$300m of business.

MR COLLAERY: As my colleague Mr Duby pointed out, it shows a total imbalance, immaturity and irresponsibility in outlook. In all the injunctions raised by Mr Kaine in his speech he referred to the need for further inquiries and the rest. It is the prerogative of the Government to indicate its preferred route if only to focus debate on that issue. In fact, it does a favour to the environmental debate because at least it brings it out in the open. It says, this is the route; we will look more closely at all of those issues. Interestingly, I spent the first few years of my life living in a house, on a farm, that faced the railway.

Mrs Grassby: Well, here we go again.

MR COLLAERY: The front door faced the railway.

Mr Whalan: Here we go again.

MR COLLAERY: Now, we used to hear - - -

Mr Whalan: It was the steel works last time.

MR SPEAKER: Order!

MR COLLAERY: When the Concord jet plane was being proposed it was said that it would break the sound barrier and snap the ozone layer and we would all die within 35 days. We are starting to hear again from behind the pillar those sorts of bearded doomsday statements.

The problem that the Government faces is that it cannot get the Opposition to focus on fact. It is now lost in wonderland somewhere. We have got someone out with Snow and those others who do something in fairyland and we have got an Opposition that is not drawing its full interest to the affairs of the Assembly. I think it would be interesting if people could be here some evenings to see how long some members of the Opposition remain in the Assembly.

In an interjection, Mrs Grassby said that either I had no social conscience or the Government had. I did not quite get it. Mr Speaker, I wanted to table a letter that refers to social conscience in at least one member of the Government. It is a significant letter written by the former chairman of the Human Rights Commission in the ACT and deputy chairman - - -

Ms Follett: On a point of order, Mr Speaker; what is the relevance of this? We are debating the very fast train.

MR SPEAKER: Order. Mr Collaery, if you claim to have been misrepresented you can take that opportunity later.

MR COLLAERY: I will do that. Mr Speaker, I note that the Opposition does not wish to hear our response on social - - -

Ms Follett: On a point of order, Mr Speaker; I think he is calling into question your ruling on the relevance.

Mrs Grassby: When we are talking about social justice we will hear him. We are not, at the moment.

MR SPEAKER: Do not debate the issue. Please get to the point, Mr Collaery.

MR COLLAERY: Mr Speaker, I will round off the debate by indicating that we have got the Opposition rattled. They have no grasp of the facts in these issues. They are at the moment in a dangerous state of playing with the press gallery. Their situation means that they will lose credibility shortly when they sell and dump so many pup ideas on the media. They will be shown up as we consistently show them up to the public.

When Mr Kaine spoke on 27 February in this house, he said - - -

Mr Kaine: No, not this house. At a luncheon.

MR COLLAERY: At the luncheon that was referred to earlier he said the consultants acknowledged, as did the Government in its response to the joint venture's concept report, that the issue of who bears infrastructure costs is a matter for negotiation. He said that it is not true that in giving some detail of what those costs might be we are, as a Government, in any way committed to burying them. I think that conclusively puts down that red herring and again discredits this supposed Opposition.

MR STEVENSON (12.22): Many Canberrans and other Australians have grave concerns about the very fast train project.

Mr Duby: I thought he was going to talk about the MFP.

MR STEVENSON: I heard Mr Duby mention something about the multifunction polis. Many people have brought it up because the MFP and VFT are inextricably linked. This was well stated in 1987 as the early Japanese proposal on MFPs indicated that they would need to be serviced by fast trains. Sir Peter Abeles has stated that without associated developments, the VFT cannot be financially feasible. The associated developments are reasonably easy enough to work out. They are the multifunction polis or, if you like, cities of between 100,000 and a quarter of a million people containing mainly, as has been acknowledged, people from overseas.

There is no doubt that many Canberran people that we have spoken to and surveyed are concerned about foreign

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ownership in Australia, not only foreign ownership of land but also foreign ownership of business. Our beginnings of surveys have shown that people think both these areas should be greatly restricted. This is what the people in Canberra believe.

The VFT consortium have suggested that they have the power to acquire land. That might be fine if it is not your land. If it is your land, giving someone the power to acquire it I suggest is not something you would agree with. The corridors that will be used for the VFT would potentially create problems. First of all, you have the width and, most importantly, the sound. It has been estimated by engineers that the impact of 90 trains a day perhaps running at speeds of up to 350 kilometres per hour would have audible levels travelling some distance. I think that is perfectly reasonable to assume. The result of that would certainly be a severe effect on livestock and wildlife.

There are no privately owned very fast train systems operating anywhere in the world. I think we need to look at whether or not we in Australia can develop the resources that we wish to develop or whether we need to introduce foreign ownership of Australia and Australian assets. The Gold Coast is some 70 per cent owned by overseas investors. With the VFT, there needs to be a genuine look at alternatives. The tilt train has been mentioned as one alternative. I think it is fairly obvious that though the VFT consortium requires access to existing rail lines, most of the rail lines would not be suitable for such a train.

There are major points that many people are concerned about and that many groups, including the Australian Conservation Foundation, the Australian Railways Union and literally dozens of others have spoken out about. Obviously the environmental aspects top the list, followed very closely by ownership of Australian assets. At this time, having talked to the people I have talked to, having looked at the information I have viewed, I cannot support a very fast train concept for Canberra.

Motion, as amended, agreed to.

Sitting suspended from 12.28 pm to 2.30 pm

QUESTIONS WITHOUT NOTICE

Budget

MS FOLLETT: Mr Speaker, my question is to Mr Kaine, the Chief Minister, in his capacity as Treasurer. Mr Kaine, I refer you to your answer to my question on 22 February this year, where you stated categorically that there would be no mini-budget. Does this mean that the Treasury minute which is dated 6 February of this year and which states that in

June there will be an announcement of early budget measures is therefore wrong?

MR KAINE: Mr Speaker, I have constantly stated, and I reaffirm, there is no mini-budget. Listen carefully: there is no mini-budget. The Government is developing its budget for the year 1990-91 and that is the only budget that the Government has in mind. Later this month I will be making a statement that will set the budget strategy. That is not a mini-budget; it will talk about budgetary strategies. There is no mini-budget, no budget other than the yearly budget for 1990-91 in the Government's mind. I do not know the minute to which the Leader of the Opposition refers. If there is any statement in that which implies there is a mini-budget, it is wrong.

Gowrie Hostel

MR STEFANIAK: My question is to the Chief Minister. Chief Minister, is it true that the Commonwealth is selling Gowrie Hostel for private use? If so, what is the Government's reaction to that sale?

MR KAINE: Mr Speaker, I have been informed that the Commonwealth is intending to sell Gowrie Hostel under a 25-year crown lease agreement for commercial accommodation. I understand that that is the purpose, with rights to extension for a further 25-year term if the Commonwealth still has no use for the site.

Members may well question why that site was gazetted as national land in the first instance under section 27(1) of the ACT (Planning and Land Management) Act 1988, when within months the Commonwealth has decided that they have no use for the site. I would remind Assembly members that section 27(2) of the Act says:

The Minister shall not declare an area to be National Land unless the land is, or is intended to be, used by ... the Commonwealth.

I think it is quite clear that in this case that intention was not there. On 19 December 1989, soon after the Alliance Government took office, I wrote to the Commonwealth Minister, Mr West, setting out the Territory's claims to the property. On 19 February 1990, Mr West dismissed the Territory's claims in what I regard as a somewhat cavalier fashion. That unsatisfactory response was made even less courteous by the fact that officers of Mr West's department had already given the press details of this curt dismissal of my submission before I received the response.

Perhaps I could table a copy of the Minister's response for the information of all concerned. I present the following paper:

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Gowrie Private Hotel - Sale - Copy of letter from The Hon. Stewart West, MP, Federal Minister for Administrative Services to Mr T. Kaine, Chief Minister, dated 19 February 1990.

Tobacco Legislation

MR BERRY: My question is directed to the Chief Minister. Can the Chief Minister confirm that his overturning of his own Government's Cabinet decision on Mr Humphries' tobacco legislation was a direct result of the intervention by Premier Greiner advocating the tobacco industry's voluntary code of conduct? Has the Chief Minister changed his view on the effectiveness of this code of conduct, following the concerns raised by Dr Shroot and Canberra ASH about Canberra Festival brochures carrying tobacco company advertising which breaches this voluntary code of conduct.

MR KAINE: Mr Speaker, that is a long, convoluted question that is totally predicated on an incorrect premise. I have in no way overturned a Cabinet decision on anything. For the benefit of members, what happened was that the Cabinet adopted a position on tobacco advertising; I then received a deputation from representatives from the tobacco industry who told me that they had not been consulted by Mr Humphries. I repeat, they had not been consulted by Mr Humphries. I made it clear to those people that purely on the premise that I accepted their assertion that they had not been consulted by Mr Humphries, I would ask - not direct - Mr Humphries to ensure that appropriate discussions took place.

Later that day, I did ask Mr Humphries, and he assured me that the premise that was put to me by those people was totally incorrect; he had, in fact, consulted with them on three different occasions. In other words, those representatives from the tobacco industry completely misrepresented the position when they came to me. Having heard that, I allowed Mr Humphries to proceed on the route that he was taking. I in no way changed the Cabinet decision. I in no way changed Mr Humphries' tack. He was right in the approach that he was taking. I support that, and he remains right.

Therapeutic Goods Administration

MR MOORE: My question is directed to the Chief Minister. Chief Minister, are you aware that the Therapeutic Goods Administration - TGA - which was formally known as the National Biological Standards Laboratory, has a sterility testing unit in the precincts of, and next to, block B, Currong Flats in Braddon? If you are aware of that - and now you are because I have just informed you - could you

inform the Assembly whether you consider that an appropriate activity under the lease purpose clause there, specifically as it is in a residential area?

MR KAINE: Mr Speaker, I am not aware of the facility that Mr Moore refers to. I have no idea what it is. I would not have the faintest idea whether it is an appropriate purpose for a lease in that particular area. Since it appears to be something that has to do with medical and health services, it might have been more appropriate to address the question to Mr Humphries. I think that the best thing that I can suggest is that Mr Humphries or I or both take the question on notice, find out what Mr Moore is talking about and come back with an appropriate response.

Health Promotion Fund

MRS NOLAN: Mr Speaker, my question is to the Minister for Health, Education and the Arts in relation to the Health Promotion Fund. Perhaps we could show that, unlike the former Minister for Community Services and Health, I do understand administrative arrangements. Minister, what is the status of the Health Promotion Fund and when can the ACT community expect it to be fully operational?

MR HUMPHRIES: Mr Speaker, I thank Mrs Nolan for her question. I think it is very timely that we should have an opportunity to clear up some of the misapprehensions that have gone around about the Health Promotion Fund and the Government's plans for tobacco legislation. Some of that misinformation has come from the tobacco industry, as the Chief Minister has indicated already; some has come from those opposite.

I should remind the Assembly that the Health Promotion Fund was established in last year's budget and receives money from an increase in the tobacco licence fee which rose last year from 30 to 35 per cent.

Now, three percentage points of that increase are being transferred into the Health Promotion Fund. They have been transferred and they are being transferred on a continuing basis. It is estimated that \$660,000 will be put into the fund in this financial year and up to \$900,000 in a full year. The fund will be managed by an ACT Health Promotion Fund advisory committee which will provide advice to me, as Minister, on disbursements from the fund. The advisory committee will be appointed in the near future and will comprise representatives from the health, sports, arts and business sectors.

Let me assure Mrs Nolan, and incidentally Mr Berry, that the Health Promotion Fund is up and running. While we get the structures and mechanisms right we are not simply waiting for them. I want to underscore this fact because Mr Berry has publicly and quite irresponsibly cast doubt

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over the establishment of the fund. He wrote to sports organisations not very long ago claiming that:

... the funds already available have not been allocated for health promotion purposes and may be lost because of the inaction of the Liberal Residents Rally Coalition Government ... nothing has been done to allocate the funds available -

Mr Berry put a question yesterday in the Assembly which implied that the fund had not been established. Let me say that the fund is established and there is no question of Health Promotion Funds being lost if they are not used. With respect to Mr Berry's claim that nothing has been done to allocate funds, I want to remind the Assembly of the two major events which have already received Health Promotions Funds: the National Health Sprint last Sunday and the 1990 Rock Eisteddfod. They were the fund's first two sponsorships. Both have been publicly announced and launched, and indeed in one case has actually occurred. I fail to understand which of these two events Mr Berry considers is not health promotion. They are the only disbursements from the fund at this stage, yet Mr Berry claims that the funds available have not been used for health promotion. The National Health Sprint is a race previously sponsored by a tobacco company. Tobacco sponsorship replacement such as this has always been a key object of the fund, and of course the same applies to the 1990 Rock Eisteddfod.

I must say that I would have hoped that we could have developed a bipartisan and cooperative approach on this particular issue. It disappoints me that we have not got that but I do hope that Mr Berry will reconsider the destructive approach he has taken and will stop acting in league with the tobacco companies to put a hold on this particular vote.

Executive Deputies - Roles

MR WHALAN: Mr Speaker, I would like to ask a question of Trevor Kaine. Mr Kaine, on 14 December you presented a document to the Assembly outlining the guidelines for the relationship between Ministers and Executive Deputies. In that document you said that Executive Deputies would represent Ministers at ministerial councils, and I quote, "when Ministers are unavailable". You have since then made three separate modifications to this policy: Firstly, by saying that an Executive Deputy could attend in place of a departmental adviser; secondly, by saying that an Executive Deputy could attend in addition to a departmental adviser as an expert adviser; and thirdly, by saying that the guidelines were only indicative anyway.

In view of the fact that Mrs Nolan will be attending the Australian Transport Advisory Council in Perth in addition

to Mr DUBY and in addition to two departmental advisers, what is the current state of the guidelines and what is their relevance to anyone seeking to understand the Government of the ACT?

MR KAINE: Mr Speaker, I am quite intrigued with the obsession that members opposite have on this question of Executive Deputies. I must say they are obviously very thick because I keep explaining it in answer to their questions, and I will keep explaining it in answer to their questions until one of these days they begin to understand what the Executives are.

Mr Whalan - through you, Mr Speaker - the guidelines, as the title implies, are guidelines. As I said yesterday in answer to a similar question, the Ministers of this Government are executives with responsibilities and authorities in their own right and will interpret those guidelines as they see fit and I would expect them to. This is not a dictatorship, this is a government of equals - unlike the Labor Party which is a government by dictatorship and by caucus. That is not the way it works on this side of the house. Ministers make judgments as they are entitled to do and as, since yesterday, they are now magnificently paid to do. They exercise their judgment and as long as what they do is, on the face of it, reasonable and since Mr Whalan had no difficulty carting people around the countryside with him when he was a Minister, I cannot see what exception he could take to this Government doing the same thing. I am astounded that he keeps raising the question. Perhaps he will knock it off one of these days and get down to some sensible questions.

MR WHALAN: I have a supplementary question. Mr Kaine, is Mrs Nolan an expert on transport matters and, if so, what is the evidence of her expertise, and if not, what is the justification - - -

Mr Humphries: On a point of order, Mr Speaker; this is not a supplementary question. It does not relate to the previous question and it contains information which was not raised in the previous question.

MR SPEAKER: Objection overruled. Please proceed, Mr Whalan.

MR WHALAN: This is relating to the question - - -

Mr DUBY: On a point of order, Mr Speaker; according to standing order 117(c)(i), this is seeking an expression of opinion and it is clearly not - - -

MR KAINE: I can answer the question factually; I am not worried by it.

MR WHALAN: Are you protecting your leader?

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MR KAINE: I can answer the question factually; proceed, Mr Whalan, with Mr Speaker's permission.

MR SPEAKER: Overruled, Mr Duby.

MR WHALAN: One of the exclusions that he allowed was that the Executive Deputy could attend as an expert adviser. What I would like to know as a supplementary is whether Mrs Nolan is an expert on transport matters and, if so, what is the evidence of her expertise; if not, what is the justification for her attending the conference?

MR KAINE: Yes, Mrs Nolan is an expert on transportation and she is just as much an expert on transportation as you were, ex-Minister, when you were Minister for industry and development, for which you have no qualifications if you want to put them on the table.

MR WHALAN: What is the evidence of this? More so than Craig?

MR SPEAKER: Order!

MR KAINE: The same qualifications that you had for the job.

MR SPEAKER: Order, Chief Minister, please.

MR KAINE: If I can continue answering the question, Mr Speaker. She has the same qualifications for her job - - -

MR WHALAN: More so than Craig. Craig is the one who is going as the Minister, not me, so Craig is the non-expert.

MR SPEAKER: Order, Mr Whalan, do not speak over me. Please address your debate through me.

MR WHALAN: Mr Speaker, Craig is the Minister - - -

MR SPEAKER: You do not have the floor; the Chief Minister has the floor - - -

MR WHALAN: Sorry; thank you for allowing me to address through you - - -

MR SPEAKER: No, I do not allow that; I do not permit that. Please resume your chair. Chief Minister, you are finished?

MR KAINE: I think I have answered the question, Mr Speaker.

Asbestos Removal

MR STEVENSON: My question is to Mr Duby and it concerns asbestos removal. There was a news report on Monday that a

Mr Alex Stewart, a consulting engineer and project manager, had developed a cheaper, faster method of asbestos removal basically involving a different form of canopy over the structure. Now, could I ask Mr Duby does the structure satisfy - - -

A member: Keep talking.

MR STEVENSON: Does the structure satisfy engineering and wind loading - - -

Mrs Grassby: You are not saying it the way he told you to.

MR STEVENSON: He did not tell me to do anything. You should know that by now.

Mr Duby: Come on, do not pull the rug out.

MR SPEAKER: Order!

MR STEVENSON: Is it correct that the structure would indeed make the process faster and more cost efficient?

MR DUBY: I thank Mr Stevenson for the question concerning wind loading values. There is no question about the fact that my department was approached by Mr Stewart following the Government's announcement about the 750-contract that was let for the removal of asbestos. This is something which we are very proud about and something which the previous Government could not get together at all.

In discussions with my department Mr Stewart indicated at first that he was unwilling to indicate what his idea was but, in later discussions, he indicated that it involves the outer weatherproof canopy which is required for asbestos removal. He agreed to document his idea and claims so that they could be examined by my departmental officers who are technical experts in the area.

As I understand Mr Stewart's idea, Mr Stevenson, it involves using air filled ribs to support the outer canopy, rather than the aluminium frame currently required under the standards set. Mr Stewart apparently was not aware that the roof must be taken off to properly clean a house; that an inner airtight canopy was needed to provide for negative air pressure or that substantial scaffolding was required for safe and adequate worker access and tile storage.

On average it takes about a week to prepare a house for cleaning and about one and a half days to erect the outer canopy and its frame, using five workers. The rest of the time is spent sealing up the house and its furniture, putting up the scaffolding and erecting the inner canopy. Consequently, there are substantial grounds for questioning Mr Stewart's claims to be able to save up to 50 per cent of removal costs.

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If Mr Stewart documents his idea and his claims as he agreed to do, then my department will be in a position to carefully analyse them. But so far Mr Stewart has been unable to give any detailed analysis of his claims other than a conceptual claim which, as I said, at this stage does not come anywhere near the standards required.

Territory Plan

MRS GRASSBY: Mr Speaker, my question is to Mr Kaine and this is definitely his portfolio. I have not made a mistake here. Can the Chief Minister outline the consultation process that will be undertaken within the community as part of the completion of the Territory plan and can he advise when this process will begin?

MR Kaine: I am not sure that I heard part of the question. Was Mrs Grassby reading from a question that had to do with the Territory plan?

MRS GRASSBY: Would you like me to read it again?

MR SPEAKER: Please repeat the question, Mrs Grassby.

MRS GRASSBY: Can the Chief Minister outline the consultation process that will be undertaken within the community as part of the completion of the Territory plan and can he advise when this process will begin?

MR Kaine: The consultation process is a very straightforward one. The first two draft Bills that were tabled a month ago were made available immediately without request to every organisation in the ACT that was thought or was known to have any interest in the subject whatsoever. Those people were invited to make any comments that they saw fit to make on it. The consultation process is in process already and will continue until such time - - -

Ms Follett: The plan - the Territory plan - not the legislation.

MR Kaine: Well, the legislation has to be in place before we can start talking about a plan, so presumably you can only be talking about the legislation. The plan will begin once the legislation is in place which authorises the plan to be developed, but that will not happen until the legislation is in place.

Gowrie Hostel

MR JENSEN: My question without notice is directed to Mr Collaery in his capacity as the Attorney-General. Attorney-General, have you received any legal advice on the

proposed sale of the Gowrie Hostel by the Commonwealth which was mentioned by my colleague, Mr Stefaniak, in a question to the Chief Minister this afternoon?

Mr Moore: He is making a ministerial statement.

MR COLLAERY: Mr Speaker, I assure the voice from the pillar that this is not a ministerial statement. It is clear that I need to add to the Chief Minister's response in terms of the legal advice available to me from the Law Office. It is also clear that a most significant event is in train which may well result in our first high-level challenge to the Federal Government. The fact is that - - -

Mr Berry: Why do you not do a ministerial statement, instead of soaking up our question time.

MR SPEAKER: Order!

Mr Berry: My apologies, Mr Speaker.

MR COLLAERY: The fact is that I sought advice and am seeking advice in relation to an extraordinary letter which was not brought to the attention of the then Opposition or Assembly people to my knowledge. It was dated 10 August 1989 and was from the Minister for Administrative Services, Mr West, to Rosemary Follett as Chief Minister. That letter, inter alia, mentioned that the Government intended to look forward to "your Government's cooperation in bringing to fruition a proposed redevelopment of the Gowrie site which will open up new possibilities for accommodation, commercial and other interests."

That was not brought to our attention and I understand from talking to residents at Gowrie that they, at around that time, received notice to get out. Some of those people, including a Mr Bruce Morgan, were low income tenants. Mr Bruce Morgan is now housed by the Housing Trust. More to the point is the law. The ACT Self-Government (Consequential Provisions) Act 1988 requires that the Minister, that is the Federal Minister responsible for the Territory, "shall transfer or cause to be transferred ... all assets and rights of the Commonwealth that, in his ... opinion, relate to Territory functions". Providing accommodation is clearly in that context, a Territory function. More to the point is the fact that the ACT (Planning and Land Management) Act requires - as my colleague Mr Kaine indicated - the Government to announce its Territory purpose. On my advice the Federal Government is now caught further still by the certification of the national plan.

Mr Moore: On a point of order, Mr Speaker; 118(a), states that questions are to be concise and confined to the subject matter.

MR SPEAKER: Objection overruled.

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MR COLLAERY: I am composing this response as we go along. It is a true response.

MR SPEAKER: Please be brief though, Mr Collaery.

MR COLLAERY: Mr Speaker, the new certified National Capital Plan says the use of national land - which the Government claims Gowrie is now - should conform to the relevant land use provisions of the National Capital Plan and the Territory plan, provided always that the land may be used for the purpose for which it was declared to be national. On my legal advice we are now in a position to flush out the Federal Government and find out what national purpose was involved by the Federal Labor Government in turfing those low income tenants out of their house.

Hill Station Homestead

MR WOOD: Mr Speaker, I would direct a question to the Chief Minister. Mr Kaine, are you aware that Hill Station homestead is for sale and there are other similar properties and this property is proposed for inclusion in an ACT heritage register? What protection for this important site is available if new owners should propose its demolition?

MR KAINE: I was not aware that the Hill Station homestead was on the market. However, there are interim arrangements in place for the declaration of heritage sites and the preservation of them in anticipation of the Bill being turned into law, through the Bill that I tabled a month ago. I am quite sure that the heritage committee would be aware of the fact that that property is perhaps likely to change hands and, if it has not done so, it will make appropriate recommendations as it has on many other sites and facilities in Canberra. My understanding is that until the new Act is in place there are interim arrangements. They are working and if that site is considered to be one which warrants heritage listing and protection, it will receive it.

MR WOOD: I have a supplementary question, Mr Speaker. Mr Kaine, could you detail those interim arrangements?

MR KAINE: Not off the top my head. I do not carry the details around in my pocket.

Mr Wood: Will you provide a response in writing?

Mr Kaine: Yes.

MR SPEAKER: Order!

Intellectually Disabled - Group Houses

DR KINLOCH: My question is to the Minister for Health, Gary Humphries. Can the Minister inform the Assembly of the progress made in the proposal to move five intellectually disabled people from Stirling group house to north Lyneham group house?

MR HUMPHRIES: Yes, I can provide information about that. I do not think I need to tell Dr Kinloch that health facilities in this Territory are expensive to run and it is vital, therefore, to ensure that we use these resources as rationally as possible to make sure that real health needs are met. To this end my department has recommended that the residents of the Stirling group house for intellectually disabled people be relocated to a house in north Lyneham. The basis for that move was that the Stirling group house was designed for people with extreme physical disabilities as well as intellectual ones, and that is not the case with the north Lyneham home.

I acknowledge that I have had some time to look at this issue and to address the question of what to do. There was some initial resistance from the parents of the people involved in that move and I acknowledge, in particular, that Ms Maher was helpful in talking to those people and meeting with me and with them to talk about the way in which this might be resolved.

We have discussed the appropriate answer to this problem with those parties and we have, in fact, offered two solutions to those parents; a Housing Trust home on the southside, staffed by the Department of Health or a move to that house in north Lyneham. I can indicate to the Assembly now that the parents have accepted the offer of a suitable house in Waramanga.

I think this illustrates the openness of this Government to consult with the community about problems of this kind that arise. I want to, as I said, thank Ms Maher for her interest in this matter in allowing us to negotiate a settlement with the parents that was acceptable to them. The resulting arrangement of a Department of Health staffed Housing Trust home illustrates the scope that exists for the community and the Government to work in partnership. As the fiscal constraints of self-government impact it is vital that we look less to government to fix things and more to community based solutions. I might, at this stage, wish the young men that are moving from Stirling to Waramanga all the best in their new home.

Territory Planning Authority

MS FOLLETT: My question is to Mr Kaine as Minister for planning and it relates to an area of the Territory Planning Authority. Mr Kaine, can you outline the function

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of the social planning area, and would you advise the Assembly whether your Government's view is that the social planning function is an integral part of the planning process in the ACT?

MR KAINE: No. As I said before, I do not carry around the details of all of these organisational elements in my hip pocket to produce them upon request, but since I am sure they are the same arrangements that the previous Chief Minister set in place when she was Chief Minister, perhaps she could explain them to me? However, if she does not understand them and does not remember what she set in place, I would be only too happy to provide this information to her.

MS FOLLETT: I have a supplementary question, Mr Speaker. I would ask Mr Kaine, as Minister for planning, will he ensure that this function continues to be carried out within the Territory Planning Authority?

Mr Wood: Well, he is going to take your advice, is he not?

MS FOLLETT: Or do you want me to tell you?

MR KAINE: If, on reflection, I consider it appropriate, yes, Mr Speaker.

Head Lice

MR MOORE: Mr Speaker, my question is directed to Mr Humphries in his capacity as Minister for Education and Health. Following approaches from constituents my office investigated some 20 primary schools in the ACT, primarily in North Canberra, and found evidence to suggest an outbreak of head lice among students. Whilst I am sure the schools in question would prefer to minimise the gravity of the situation, I wonder if Mr Humphries could explain, as Minister responsible for both education and health, what action he is taking to eradicate the population of head lice across the ACT? Will he set a good example by doing what he can to ensure that the nits on the government benches are removed?

MR HUMPHRIES: It is clear that Mr Moore is a great deal more expert in matters of head lice and nits than any person on this side of the chamber. If I can employ his services in identifying schools, indeed, individual students who are in need of removal of head lice, I will be happy to seek his assistance.

Mr Kaine: Chief nit identifier - give him an appointment.

MR HUMPHRIES: I might do that, Mr Kaine; it is an excellent idea. I am certainly not aware of any outbreak of head lice problems amongst Canberra's school population. I would be happy to investigate such an outbreak, if one

has occurred, and to advise Mr Moore in due course as to the result of those inquiries.

School Buses

MRS NOLAN: My question is also to Mr Humphries as Minister for Education. During the first weeks of the 1990 school year there were some problems in relation to school buses, especially in the Tuggeranong valley but in other areas of Canberra as well. Have these problems now been rectified?

MR HUMPHRIES: Well, there certainly has been a problem with school buses over the past few weeks. Through consultation between myself and Mr DUBY I believe a successful solution to those problems has been found. Again, the Government's capacity to discuss this between ourselves and between members of the community has been very helpful. We did experience a number of routes where overcrowding was occurring, where certain needs were being identified but not met and where, indeed a shortfall in services was identified.

I can say that that was all done in the context of a very considerable cut in the size of the school bus budget from last year's 1989-90 budget. There was a cut in the order of \$700,000 out of a budget of about \$7m by the previous Government. It was certainly a very difficult issue which we had to address.

I believe we have now solved those problems, partly by reallocating resources and organising a better use of available routes, and partly by allocating resources to the area of school bussing. I believe that we will have to continue to monitor the situation with school buses to ensure that services are up to standard and that needs are being met, but I am confident that will happen and certainly for the rest of this year I believe that the standard of school bussing will not decline.

PERSONAL EXPLANATION

MRS GRASSBY: Mr Speaker, I seek leave to make a personal explanation.

MR SPEAKER: Do you claim to have been misrepresented?

MRS GRASSBY: Yes, I do, Mr Speaker. During question time yesterday Mr Collaery, in answer to Ms Carmel Maher concerning the proposed redevelopment of the Northbourne Flats, tabled in the Assembly a letter from Mr Alan Johnson, the development manager of Civil & Civic. In his statement to the Assembly in tabling the letter, Mr Collaery sought to establish by imputation that this letter was evidence that during my tenure as Minister for Housing

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I had been involved in some proposal by Civil & Civic to redevelop the Northbourne Flats. This is absolutely false and the introduction of the letter in this context is deliberately misleading. I now read to the Assembly the exact words of the letter:

Dear Joan,

Re: joint venture housing.

Thank you for attending the meeting with Tony Waters, Des Jordan and myself on Wednesday last.

As agreed, we are working on a proposal to provide new stock for the trust on various sites around Canberra. It may take some time to identify and secure appropriate land. However, we are working towards this goal and hope to be in a position to write to you again in the near future.

Meanwhile we are keen to proceed with a joint venture proposal on Rugby Park in Ainslie and note that a communication concerning the trust's interest in such a venture and establishing our credibility for negotiations will be forwarded shortly.

Yours faithfully,
Civil & Civic Pty Limited
Alan Johnson
Development Manager.

You will note that the letter was addressed to Ms Joan Westaway, that it was dated 8 November 1989 and it refers to discussions between the Housing Trust and representatives of Civil & Civic. Nowhere in the letter is there any reference to the redevelopment of Northbourne Flats, and I state that that was never at any stage brought to my attention. The letter relates to general discussions about joint venture housing and is consistent with policies which were enunciated in this chamber as an additional mechanism for increasing the public housing stock in the ACT.

This is another attempt by Mr Collaery to create a diversion to alleviate his embarrassment over the Northbourne Flats.

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE
Report and Statement**

MS MAHER (3.05): I present report No. 3 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and seek leave to make a brief statement on the report.

Leave granted.

MS MAHER: The report that has just been tabled details the committee's comments on the Government's response to the committee's report No. 1 dealing with the Clinical Waste Bill 1990. I commend the report to the Assembly.

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

DR KINLOCH (3.06): Mr Speaker, I present the report of the Standing Committee on Conservation, Heritage and Environment on its Inquiry into Commercial and Domestic Waste Management, together with copies of the minutes of the proceedings of the committee. I move:

That the report be noted.

Mr Speaker, in tabling this report may I first recognise the considerable work and input from several members of the Assembly other than the present three-person committee - myself, Mr Wood and Mr Stefaniak. Gary Humphries was the inaugural chairman; Carmel Maher, Michael Moore and Bill Wood were also members of the original committee. It was this committee which conducted the field work outside the ACT. Bill Wood remained on the committee throughout.

Recently, Bill Stefaniak and I had the pleasure of some field work within the ACT, namely, a richly rewarding investigative visit to the Mugga Lane tip. The present committee also looked at the various sized big bins available in Australia. I was also able to meet with several representatives of waste management and other businesses.

The committee was exceedingly fortunate in that Miss Peta Roberts was there as secretary throughout its work. All six of us, former and present members of the committee, recognise her devoted service on this inquiry. You should see the volume of evidence with which she had to deal. It is immense. I am especially indebted to her for all that had to be done in recent weeks to bring the report to a conclusion.

I will not try to go through all 65 recommendations of the report, but some matters need highlighting. I stress that, above all else, the report is about encouraging the recycling of wastes. So would you note items 1 to 27 in particular, but also items 48 to 51 on public education. No recommendations should be looked at in isolation from that general concern about recycling. May I stress again that many of the major recommendations are directly concerned with either recycling or the encouragement of public education about recycling. If I thought that any other recommendation would seriously hamper that recycling activity, I would not support it.

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The 65 recommendations come under four headings, the first of which is "Recycling". I draw the attention of members to No. 1 and, an attendant and logically following recommendation, No. 2. No. 1 states:

... the ACT Government contract for a weekly door-to-door collection of recyclables, including glass, PET -

which is a form of plastic bottle -

aluminium, paper and cardboard ...

Related to that is No. 2 which states:

... householders be provided with appropriate containers to be used for the collection of recyclables ...

That section on recycling also deals with design of recycling facilities at landfill sites, the utility of photobiodegradable plastic shopping bags, the avoidance of plastic containers and wrappings, waste oil collection, newsprint and waste paper, tyres and many other related matters.

Then comes the section "Options for Efficient Collection of Domestic Waste", which includes alternative methods of collecting domestic waste. I will say more on that in a moment. Another important section is "Options for Efficient Collection of Commercial Wastes", which is about the largest component of waste disposal at tips. Then comes "Litter and Waste Minimisation", including the controversial matter of what to do about the disastrous littering at major public events. It was a pleasure to note the other day that we seem to have had less trouble this year at the Food and Wine Frolic than in earlier years. Finally, after the recommendations about "Public Education" are 14 recommendations related to "Landfill and other Waste Management Practices". In this section we make proposals about the future management of tips.

I now return briefly to the proposed alternative method of collecting domestic waste by using a one-person collection system in conjunction with big bins. This is fully analysed in the report in recommendations 28 to 34. My colleague Mr Stefaniak will specifically be addressing that matter, including the possible use of 240-litre bins.

My other colleague Bill Wood argues at page 88 that the recommendation to introduce 240-litre bins can be seen as potentially anti-recycling, and I do not doubt that he will speak to that. If that were to be the case, however, the other members of the original and the present committees might agree with him that the introduction of 240-litre big bins would be inappropriate. Indeed, several of the various political groupings in this Assembly, on both sides of the house, have raised doubts about 240-litre bins. I

began my work on this committee with those preconceived judgments about big bins. Based on the evidence, I have changed my mind.

What must be stressed is that the proposed total waste management system is not merely to change from the present system of twice-weekly collections to one of once-weekly collections in a big bin. What we are looking at is the overall efficiency of a new system of domestic waste management, beginning as soon as possible with recommendations 1 and 2 of the report, as already described. At some point after that program of steady recycling has been put in place, the big bins should be given a trial in one area or one suburb to see how they interact with the overall recycling program. If that trial shows that high levels of recycling are maintainable, then and only then should the 240-litre bins be introduced throughout the ACT. The committee has evidence about the effectiveness of the use of 240-litre bins in other parts of Australia. The question is whether they would be similarly effective in the ACT.

There is also the matter of the size of available bins. The waste management industry firms which either make or import these bins have geared themselves to several sizes. Unfortunately, the 120-litre bin, which I understand is imported from Germany, is too small for effective once-weekly collections. There is nothing between that and the 240-litre bins which are manufactured in Australia. The committee might have taken the view that we should call on the industry to introduce a 180-litre bin. From the evidence before us, however, the choice was between the 120-litre and the 240-litre bins. All members of the Assembly are asked to study that matter closely because I am sure it will be of great concern all over Canberra.

Another matter which needs to be seen in its total context is the use of tips. If there were to be such a thing as a totally ideal solution to the problem of what to do with domestic waste, it would be to compost all that is compostable on site - that is, at the household - to collect all recyclables, as already suggested, and to leave non-compostables and non-recyclables to be collected as landfill garbage as part of a total collection service, thus negating the need to have householders visit the tip. In other words, the tip would be the final deposit point for all the non-recyclable garbage to be looked after by the people who are responsible for the tip. Would you please note paragraph 3 on page (ix) of the report which stresses that efficient and successful waste management depends on cutting down on excessive wasteful and counterproductive visits to the tip by private vehicles.

Part and only part of the strategy to cut down on excessive use of tips is the collection of recyclables at the kerbside of households and the encouragement of maximum composting on site. Part and only part of the strategy to cut down on excessive use of tips is the providing of big

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bins, mainly for those waste products which cannot be recycled or composted. But another part of the strategy to cut down on excessive use of tips by private vehicles, especially by the commercial building sector of the economy, is to place a charge, as is the case throughout Australia's major cities, on the use of tips. This is not to raise money, it is not a revenue matter; it is to try to cut down on the use of tips. Even in that case there is no charge suggested for depositing recyclables, such as aluminium, glass and paper, and loads consisting of large-scale compostables, such as garden clippings.

We are dealing here with the lifestyle of Canberrans. I recognise that going to the tip has become part of the normal life of thousands of them. I formally ask that we now regard much of that activity as a wasteful luxury which needs to be replaced by a more efficient and conservation-minded waste disposal system.

I will not spend any further time here on container deposit legislation, but I refer you all to recommendation 46 which suggests the possible need for such a development if our stress on recycling of glass were not to be sufficiently effective.

Finally, may I urge you to refer to the summary of the report, to be reminded of the overall recycling and waste management strategy recommended by the committee. It is our hope that this report provides the blueprint for a strategy which will put the ACT at the forefront of responsible waste management in Australia.

MR STEFANIAK (3.17): Firstly, I would like to extend my appreciation for the hard work done by the Assembly staff in preparing this committee report. It would be very remiss not to single out for special praise Peta Roberts, the committee secretary, for all the hard work that she did. She had two committees - the inaugural committee of Gary Humphries, Carmel Maher, Michael Moore and Bill Wood and the second committee of Hector Kinloch, me and Bill Wood. She coped with a very difficult job most admirably. I extend my great appreciation for all her assistance and efforts and the very many long hours she spent preparing this report and also to the other Assembly staff who helped her. I would like that noted.

Naturally, there are some controversial aspects to this report, and one of those revolves around options for efficient collection of domestic waste. The committee noted that over one-third of all waste disposed of at landfills is generated from households. We believe that efficiency in collection will reduce the need for landfill in the future through improved management of landfill today. In the ACT we have only a limited number of sites readily accessible to be used as tips. The sites that the committee saw have a limited life span, and it is very important to do all we can to reduce the use of those sites.

The committee agreed with the Office of City Management that a long-term waste collection strategy should service the needs of the community through the provision of a sanitary system which conserves and protects natural resources and the environment, which is cost efficient and also economically viable, which has to be accountable and responsive to the changing needs of the community and which has to ensure a safe working environment for workers and that others are protected from hazards.

In Mr Wood's dissenting report he has indicated that we have an efficient current system. One of the big questions was: why change the present collection system? One of the drawbacks of the present system is that garden waste is not allowed in the small bins, thus placing the onus on householders to dispose of this type of waste either through paying private firms to remove it or by dumping it, and the current 55-litre bins militate against disposal of large objects. Householders are again required to find means of disposing of that type of waste.

A more efficient system would reduce the use of environmentally unsound disposal methods. The Office of City Management suggested that the collection of domestic waste needs to be rationalised to reduce the overall cost of waste management. It stated that it could happen through a reduction in the large number of individual trips by householders to the tip face and disposal sites, more efficient collection of all household waste and improvement to the occupational health and safety of collection workers.

The Australian Environment Council reported that back injuries caused by workers lifting 55-litre bins and injuries from sharp objects in the garbage have been dramatically reduced with the introduction of big bins. A three-person system is currently used on both the northside and southside collections which use the 55-litre bins. Two contractors from the northside told the committee that there had been very few injuries to workers using the current system, although one waste collector was killed after being hit by a truck.

The one-person collection system is regarded by the committee as being ideally the safest possible work system currently available in waste management technology. The committee received many submissions, many of which claimed that the most efficient and safest method for collecting domestic waste is using the one-person, automated system in conjunction with big bins. The current fleet of garbage trucks can be converted to a one-person collection operation using 240-litre wheelie bins, and five additional new trucks would need to be purchased at a capital cost of \$2.8m. That costing is based on the rapid rail system, although other systems are available. I understand there are cheaper systems for various types of big bins.

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Other submissions were received in relation to big wheelie bins. There was an article on the inquiry in one of the local free papers and, as a result of that, many people rang the committee office to give their opinions on what they wanted. I think 16 people rang, with 15 in favour and one against. I point out that that is fairly consistent with comments that I have heard from various constituents in relation to whether they want big bins.

A number of arguments for big bins were given to the committee, and a number were given against them. There are some inconsistencies in those arguments, which one can see when one goes through them. The main reasons given for replacing the current system and introducing big bins included: small bins cause traffic hazards, especially when they are placed close to driveways; they can be unnecessarily messy to local amenities; big bins reduce the demands by householders for access to tips; householders would be provided with a means to dispose of bulky refuse and garden rubbish; the design of the bins also prevents dogs knocking them down; the current small bins are also easily blown around the windy streets of Canberra, especially if one has plastic bins, creating a driving hazard; the big wheelie bins would make it easier for elderly people, especially those who are only partially mobile, to wheel out their bins rather than to lift and carry out the small bins, as they do now; the task of the garbage collector would be safer and much less objectionable; tin lids easily become distorted, which makes it hard to keep the contents of the small bin intact; the big bin has health and environmental benefits, in that all waste is securely contained and less prone to infestation and attack; weekly collection means only one, not two, early morning disturbances to residents; collections of unused bulky household items would no longer be necessary, and the need for backyard burning would be removed.

Arguments against big bins included: big bins only reinforce the belief that all waste is disposable and not worth recycling; the old and the infirm and those with physical disabilities would have difficulty using them, especially wheeling them up and down steep blocks. So we have two conflicting views there in the pros and cons. People are encouraged to put more out for garbage, leading to a wastage in resources and increasing the cost of maintaining landfill; big bins would discourage users from recycling and separating glass; the big bin is ugly; after a few days in the sun, if garbage is sitting in there, it could become malodorous; there are large capital costs involved in equipping a one-person, big bin collection system; time taken to empty a bin using an automated arm is longer than that taken to empty the small bins manually; the current system is quick, efficient and provides employment for a larger number of people; not all householders use the volume that could be contained in a big bin, and leverage of the bin to a rolling position would be difficult for short people, thus discriminating

against women, the infirm and elderly people. A number of pros and cons were put to the committee.

It was also shown in the evidence put before the committee that where big bins have been introduced they have been widely accepted. Certainly people in New South Wales, to whom I spoke, who were very much against big bins when they were introduced by various councils invariably ended up in favour of the big bin system after it was trialled and after they got used to it. It is interesting to note that in 1985 the previous ACT House of Assembly recommended the introduction of a local waste collection system using the 240-litre bins in conjunction with automated collection trucks.

The committee also refuted claims that old or frail people would be disadvantaged by the big bins, asserting that the bins, being on wheels, are designed for maximum ease. In any event, the committee believed that if elderly or frail people have trouble handling a big bin, they would certainly be unable to carry out the current 55-litre bins.

A lot of consideration was given to the use of small big bins, the 120-litre wheelie bin. Various submissions indicated that these bins could be used and that households could be issued with crates for paper, glass and cans; recyclables and garbage could be collected weekly. The total volume of both the 120-litre bins combined with three or four crates, as advocated by certain persons who gave submissions to the committee, would almost equal the total maximum volume now set for weekly household collection, and that was 340 litres. Compared with the current system which allows householders a disposal capacity of 340 litres, the 120-litre bin would mean a decrease of 280 per cent in the maximum disposal capacity. Evidence before the committee indicated that, on average, householders leave out 2.2 55-litre bins per week, using 140 litres of disposal capacity. That is a bit of a problem with the idea of a 120-litre bin. The 140 litres is greater than 120 litres, and it would mean two collections a week.

The 1987 report on the impact of big bins on recycling by the Australian Environment Council addressed the effect that big bins have on the waste generation rate. It concluded that the introduction of a 240-litre big bin is unlikely to cause an increase in the total quantity of waste generated by households. The Office of City Management also submitted to the committee that if the 120-litre bins were introduced a twice-weekly system would need to be introduced to ensure that enough capacity is available for the increased volume of material, such as prunings.

It is interesting to note that currently 46 per cent of the population of Victoria is serviced by big bins, and they are mostly the 240-litre size. Many councils, waste management firms and government bodies stressed to the committee that before introducing big bins an effective

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recycling program ought to be well entrenched. It is only in this way that the extra volume of waste collected could be avoided. That is one of the recommendations of this committee.

The committee was advised that the current contract with Wastehawk for the southside provides for conversion to the automated big bin system; contracts for the northside may be terminated on one month's written notice, and no contractual penalties would be incurred if a one-person automated collection system with big bins were introduced into Canberra.

Cost is a very important factor in anything that this Assembly does. Based on the costs put before the committee and on the rapid rail system, the total cost for the purchase, assembly and transportation of bins for the households of Canberra is approximately \$7.5m. Over the life span of the bins - say, 10 years - spread across those households, the cost would be approximately \$8 per annum per household. That figure is almost half that now spent by householders on purchasing bins every year. Under the present system householders are required to purchase their own bins and, given their short life span, householders may need to purchase one bin per year at a cost of approximately \$15. In total, net savings of almost \$1.5m per annum would accrue to the household sector through the use of big bins.

In relation to the better management of landfill, the Office of City Management again submitted that if a total collection system were introduced it would cut by 80 per cent the number of visits made by householders to the tip. This phenomenon was observed by the Waste Management Authority at some regional waste disposal facilities. ACT householders, it is interesting to note, spend approximately \$4.5m on petrol, toil and time visiting the tips. With the introduction of a total collection system, with big wheelie bins, it is estimated that the tip visits by householders would decrease by 50 to 80 per cent, thus saving between \$2.2m and \$3.2m. There is also less wear and tear on vehicles, and householders would have more free time to enjoy other facilities. With less traffic, the landfill sites could also operate more efficiently. More compaction at the tip face could be carried out, thus lengthening the life of the tip.

In relation further to the summary of costs, it was estimated that the total costs to be met with the introduction of a one-person, automated big bin system would be: capital costs, conversion of purchase, \$2.8m, with a cost per household of \$4; net contract collection costs of \$0.6m, or \$5 per household; and a total cost of \$3.4m, or \$9 per household per annum. The total benefits to accrue with the system would be between \$3.97m and \$5.7m per annum. The savings per household were estimated at between \$52.80 and \$53.80 per annum. A comparison of the costs and benefits is easily made, even though no monetary

amounts are available for the savings in labour and the quality of life improvements, with decreased early morning noise levels. Those figures indicate that, on average, householders would save at least \$33 every year for the convenience of an automated big bin system.

The committee, accordingly, recommended that the most efficient method of collection of domestic waste is a one-person collection system in conjunction with the use of big wheelie bins and that the ACT Government refer to the Interim Territory Planning Authority the difficulties faced by residents in some of the poorly designed, narrow streets in receiving kerbside collection of their waste. There are some streets in Canberra in which there would be problems.

The committee also recommended - and I stress this - that the ACT Government trial the use of 240-litre bins in a selected zone in Canberra, with the aim of introducing big bins in all zones. The trial use of big wheelie bins would be done well after the recommendations relating to door-to-door collection services and recycling measures are introduced. With the introduction of big bins, domestic waste would be collected weekly. Because of the controversy in relation to that proposal, the recommendation is that it be given a trial in a particular area and that the trial be introduced only well after the door-to-door collection services and recycling measures have been introduced. With my colleague Dr Kinloch, I commend the report to the Assembly, and thank again the Assembly staff for their efforts.

MR WOOD (3.32): Dr Kinloch was right when he said that overall this is a report on recycling. That is what it was all about. The matter of waste management was one of lesser, though important, consideration. For me, the whole exercise, now at least nine months in duration, has been a very valuable experience. I have enjoyed it, and I have appreciated the opportunity to mix and learn significant matters with a variety of colleagues. Yet, at the end, it is a disappointment. For that reason, I have submitted a minority report.

A number of very important concepts have been made clear. We already know about the great problem of depletion of limited resources; no-one here has to argue about that. Nor do we have to argue the case that we need to diminish the pollution of our environment. The committee members found that people in Canberra want to have a role in doing this, and they can do it very significantly by the way their garbage is treated. Indeed, it is not garbage; it is not waste, as so often was expressed to us; it is a renewable resource, and I have become convinced about that.

The ACT people want to play a positive role in protecting their environment. It is up to this Assembly to encourage that. This is a strong thread throughout all the submissions that we received and the evidence that we heard. It is up to the Government, through this

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parliament, following the committee's report, to provide the means to do so. We must introduce the systems that will enable the ACT to become the model for Australia.

I compliment Dr Kinloch and Mr Stefaniak, who came to the committee late. They worked very hard to try to catch up with the concepts that we had acquired over quite a long time. I regret that they came in so late that they missed that educative process and did not grasp the great number of concepts about which we had learned earlier. I have appreciated working with them. I believe now that perhaps we should have backtracked and done it all again. If that had been the case, it might have taken another nine months, but we would have had the report that the first committee would have introduced. If Mr Moore had stayed on the committee we would have had a majority report the other way. I do not want to create dissent on the other side, but I am sure that if Mr Humphries and Ms Maher had stayed with the committee, if other events had not intervened, they would have come down the path of recycling. I know that from the conversations that we had as we moved around.

The report is primarily about recycling. I regret that good recommendations in the report are negated by that one major item concerning big bins, and as such the report is substantially rendered ineffective. The total collection concept, with big bins of 240 litres, simply does not match up with recycling. Big bins do not go with recycling. The people who argued that they do were predominantly those people who sold the big bins. The conservation groups told us that we should not have big bins. It was my experience, as I moved around, that the weight of evidence was that the big bins, of 240 litres or greater, could not be used with recycling.

We have to separate material at source to encourage recycling, yet the whole concept of big bins is to lump everything into them. Mr Stefaniak, we do not want to put garden waste into big bins. It is not the place for it. We learnt in Sydney that they can turn engine sumps or whole engine blocks, oil and all sorts of things out of those big bins. They are much bigger and more solid, and they can take a great deal more. That is not what we want.

The advantage of the 120-litre bin is that, collected weekly, it introduces a shortfall, as Mr Stefaniak pointed out, and that is what we wanted. We want people to find that there is not enough space in their bins so that they are required to adopt other measures to dispose of that surplus waste. For that reason, a 120-litre bin is acceptable. We do not want the big bin into which people will dump everything. We have to aim to reduce the volume of waste going to the landfill. That landfill, Mr Stefaniak, is expensive, and it is in short supply in this city. We must diminish the flow of waste to it. Big bins simply will not do that. I have to dispute Mr Stefaniak's figures about the cost of big bins. His figures, I think, zeroed out. It is at least \$80 per household, a much more expensive system.

At present we have an efficient system. Everyone agreed that our present collection methods are economical. In my minority report I recommend that we retain this system for the time being, until there is a further opportunity to review the path that this Assembly wants to go down. I believe that when my colleagues on the committee and others in this Assembly start to talk about it we will not go down that path of big bins. I understand that it was a difficult situation for my colleagues to come into it without all that background.

Let me make one comment about tips about which there have been such frequent comments. I am taken by the description of some of the conservation groups, the ACT Recycling Campaign in particular, of tips. They say that they are not tips - and I believe them - they are recycling centres, and that is the way we need to regard them.

Mr Humphries: With the charging of fees we will have to recycle.

MR WOOD: Maybe in the end. At this stage I do not recommend charging a fee. Let us review that in the future. At the moment two-thirds of all the waste going to the tips, the recycling centres, is commercial or industrial. I think that is something we need to look at, but for the householder, certainly at this stage, let us not introduce a charge.

Dr Kinloch said it is part of our Canberra experience to go to a tip on Sunday. I went to the tip twice last Sunday. I did not particularly want to go, and I avoid it as much as I possibly can. It is only when I am considerably nagged at home that I go out and do that chore. I get out as quickly as I can.

Let me emphasise the importance of this matter. We cannot have big bins. If we want efficient waste collection, that is what we would get with big bins. Waste would be collected and thrown into that expensive landfill. But we want recycling. That is what the Assembly and the people of Canberra want. If we are to have recycling, we have to have a smaller capacity bin.

I want to make one final comment about the need to put a deposit on glass beverage containers - I suppose, most frequently, the stubby. In the public behaviour committee we recommended that course of action, and there is a slightly weaker recommendation in this report. I think it is of great importance that we should put a deposit on those containers. It works well in South Australia and, as I have researched the subject, as I have spoken to people here and in South Australia, it can work in this Territory. The argument that the ACT is an island and has particular problems, I believe, is not valid. We can impose a deposit. It would play a major role in reducing the flow of rubbish and the littering that occurs around this city.

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I believe that is important. But primarily, let us get into the recycling mode. It is most important.

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

PAPERS

MR COLLAERY (Attorney-General): Pursuant to section 6 of the Subordinate Laws Act 1989, I table the gazettal notices for a number of ministerial determinations and a regulation made by the Executive.

To assist members I also table a schedule of the documents to be laid before the Assembly, which identifies each determination and the regulation and the editions of the Australian Capital Territory Gazette in which each may be found. Copies of the gazette notices and the regulations are available from the Assembly Secretariat. The schedule is as follows:

Cemeteries Act - Determination of fees, dated 9 January 1990.

Housing Assistance Act - Scheme for providing concessional home loans - Determination of fees, dated 7 November 1989.

Motor Omnibus Services Act - Revocation and Determination of charges, dated 16 December 1989.

Motor Traffic Act - Determination of fees, dated -

7 November 1989 (2).

20 December 1989.

21 December 1989.

24 January 1990.

Public Health Act - Determination of fees, dated -

19 December 1989.

24 January 1990.

Self-Government (Transitional Provisions) Act - Self-Government (Transitional Provisions) Regulations 1990 - No. 1.

EDUCATION

Ministerial Statement and Paper

MR HUMPHRIES (Minister for Health, Education and the Arts): I seek leave to continue from yesterday my ministerial statement on education.

Leave granted.

MR HUMPHRIES: I am suitably attired with glasses today, and there should not be a difficulty in finishing the statement. I had completed comments on curriculum policy

development, and I would like to talk now about high school development.

The Government strongly endorses the current project of the Department of Education to examine closely the role of high schools in the ACT education system. The early years of adolescence are a challenging period for students, parents, teachers and school administrators. The Government believes the years 7 to 10 high schools require a new approach to teaching, student welfare and administration if they are to achieve maximum effectiveness.

It comes as no surprise to members of this Assembly that, if there is a weak link in our education system, it is in high schools. That was, in part, the reason for the ACT report of 1989 on high schools entitled "Cohesion, Coordination and Communication". That report provided the impetus for development in this area. As a result of that report, five action teams of high school principals will be working in the following areas: firstly, a new vision of the nature, scope and purpose of high school education in the ACT; secondly, a system approach to the management of student welfare and behaviour; thirdly, system-wide performance indicators for high schools; fourthly, monitoring and developing the quality of teaching; and, fifthly, the possible reintroduction of the deputy principal position.

Mr Wood: I could have my job back then.

MR HUMPHRIES: You might need it, Mr Wood. I want to turn now to preschooling. A new administrative structure for preschools has been introduced in 1990. A preschool executive officer is located in each of the four regional education offices to provide advice and support on preschool education within that region. The ACT will continue to provide an excellent system of preschooling for four-year-olds, and will also allow for the early entry of children with special needs.

During 1990 the Government will examine the need to consolidate preschool services as a result of declining numbers in some areas. The preschool enrolment policy will also be reviewed, particularly in relation to the order in which vacancies are offered. Also, the Government will be investigating issues relating to the provision of educational, health care and child-care services in the early childhood years, to see whether more coherent, integrated services can be provided.

This year sees the introduction of full fee-paying overseas students to the ACT's public education system. At this time there are some 33 students of this kind in attendance at ACT schools, adding, I believe, another important dimension to the educational and cultural diversity of the ACT's school system. The fee levels have been set to cover fully all costs associated with the role of those students in our public education system, although there will be some start-up costs this year to be recovered in future years.

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The issue of school based management has been high on some agendas in recent months. The Alliance Government is firmly committed to the view that, as far as possible, schools should manage their own affairs and that all elements of the school community should have a voice in decision making at the school level. In this way parents, teachers and students can have a real influence on education programs and services. It is for this reason that the Government intends to give greater financial and administrative responsibility to schools. School boards are a valuable and well established feature of our public school system; it is appropriate that they be given greater control over decisions that affect them.

During 1990 the Government will be developing further proposals for financial and other devolution to schools, and establishing necessary support arrangements within the Department of Education. There will be extensive consultation with boards and interested groups before any arrangements are implemented. Issues which have been raised already will be addressed in the planning and development process. Because changes in responsibility and work practices may be involved, unions will be consulted extensively.

In relation to award restructuring, teachers and other Department of Education staff have received a first-stage increase in salary under guidelines issued by the Industrial Relations Commission in August of last year. In the second stage of this process, departmental management and unions are seeking negotiated agreements within these guidelines on structural efficiencies to be considered by the department and the commission. A number of issues are being considered. They include probation procedures, teacher mobility, school based management, revision of the permanent part-time work award, and the introduction of an advanced skills teacher classification.

Negotiations have begun with the public sector unions to align the schools assistants award more closely with the administrative services officer structure. All other staff employed by the department will be included in the ACT-wide negotiations coordinated by the Office of Industry and Development and led by the Commonwealth Department of Industrial Relations as part of the APS award restructuring package.

The Government's objective is to achieve the best salary structure possible for teachers and other staff, consistent with an effective award restructuring agreement which will promote increased efficiency and effectiveness within the ACT public school system. This will need to be achieved within a negotiating framework which recognises the Government's financial constraints, related negotiations in other education systems, and the Commission's guidelines. We envisage the completion of all negotiations during the current financial year.

Non-government schools make up about a third of the ACT's education system. Those schools are an important component of our system, with 45 schools enrolling some 20,000 students overall. The Alliance Government will protect the autonomy of non-government schools and will seek to remove any inequitable restrictions on their growth.

The Government is examining the need for a new system of Territory financial grants for non-government schools. Currently per capita recurrent grants to non-government schools are based on Commonwealth grants. The Government believes that a system of territorial grants based on the cost of educating government school students in the ACT would be more appropriate. The Government will publish a number of funding options for public comment and consult interested groups before any new approaches are adopted. I hardly need to point out that the ACT has the highest level of non-government education of any jurisdiction in the country.

In 1989 the ACT was admitted to full membership of the Australian Education Council, the council of State and Commonwealth education Ministers, following the transition to self-government. This Government intends to play a full and influential role on that council. Although the ACT is one of the smallest systems, its quality and the calibre of its staff allow it to make a very significant contribution to the work of the AEC's committees and working parties, as well as to the council itself. The next meeting will be hosted by the Commonwealth Minister and will be held in Canberra before June of this year.

In conclusion, I have outlined the Government's approach to a number of very important issues that have arisen in the ACT schools area, and we have indicated the Government's agenda for this year in addressing them. The Alliance Government is very conscious of the critical role that schooling plays in the creation of future generations and the development of tomorrow's Canberra. The Government has no intention of weakening the first-class system that the city now has. We must ensure, however, that ACT schooling is able to meet the changes and challenges, both economic and social, which will confront us as we enter the last decade of this century. I present the following paper:

Education - Ministerial statement, 21 March 1990

and move:

That the Assembly take note of the paper.

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

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**GOWRIE HOSTEL
Paper**

MR COLLAERY (Minister for Housing and Community Services): In response to a question earlier today, I referred to a letter dated 10 August 1989 from the Minister for Administrative Services to the former Chief Minister. I now table that letter:

Gowrie Private Hotel - Sale - Copy of Letter from The Hon. Stewart West, MP, Federal Minister for Administrative Services to Ms R Follett, Chief Minister, dated 10 August 1989.

**KAINE GOVERNMENT'S FIRST 100 DAYS
Discussion of Matter of Public Importance**

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

The disgraceful performance of the Kaine Government during its first 100 days in office.

MS FOLLETT (Leader of the Opposition) (3.53): By whatever yardstick one chooses to measure it, the performance of the Liberal coalition Government has been disgraceful. I note that the Chief Minister is not here to take part in this debate. The Government's inability to provide business, consult on a program or stick to a plan in this Assembly has been a travesty of democracy. The reception that it gets at the football shows that it is reviled by the community.

Mr Collaery: I was with Graham Richardson.

Dr Kinloch: He was with Senator Richardson.

Mr Collaery: We were both booed.

Mr Duby: There were bigger boos for Senator Richardson.

Dr Kinloch: Senator Richardson, boo!

Ms Maher: Senator Richardson, boo!

MR SPEAKER: Order!

MS FOLLETT: Mr Speaker, would you direct the schoolboys opposite to button their lips?

MR SPEAKER: I will take that on notice, Ms Follett.

Ms Maher: I object; I am a female.

MR SPEAKER: Order!

MS FOLLETT: You are a disgrace, too.

MR SPEAKER: Please proceed, Ms Follett.

MS FOLLETT: The reception that they get at the football shows that the Government is reviled by the community and is bringing the whole notion of self-government into disrepute. Its performance, or rather its lack of it, is becoming a scandal in this community. I know that is not welcome advice to it, but it is undoubtedly true. With the confusion and the uncertainty that it has caused the community by its constant threats of cuts to services and staffing it is disastrous.

Its published record of achievement - what a misnomer - is a tissue of lies, half-truths and stolen achievements of the Federal or the ACT Labor Government. On 14 December, in this Assembly I said that the Liberal Alliance Government grew out of nothing more than a cynical power grab, and its inaction to date endorses this view. This is a lazy government that is interested only in the perks of office. The way that this Government has dealt with this Assembly - - -

Ms Maher: Perks of office? I do not think there are any, are there?

Dr Kinloch: What perks? Name one.

Ms Maher: There are no perks.

MR SPEAKER: Order! While we have silence I ask Mr Berry to refer to standing order 40. He seems to misplace his standing orders occasionally. Please proceed.

Mr Berry: Mr Speaker, I looked at you, but you were not looking.

MR SPEAKER: Yes, certainly. Thank you, Mr Berry, for raising the eyebrows on occasion as well. Ms Follett, please proceed.

MS FOLLETT: The way in which the Government has dealt with this Assembly has been nothing short of atrocious. Time after time we have seen it unable to manage even the meagre amount of business that it has managed to introduce. The Government whips act as mere messengers who know nothing about Government business and who have no power to negotiate.

Constant last-minute changes to the program and confusion amongst Government members have been a feature of this place in the past few weeks. This morning was a case in point. In the five minutes before the Assembly sat this morning we had no fewer than three changes of plan on the Government's part as to how to deal with an item of private members' business. It was disgraceful. The Chief Minister sets the standard with his constant personal insults by way

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of interjection and his frequent spurious and self-justifying points of order.

Contempt is shown for this Assembly. We were told that there would be no sitting last night because two Ministers - I think they were pretending Ministers - had something else to go to. That is similar to the contempt that we see with the dorothy dix questions from Executive Deputies about their own areas of responsibility. Everybody knows that Dr Kinloch, as the deputy responsible for education and the arts, has full access to the resources of the Government. So why does this Government waste everybody's time with dorothy dix questions from Dr Kinloch to Mr Humphries?

Any reasonable observer would agree that the Government's refusal to face question time on two sitting days last year and its various attempts to stifle debate ever since are an outrage. The record is quite clear. In our first 100 days in office there were 16 sitting days; the Alliance Government has had nine. We faced 15 question times, but it has allowed only six.

All around Canberra people are wondering what on earth this Government is doing, and the jokes are frequent. They say that this is the summer Government; the Government is on holiday; it is having a long Christmas or it is perpetually out to lunch. It is a lazy government, a government in hiding, but that is no wonder, given the sort of reception that its members get when they come out in public.

The incompetence and the inability to govern is nowhere better demonstrated than in the legislation introduced to this Assembly, such as it has been. When Mr Collaery spoke on the no-confidence motion, just over 100 days ago, he criticised Labor's performance in introducing legislation. He spoke of "a great harvest of legislation" which he claimed I had been preventing. I ask Mr Collaery through you, Mr Speaker: where is that great harvest of legislation? If this is the yardstick, Mr Collaery, why is it that in 100 days, in which we introduced 13 Bills, your Government has introduced only six Bills? Why is it that every one of the six Bills that has been introduced under this Government was already in the pipeline under the Labor Government? Where is the great harvest of legislation, Mr Collaery? Where is the anti-discrimination legislation which you said in January would be ready in only a couple of weeks? Where is the remainder of the planning, environment and leasing legislation which members opposite thought was so important?

On the very rare occasions on which the Government introduces Bills, like the Clinical Waste Bill, it gets it all wrong. Mr Collaery is the self-proclaimed senior lawyer in the Assembly; he is the one with all the other lawyers on his side; he is the one who said that the Labor team needed lawyers. But Mr Collaery could not legislate his way out of a wet paper bag. The Clinical Waste Bill

has been exposed as a disaster because it does not apply to public hospitals which are the most significant producers of clinical waste in the Territory.

Let us also remember that Mr DUBY said last December that Mr Kaine would deliver confidence and stability to this Territory. Mr DUBY, the record is clear again. Within 100 days of self-government the Labor Party had detailed a complete budget statement outlining all of our new initiatives, and our budget adopted a balanced approach addressing both revenue measures and modest expenditure savings. It was a basis for consultation and planning. It was a document which delivered predictability, confidence and stability for the Territory.

But what do we have from this Chief Minister? It is a series of evermore confused statements about budget cuts, about privatisation and sacking of staff. Mr Kaine's pronouncements show that he has no grasp whatsoever of public sector finances. One day he says that he will cut expenditure by \$100m, and the next day he says that this is impossible. His economic statement next week, by his own confession, confirmed at question time today, will not include any detail as to where these cuts will occur. So we will have even more confusion for the community. It will be a budget that is based on bluster, an ideological statement in which the only fact will be Mr Kaine restating his intention to slash public employment and services to the community.

It is clear that in attempting to implement these cuts nothing is sacred. That statement has been made by members opposite. It was only because Mrs Grassby exposed Mr Collaery's plans that he cancelled his meeting with developers about the sale of the Northbourne Flats. Contrary to his claims, it was the Government which started the confusion over public housing stock. In December Mr Kaine said that he would sell off a third of the public housing stock, and at first Mr Collaery endorsed that statement. Ever since he has been backtracking, and obfuscating and muddying the waters on the issue, but he was finally trounced by Mrs Grassby, and he cannot stand it. The fact remains that this Government has demonstrated that it is prepared to sell valuable community assets for a very temporary budget fix. It has no plan for the long-term fiscal problems of this Territory.

I admit that it is difficult to criticise this Government on the basis of its achievements because there are none to criticise. Even its announcements of what it intends to do are difficult to pin down. Every statement is followed by a qualification and a backdown. It is very difficult to hit a dodging, weaving and evasive target.

But let us look at the Government's self-promotion, the so-called record of achievement. The Chief Minister claims to have "developed an integrated set of planning laws". But he has not produced it. Where is it? We have had a third

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in draft form. He has also trumpeted the agreement with Mr Greiner on developing a regional economic strategy, conveniently forgetting that it was my Government that proposed this to Mr Greiner's Government over six months ago.

When we look at Mr Collaery's achievements in his portfolio the fun really starts. Is it not laudable that we have an agreement from this Government to introduce a register of encumbered vehicles to prevent consumers being ripped off? This was Labor Party policy and was included in our budget as far back as July of last year. That has not stopped Mr Collaery claiming it as an achievement. Ditto for the \$100,000 funding for a community mediation service which is now claimed to be a Collaery achievement. Mr Collaery likes it so much that he has claimed it twice, at pages 3 and 4 of his achievements.

Mr Collaery: And both times it says, "(NB: Follett Government initiative)".

MS FOLLETT: He has claimed it twice. He does not even know what it means.

Mr Collaery: Oh, come on!

MS FOLLETT: If you had been at the opening you might have understood. After announcing the preparation of anti-discrimination legislation, yet another achievement which this Government has delayed rather than initiated, perhaps Mr Collaery thought that his record looked a bit thin - and I have to sympathise with him on that - so he has padded out this report by claiming as achievements of his Government that it has tabled two reports from the Law Reform Commission. What an outstanding performance! His record is so thin that he can receive a report from a Commonwealth Government body, walk into this Assembly, put it on the table and claim that as an achievement. I think it is all relative. Compared with the other achievements of this Government, it probably is a monumental effort. Then Mr Collaery has the hide to claim that he established extra child-care places funded by the Commonwealth Government and that it is an achievement of this Alliance Government.

Let us look at the performance of Mr Duby who claims as one of his achievements the introduction of compulsory motorcycle rider training. Good one, Mr Duby! This is yet another matter which was included in the Labor budget and in relation to which the Bill was prepared last year. Perhaps Mr Duby thinks that promising free parking in Civic for vehicles carrying three or more people is an innovation. I hope he does not think that he thought of it, although he has most certainly claimed the credit for it. Quite obviously, Mr Duby did not read the paper on transport issues which we released last October and which proposed the same thing.

One comment that can be made in favour of Mr Duby is that at least he has stuck by his election platform. His total inaction as a Minister is a clear indication that he still opposes self-government or, what I think is more the case, he simply opposes the sort of self-discipline that leads to some kind of productive work. The record shows that this is a government of hollow words, confusion and inaction. It is a lazy government with stolen achievements and no vision, which is demonstrated by the fact that its policies are made up as it goes along. It is really interested in only the perks of office, and it has had a little disappointment in respect of that lately.

It is a government which, Canberrans are learning to their cost, is a very sad mistake for our Territory. What Canberra needs is a government which cares about Canberra and puts the people first, which has a vision for a socially just ACT and which is united and not afraid of hard work. What we need is a Labor government.

MR COLLAERY (Attorney-General) (4.08): We got the message in the last few words, Mr Speaker. This is an election speech, but the former Chief Minister has till 1992 to compose that more adequately. I assure you that, by then, our list of achievements will be much longer than the current one.

I will take the subject seriously. I suppose it was put on with some levity by the Opposition, but let us take it seriously. I will make a couple of points first. There was a reference to 16 sitting days of Labor against, I believe, nine of this Government. The records show that we had the summer vacation, and we heard no applications from the other benches to sit over Christmas and New Year. Be that as it may, during those 16 sitting days the Labor Government took five sitting evenings off. I think the records show that, but a report on ABC radio this morning suggested that there was something unusual about the alterations last evening.

The real issue that I think we should tell the Canberra people, who might be becoming perturbed about some of the statements that are coming from the Opposition, in terms of whether self-government is working is that the first thing you will notice is that we laugh a lot together; we enjoy each other's company, and we are a team, and that is the most pleasant and surprising aspect of the Alliance Government.

Mr Wood: What is surprising about it? You never expected it?

Mrs Grassby: Not surprised? Birds of a feather flock together.

MR COLLAERY: Each to his or her own. We are working; we work long hours and days and weekends, but certainly we have a good working relationship. A lack of

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factionalisation, which regrettably the other side of the house cannot tout around, is a measure of the team that this community - - -

Mr Wood: You have never seen any gaps across this side.

MR COLLAERY: Mr Wood, I have seen your Labor Party unable to agree on which lift to get into. The true test is that we need to present the Canberra people with a stable, reputable government, and the people of Canberra have that. We have developed a good working relationship with the public administration, the excellent public service that we have. We have developed a good working relationship with other elements in the community - the community groups and the many and varied other elements in the community, and I include among them the business community. That is evident, and I do not believe that the Leader of the Opposition or any others who will speak on this motion is in a position to deny it. We have worked very hard with those groups. We are liaising effectively. In government one will always receive criticism. I remember saying to Graham Richardson, as we both got up at the Raiders game the other evening, "Which one of us are they going to shoot?" I doubt that people want to hear a politician before an event of that nature.

That brings me to another element, though I exclude Graham Richardson from this. We have had eight years of Labor neglect in the Territory, and a lot of the exhausting round that we are going through here relates to all those years of neglect of the problems and issues facing the Territory. The revelation today of the little bit of cute asset stripping over Gowrie hostel is just one aspect. We have a whole range of issues. But it really boils down to the real Labor ethic about government.

Admittedly, we came suddenly into government, and, surprisingly, it was presumably before the documents could be put in the wind tunnel and blown away. We came upon arrangements for an office in Tuggeranong, in relation to which the department of my colleague Mr Duby found itself at huge expense for what amounted to a suite for a Minister of the Labor Government. I think in the region of \$180,000 was set aside for a suite, and I think Mr Stefaniak, through some quirk of the post, received a bill for an \$11,000 table and chair suite for Mr Whalan's proposed other office.

Is that the approach of a responsible government? It is really disgraceful when those things occur. Did we not appear reasonable in not running that issue at the time and further bringing government into disrepute? We have let that issue come out in a reasoned and slow fashion so that we would not have the mob marching on us and throwing us all out due to the profligate activities of the Follett-Whalan Government. If you want to talk about confidence of the people, who got the crowds outside here demonstrating day after day? It was the

Whalan-Follett Government or the Follett-Whalan Government - we were never sure of that either.

We have a generally competent Assembly. Most of the Assembly people are working conscientiously to achieve results. The issues that offend the public are those relating to the gamesmanship that goes on here occasionally. One has only to look at Hansard of recent days to see the deterioration, and a deteriorating situation it is, Mr Speaker. Day after day, we have a record of Mr Whalan's comments. On the last evening on which we sat, after I had been working all day and had been in my office - I was sober and had not had dinner - his words quoted in Hansard are:

... I know that Mr Collaery has been out for dinner -

whereas I had not -

and I can understand that he is half-pissed ...

Yesterday in this Assembly, as I was speaking, he said:

Stop wanking. Sit down, you wanker.

He went on, and his behaviour continues. Is that the sort of performance that the ACT ratepayer wants in this house? Did I get elected to be treated in that way? Is it proper for Mr Whalan, if he is so troubled by past events, to continue that behaviour in this house? Is the present Opposition geared to opposition? Can it operate without the public service? Is it capable of working with this Assembly? It has not proven itself internally capable of working within its factions. I suggest that the real essence - and my colleagues will get up to give further detail - of stable government, proper government, is in our performance in the Assembly and, more importantly, in the community with the community groups.

In that most difficult and testing publication the Canberra Times there have been quite a few editorial endorsements of the Alliance Government. I do not hold the Canberra Times up as our benchmark, but the Opposition is alone in saying that our performance has been disgraceful. It is alone, and it joins only its Labor kind to pursue that issue.

Was it proper, truly, of the former Minister for housing to start that fracas over the Northbourne Flats? Is that the performance of a proper Opposition? Does it really indicate that, in government, that Opposition had any greater level of responsibility? That was a cruel event. Fortunately for Mrs Grassby's physical security she was not there when I met with the tenants; they were pretty cranky. That is the style of the Opposition.

Coming on shortly is a motion by the Opposition to deal with the failure of this Government to reappoint the

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Federal human rights office and, more importantly, the references that the Leader of the Opposition made to our failure to bring on anti-discrimination and other human rights legislation. Those issues are extremely well advanced in our Government. Cabinet decisions, I can inform the house, are imminent on the subject.

But on the subject, firstly, of an interjection that Mrs Grassby made earlier about the social conscience of this Government and that we have failed to open a human rights office here, let me read from a letter to the editor of the Canberra Times from the former Chairman of the Human Rights Commission here, Mr Peter Bailey. I will table this in a moment. Among other things, Mr Bailey says:

The current Human Rights and Equal Opportunity Commission (...based in Sydney) has shown little interest in building up its complaint jurisdiction. It currently handles less than half the number of complaints the former Commission handled. Its servicing of the ACT is even less ...

He goes on to make quite substantive and informed criticisms of that commission's perceived role for this Territory.

It was a Federal Labor government that removed the commission, and I find it the height of hypocrisy to have put on the papers here a suggestion that we have been indiligent in not getting - as if we constitutionally could - the Commonwealth to reopen its office here. The Commonwealth is at liberty to open its office here whenever it likes; it has not done it. I suggest that once again this factionalised group across the way has been unable to properly direct its energies, which should have been to their own kind over the other side. The Government will bring forward innovative, comprehensive anti-discrimination laws. It is proceeding with great discretion, sensitivity and, in a consultative manner, with a restructuring of the courts system.

The list of achievements of the Kaine Government is a response to claims made by the Opposition. The document was not put out through our initiative but was provoked by a press release from the Opposition. Some of the claims that Ms Follett made were very selective. She said, for example, that the Government had announced that the \$100,000 for a community mediation service was her decision. The document that we released to the press said, "(NB: Follett Government initiative)". I thought it was less than generous of the Leader of the Opposition to impute otherwise.

It is really somewhat childish for this debate to be based around what the Opposition has done and what we have done. The real issue is what we will do. This Government will bring this Territory out of the bind that it has been in as

a vassal territory of a Federal government over the years. This stable grouping of 10 persons out of 17 in this Assembly is already delivering the goods.

Mr Moore: If you keep saying it long enough you will believe it.

MR COLLAERY: We hear the voice from the pillar or the couch over there. Parking in Reid and other inner suburbs was looked after by Mr Duby of the Alliance Government; that is irrefutable. We have seen a letter in the Canberra Times recently from the leader of the Reid Residents Association thanking the Alliance Government for that initiative. I suggest that Mr Moore give some thought to his role in the Assembly on topics of that nature when he is clearly being completely unreasonable towards this Government.

The other direction in which this Government is going is placing this Territory on a proper national and territorial level. This ministry is taking its place with like-minded governments and ministries on issues of reform which affect the community across the political spectrum.

Although the Opposition is belittling us on issues such as whether an Executive Deputy is attending, the real issue is that we are attending ministerial conferences at which we seek out and find interesting developments that will put this Territory on the map in terms of proper and stable government. I will give you an example. The South Australian and West Australian governments have innovative programs in the field of public housing and welfare. There is no point in this Government trying to reinvent the wheel in some of those areas. Ironically, they are Labor States with which we have recently exchanged information. We have received the utmost cooperation from those Ministers. They see the pressures that we are under. They trust that the people of the ACT will be served. They are not trying to serve us as Ministers; they are helping us on a collegiate Australian basis. To belittle the attendance of people shows the pettiness of the Opposition at the moment. So you got rolled. Why do you not grin and bear it and get on with serving the people of the ACT?

Mr Berry: I want to get Mr Collaery to table that letter to which he was referring.

MR COLLAERY: I table the following letter:

Human Rights Office - Copy of letter from Mr P. Bailey, to the Editor, the Canberra Times, dated 17 January 1990.

MR SPEAKER: Thank you, Mr Collaery. Thank you for that observation, Mr Berry.

MR WOOD (4.23): Mr Speaker, we have just heard a most significant speech. It was 15 minutes in length and not

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more than one minute of that time was spent on anything within the Minister's portfolio.

Mr Collaery: Anti-discrimination, human rights - - -

MR WOOD: I said not more than one minute. I have been watching and listening most attentively. He carried on an attack on the ALP - and I guess that is fair enough, why should not he, he is entitled - but I had expected him to get up and tell us all the great things that he has done in the last 100 days and that he plans for the future.

Mr Collaery: That is not what the Canberra people want to hear.

MR WOOD: You have conceded to Ms Follett's argument by default and you emphasised that when you said "What we will do is important". "What we will do". You have emphasised that point. You have conceded to the Labor leader.

I want to make one comment. You attacked Mr Whalan for some of the remarks you claimed he made in this Assembly. You have got no right to do that. Mr Collaery, you have got no right to criticise anyone for what they say. I remember when you stood in this spot sometime last year and made outrageous allegations against Mr Whalan. You have got no right to criticise anybody. You have no moral standing at all in that respect.

I want to move on now to contrast the work of the Follett Government and the excellence of its 100 days with the confused and the languid Kaine Government. There are clear differences. I believe any objective assessment sees that the Kaine Government fails miserably in comparison. We should note that the Follett Government started from scratch. We took up the show and made it run. Your Government took over a prosperous running organisation well-founded. You had a running start.

There is a major difference between the two governments that we can compare - and we are in a position where we can compare them because it is not often you see one government for 100 days and another for 100, each with a fairly distinct life. The major difference between these two governments is that the Follett Government had first established the ideals it wished to achieve, then it determined the clear aims to reach those ideals and, finally, it introduced the program to accomplish those aims.

The Follett Government established and followed principles founded in a strategy of social justice. It knew where it was going. Those principles were ones of equity, of equality of rights of access to services and of participation by all. That Government was concerned for every citizen in Canberra and for a Canberra that was pleasant and safe and vital. They were the clear thoughts of the Labor Government. I know, as I sat around in the

discussions at the time, that it knew where it was going. That philosophical foundation is essential.

MR SPEAKER: Order. Mr Berry, I put you on warning. If you disobey standing order 40 again, I will name you. Please proceed, Mr Wood.

Mr Berry: Well, I seek leave - - -

MR SPEAKER: You cannot seek leave. Please proceed, Mr Wood.

Mr Berry: Yes, I can.

MR SPEAKER: You are on warning, Mr Berry.

MR WOOD: That philosophical foundation is essential. I understand that there is a problem with the group over the road there. I understand there are three disparate groups that have somehow to be moulded together and it is no easy task. I recognise that. We have the Liberal Party, which has always been a party of opportunism from the days when it was founded by Menzies who took a group of people out of office and said: "We have to get back in somehow. Let's establish a way", without having any particular philosophy leading to that. We have the Rally that was born in protest, in reaction, and that is fine. That is fair and reasonable, but it is not good enough for guiding principles. We do not forget this Pryor cartoon that expressed the philosophy of the Residents Rally and the vision of the Residents Rally with the comment from the Residents Rally: "It is not our job to create that vision, but we certainly believe we will recognise it when we see it".

Mr Collaery: Michael Moore said that.

MR WOOD: Yes, I know. I know that, but he was speaking for the Residents Rally as the official spokesperson for the Rally. There is no doubt about that. It was in your good old days there and that is a fair reflection. Of course we have the third leg of this coalition over the road, the NSGs, the now self-glory party. Its members are the only successful group in that coalition because they came in here with the view to destroy self-government and they are doing it very well, given their influence on the Government.

Mr Collaery: I heard you telling Rosemary to use that this morning. I really could not help hearing it, Bill. I did not mean to.

MR WOOD: Well, nevertheless it is very true. There is no vision in this collection across the chamber and I believe that you do need that fundamental vision if you are to know the path you want to go. So what do we get? We get the view expressed in the Chief Minister's first speech where it begins with the claim for vision but then becomes a

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matter of fragmented items, put together hastily with no framework around them. There is nothing coherent around them.

Discussion interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

KAINE GOVERNMENT'S FIRST 100 DAYS Discussion of Matter of Public Importance

Discussion resumed.

MR WOOD: Mr Kaine's speech was a lot of this and that with nothing to hold it all together. Mr Humphries today concluded a submission on schools - a ministerial statement. I know it had a particular aim and it was not meant to be a philosophical overview, but again it is a bit of everything. Even in the first paragraph he says that he wants to reflect the Government's position on a number of issues. Well, fair enough, I will not criticise that, but I will ask, "What should the education Minister be doing?" He has a requirement from the Chief Minister for a 4 per cent cut so he needs to be looking where he wants the school system to go. He wants to know the direction it should be going in and he should be facing that 4 per cent cut - forgetting that, in a sense - and going back and saying to himself, "What do we want from our schools?" That is the basis to work from. He should determine how far he can go with the money that is available, if he wants to follow the instructions of his Chief Minister.

Mr Kaine: You have got it right so far, Bill, excellent. You are right on the track that we are following, so far.

MR WOOD: But let us go back to your views. You have often expressed the view in this chamber, about - what is the term - zero budget. Now, as I understand - - -

Mr Kaine: That is not right, Bill.

MR WOOD: What is the term?

Mr Kaine: If you do not listen, I am not going to tell you.

MR WOOD: Well, you have expressed the view, and you have used those terms that when your Government determines its budget arrangements, it is all back to square one. Every program is of equal worth or of no worth, depending how you want to put it - every program has to justify its existence.

Mr Kaine: That is right.

MR WOOD: All right. That is right. But what do you do? You take no notice of that. You go back and impose a 4 per cent cut across the whole sector. You repudiate the claim that you make.

Mr Kaine: That is not right, either. Get it right, Bill. That is not what I said.

MR WOOD: Well, you may correct that later on. It may be useful for this Assembly if you would clearly define what you mean by that zero budgeting.

Mr Kaine: You misquote again. It is rubbing off from your leader. You continually misquote and distort.

MR SPEAKER: Order!

MR WOOD: I have read what you said, as a matter of fact I index it. I am quite careful at doing that.

MR KAINE: Well, quote it accurately, please.

MR WOOD: It was a brave statement, but you ought to hold to it. You cannot tell me that a 4 per cent across the board cut, across all departments, fits with that concept that you were stating here one day. It certainly does not. So, the problem is we get to fragmented policies; we get to random issues. I have got a great heap of quotes that regrettably I will not have time for, from the statement you issued yesterday. They demonstrate just that.

Mr Collaery: We will fight on the beaches - - -

MR WOOD: All the vague terms in the world, actually, Mr Collaery, every little vague term you could find. I might go through them now.

MR SPEAKER: Order!

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.33): Mr Speaker, I rise in this debate to say that I am proud to have served for the last 100 days in the Government led by Mr Kaine. And I am proud because I believe that those last 100 days have laid the foundations for strong, decisive and fair administration of the ACT for the next two years. I believe that we have direction in this Government. I believe that we have achievements, we have runs on the board, of which we can be proud, and that many more are to come.

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I think that we, and the Territory, can proceed with confidence on the basis of what has been achieved on this side of the chamber. This is particularly so because this Government is based on the knowledge that it has a majority of members on the floor of this Assembly, and in turn, represents the majority of electors at the first election for this Assembly. That is a very important reflection. It indicates clearly, our view, that we act for and represent the views of a majority of electors in this Territory. The previous minority Labor Government could make no such claim. As I have said, I believe that since 5 December we have put in a strong performance. I am proud of that performance.

Before I go on to list our achievements - certainly in my areas; and I think it is unfortunate Mr Wood is not here to hear this - I think we should add a disclaimer. I think that Ms Follett particularly should listen very carefully to this disclaimer. Let us be realistic. In its first 100 days, no government coming into office for the first time is able to produce what I would call ideological or characteristic legislation - legislation which characterises its own particular political platform or policy. It is always the case that in those 100 days, a government will inherit and enact the legislation of its predecessor.

If we are unable to claim, as Mrs Grassby and Ms Follett and Mr Wood have said, the legislation which we have put through or which we have shaped, modified or announced in the last 100 days, on the basis that it was prepared, initiated or in some way dealt with by the previous Government, then by the same token that previous Government had no right to claim legislation that it counted as its own. Even today I have heard Mrs Grassby say, "That was our legislation, that was ours". What counts as "our legislation"? I suggest that anything that has come near a member of the ALP belongs to the ALP, according to the interpretation put on it by the members opposite.

In fact, Mr Speaker, the claims about achievements made some time ago, after 100 days of the Follett Administration, were hollow. And on that basis, it would be wrong for any government to claim too much. I believe what we have indicated, and particularly what the Chief Minister has indicated, have been initiatives for which we can take credit, not just on the basis of what we have actually done or put in place in the way of legislation - and obviously it has to be a very small volume of legislation - but also on the basis on what we have been able to shape in the way of a vision for Canberra. I believe that that vision has been very clear and articulate.

I told Mr Wood that I would indicate some of the achievements that I believe have been made by this Government and I will now do so. I suppose it begs the

question of how you measure achievement. What are the appropriate standards? I have two. The first of those is what we have actually done in the way of announcement or actual decision and implementation. I want to turn to each of the three areas for which I am responsible and look first of all at hospitals. I inherited a hospital system in a state of financial chaos - utter and absolute chaos. It was characterised most dominantly by a \$7m cost blow out in the 1989-90 financial year - \$7m. My predecessor, Mr Berry, went to water when he had to face that problem. He did absolutely nothing, even though he had some time between the announcement of that difficulty and the change of government in which to address it. Nothing happened. The fact is that he backed down in the face of pressure from health unions.

This Government was different. Today I can say proudly in this Assembly that we have turned around the financial situation of our hospitals. The 1989-90 budget is back on track; it will be a balanced budget at the end of the year. That, in itself, is one achievement of which this Government can be proud and about which it can hold its head high. If that were the only thing this Government had achieved, that would be enough to justify the last 100 days of this Administration.

In the area of hospitals, we have also improved the morale of our hospital system by agreeing to reappoint or to appoint a hospital board which is in the mould of what was recommended by Dr Brendan Kearney in his review. In doing that, we have added great stability and certainty to the future of our hospital system and, in particular, to the hospital which faces special problems in meeting the financial demands of the coming months.

In the area of education, the Alliance Government has moved to address the issues of closer participation by citizens of the Territory in the running of our school system. We have taken the previous Government's plan for what was then called "extended school self-management" and what is now called "school based management", and strengthened that principle. We have provided for an element of consultation, which did not occur under the previous Government and which is now occurring, about how that might be implemented. It is a system which will give schools and school boards, parents, teachers and students more say in the way in which their schools are run at their level. We are reinforcing and strengthening that by establishing a schools council, a body similar to the hospitals board, which will provide an overview of education in the Territory and give the community, as a whole, greater access to education decision-making.

Finally, in the area of arts, I want to mention that this Government has been able to free up a long stagnant process whereby some \$2m in grants to the Australian National Capital Artists for the creation of artists' spaces has been released. We are now able to proceed with the grant

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of money made quite some time ago. That backlog was cleared very quickly under this Government.

Mr Berry: Where did the money come from?

MR HUMPHRIES: It came from our CDF. It was announced by the Federal Government about two and a half or three years ago. It remained stagnant and backlogged because of an inability to make decisions previously. We moved quickly to free that money and to ensure that it was granted.

Mr Speaker, there is a second measure whereby we can assess whether a government has been successful or not in its first 100 days and that is by the sorts of comments that are made by an opposition. I believe that where there is substance, credibility and solid achievement, it is necessary for an opposition that wants to get its name in the papers to distort the facts; to make up straw men to joust with in order to justify its existence as an opposition. That has been the case in the last 100 days for sure.

Let us look at some of the ridiculous things that have been claimed by members opposite. I am particularly familiar with some of the outrageous claims made by the former Minister for Health. On 31 January in the Tuggeranong Valley View under a headline, "Health cuts will hit Tuggeranong", Mr Berry claimed:

The coalition Government is looking at any option to save money and closure of Woden Valley Hospital Accident and Emergency from 11.00 pm to 8.00 am would save about \$250,000 a year ...

The fact is that this Government has no intention - I repeat, no intention - of closing or reducing the hours of operation of the Woden Valley Hospital casualty section. It would have been more responsible of Mr Berry to ask me or contact my office or my department before making a claim that that was going to happen. It was alarmist, it was irresponsible and it was a measure of his party's failure as an opposition. A measure of our achievement as a government is that we are able to say decisively that we will not be doing things of that kind.

A number of other statements, quite without foundation, have been made by members of the Opposition, particularly Mr Berry. Mr Berry claimed that the coalition Government - as he likes to call it - has dropped plans for a 24-hour crisis service for the mentally ill. Indeed, a claim was made that the Follett Labor Government had established a 24-hour mental health service. How interesting. I do not know about any 24-hour mental health service established by the previous Government. I know that the view has been expressed that we should have one.

Mr Berry: You read all the whole statement. Read all of it. You are lying. You should read all of it.

MR HUMPHRIES: I know about the promise for money for it, but there was no service established. When we provide for such a service, Mr Speaker, it will be a real service; it will not be a make-believe or phantom service.

I think the claim that this is a lazy Government will disappear: it will disappear when Mr Kaine makes clear the budget strategy which he is going to pursue over the coming two years. That will show very clearly what the kind of work this Government has done over the past four months to put the ACT in a better financial position than it is now - a position which was neglected by the previous Government, but which we have to face up to.

MR BERRY (4.43): I must say that the first 100 days of this joke of a Government opposite has consisted mostly, at least in terms of debate in this place, of spineless and impotent attacks on the former Chief Minister and the sterling job she did while she held that office until she was rolled by the opportunists opposite.

Mr Kaine: If you do not perform, you get rolled. It is as simple as that.

MR BERRY: Stay here and listen to the debate. Do not stroll out. Somebody said a moment ago - and I think it was Mr Humphries - that the Government's achievements list would be far longer than the current one after the Alliance Government had finished the next two years in office - that is if it lasts. One would hope that it would have more substance than the list of what has been done so far. I must say that Mr Collaery is on another flight of fancy. He has been listening to his own propaganda. I must say that nobody can talk more interestingly than somebody who does not have to worry about facts and information; Mr Collaery has certainly proved that.

According to Chief Minister Kaine, the first 100 days in office have strengthened the credibility of the Government. That is a nice claim but, of course, it is not supported by the facts. There have been a couple of public demonstrations about the acceptability of the Government in relation to those issues I raised this morning where Mr Collaery was booed off the stage and these demonstrate that the Government has no credibility. Mr Kaine, of course, will not come out of the woodwork, and he is letting the brave Mr Collaery go out and cop the flak for him.

The fact is that the Government has no credibility and, of course, Mr Duby just keeps his head down. The description of his party as "the now self-glory party" is the best I have heard in this sitting. There can be no claim to credibility by a group of people, widely recognised as opportunistic, who are in power for purely cynical motives after that power grab we saw last December.

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Mr Kaine talks of an impressive record of achievement, indicating the dedication and commitment of his Ministers. Perhaps he is referring to their dedication and commitment to social functions like we saw last night, instead of the Assembly business and public service that Mr Collaery chatted about earlier on. Clearly, they just cut short the business of the Assembly, as Mr Jensen said, to attend functions. Do not tell me they could not run the business of the Assembly - - -

Mr Jensen: You did it as well. We were not as churlish as you, Mr Berry.

MR BERRY: But we always did it by agreement and not at the expense of the business of members opposite. According to the Chief Minister, his Government colleagues have mostly applied themselves to introducing initiatives with the lives and well being of Canberra residents uppermost in their minds. The people of Canberra could be forgiven for questioning what, if anything, is uppermost in their minds, although Mr Kaine is obviously more interested in higher salaries because he has already indicated that he is going to make a claim for higher salaries for those people who make up his Government.

There have been no initiatives which improve the lives of the people of Canberra. There have been only threats and rumours which affect the lives and well being of these people. Mr Kaine counts as an achievement of his Government the review of the ACT public sector, a razor gang or machete mob, as his mate Mr Duby described it.

The sole purpose of this review is to cut the employment opportunities of the people of Canberra and we all know that that will lead to cuts in services. I must say that Mr Duby has clearly demonstrated his inability to come to terms with what he is supposed to be doing. The demonstration by the firefighters, which was caused by Mr Duby's refusal to negotiate with them and which was identified by the Industrial Relations Commission, led to the Government's being criticised for its inaction over the matter.

Mr Duby: It was not.

MR BERRY: It was criticised.

Mr Duby: It was not.

MR BERRY: It was criticised - you want to read the documents if you have the time or the energy to have a look at them. The Government was found out for failing to negotiate with those workers and has had a timetable set to ensure that it complies with reasonable industrial relations practices.

On running through Mr Collaery's so-called achievements, I believe that the only initiative which has originated with

this Government has been the establishment of a new policy direction on substitute care and family support - an initiative which led to the closure of places operated by the Richmond Fellowship under the Outreach Program, for which he allowed George Magdulski to carry the can.

Ms Follett: Blame the Public Service.

MR BERRY: Blame the public servants again. Mr Collaery will not even take responsibility for the cutbacks in his own portfolio area and we heard him whingeing on about the Gowrie hostel a moment ago. Thankfully, the Commonwealth will still retain some control over the building because this Government would have sold it. It is very clear that Mr Collaery has copped the trouncing of his life and he is still stinging. He would be hurt by this because he did not expect the diminutive Mrs Grassby to cuff him around the ears so solidly. I think he will be still stinging until he is thrown out of this place.

The Government calls this an achievement. Perhaps that is a hint of the achievements to follow under the Kaine Government - cuts in services, cuts in jobs, a downgrading of the quality of life for everyone in Canberra, except perhaps for their business mates and perhaps those in the tobacco industry. Even the Greiner Government would be satisfied with the performance of this Government. Every time a member of the Greiner Government turns up in this area a whole bunch of the Liberals opposite wander around them like fawning sycophants, apologising for every action of that cursed Government in New South Wales.

Everything else claimed to be an achievement in Mr Collaery's Community Services portfolio is either a Labor initiative or something which required no effort, no work, no commitment and certainly no dedication. Plans to raise issues at national level and table reports do not involve anything onerous. The people of the ACT might well ask what this Government has been doing in its spare time.

Similarly, in Mr DUBY's portfolio areas, there is a list of so-called achievements which are simply a tribute to the efforts of the Follett Labor Government and Mrs Grassby. On the other hand - and this is the laugh of the day - Mr Humphries has achieved a move to bring nurses' remuneration in line with that of their counterparts in other States and Territories. I am sure that the Industrial Relations Commission, the Australian Nursing Federation and all other State and Territory governments will be forthcoming in their praise for this achievement. The result was a matter listed long before Mr Humphries became the Minister. What he did achieve was a winding down of the health system in the ACT while he flexed his muscles with the ACT nurses over their wages and conditions which rightly should be dealt with in the Industrial Relations Commission. Incompetence, that is what it was.

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Basically, what has occurred in this place has been the establishment of a code of secrecy where nobody can find out what this Government is up to. Either it is doing nothing or it has some grand plans which are still in the early stages, but it is very clear that it is operating behind closed doors.

Clearly, the Government opposite is not about providing services for the people of the Territory. It is not about proving its worth to the people who elected it. Indeed, this Government will continue to wind down this Territory in pursuit of its ideological objectives which, as Mr Humphries admits, are yet to be seen in its legislative program - that is if it can eliminate the differences between the Liberal ideologies and those of its other members. Mr Collaery has always claimed that he is a real lefty; I do not know how he is going to get along with Mr Stefaniak. But, again, Mr Collaery listens to his own propaganda too much and Mr Stefaniak makes no apologies for his position.

In its first 100 days, this Government has done little for the people of Canberra except wander around and enjoy the trappings of office which will be improved if Mr Kaine has his way at some time in the future. I think that the credibility of this place is damaged by the actions - or inactions - of the Government opposite and unless it can get its act in order over the next two years - and it appears at the present rate of improvement that it will not - the people of Canberra will rightly elect a Labor Government with an overwhelming majority next time.

MR SPEAKER: Order! The time for discussion on this matter has expired.

STANDING ORDERS
Statement by Member

MR BERRY (4.53): Mr Speaker, I seek leave to make a statement in relation to standing order 40.

Leave granted.

MR BERRY: Mr Speaker, you have taken the opportunity to draw my attention to standing order 40 of the standing and temporary orders about the acknowledgement of the Chair. I would be quite happy to do that if you would indicate how you would like that acknowledgement presented.

MR SPEAKER: Thank you for that opportunity. It is common knowledge that in all parliaments and in the judiciary a nod of the head towards the Chair is the accepted method.

MR BERRY: So you would like me to bow?

MR SPEAKER: No, a nod of the head would do, thank you.

MR BERRY: What about a raise of the eyebrows?

MR SPEAKER: Certainly not.

**INFORMED DECISIONS ABOUT MEDICAL PROCEDURES
Paper**

Debate resumed from 15 February, on motion by **Mr Collaery:**

That the Assembly take note of the paper.

MS FOLLETT (Leader of the Opposition) (4.54): Mr Speaker, I would like at the outset to welcome the production of this report on informed decisions about medical procedures. It is a joint report from the Law Reform Commission of Victoria, the Australian Law Reform Commission and the New South Wales Law Reform Commission. It is some time since it was tabled in the Assembly, but I would like an opportunity just to speak very briefly on it because it addresses some very important issues.

It is a fundamental tenet of the Australian Labor Party that individuals and the community have a right to know about decisions that affect them. So the report on informed decisions about medical procedures did not arise because everything in the medical world was all right and simply needed some fine tuning. The report was based on the experience of thousands of Australians who had had their right to know what doctors were doing to them ignored or abused. The report does indicate that things are changing in the field of information from doctor to patient. The Labor Party accepts that conclusion, but is firmly of the view that more needs to be done and needs to be done more quickly.

Part of that process is assisted by widely publicised and supported health complaints units with legislative power to take action to ensure that patients are accorded their legal rights. The report that I have been speaking about supports that approach. But it is also necessary for the medical training schools and medical associations to expand their programs of education of doctors on the question of patients' rights. On that score, I commend the Australian Consumers' Association for its education programs aimed at the elderly, in particular, about their medical rights and responsibilities.

It is important to note that many doctors are absolutely fantastic in informing their patients of their medical conditions and treatments. But just like the concept of corruption, the few bad apples theory is applicable to the medical profession on their attitude to the patient's right to know.

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For too long a proportion of the medical profession has remained aloof, uncommunicative and condescending to people who seek medical advice. This attitude has been especially marked in relation to some of the most vulnerable members of our community, particularly the very old, women, people from non-English speaking backgrounds, and, of course, the very young.

Mr Speaker, the report represents an important step in breaking down the power relationship between doctors and patients. I congratulate all those doctors who have already accepted and supported the patient's right to know. I encourage the rest of the medical profession to join the twentieth century.

I will be watching with interest the steps which this Government takes, or does not take, which seems the more likely outcome, to implement the report's recommendations and its consultative process with the community on the recommendations of this report.

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.58): Mr Speaker, I welcome also the opportunity to talk on this subject because I do believe that the report is significant and does need to be raised at this point. I think it is helpful that we have had that opportunity and the debate today will help to air some of the issues which emerged from that report.

I think that it is appropriate for the Government - and discussion will have to take place about this before a formal position is determined - to support the important principles on which the report is based, particularly the recognition of the right of clients, or patients, to make their own decisions about medical procedures. That does not mean that they have to accept necessarily what the doctor might advise them as to what they should do about their own health or condition, but it does mean that they have the right to exercise that decision, they have the right to proper full information about the way in which that decision will affect them and that that, in turn, will lead to an informed decision being made. It will also lead to a situation where standards and limitations are clear, so that professional compliance on the part of doctors is practicable and obtainable.

The extensive consultation and submission process that went into this report has ensured that the various views have been elicited. The report recognises that the matter of the legal principles which the interests of clients, doctors and the community raise may have very differing emphases. Of course, doctors will want a clear standard with which they are able to comply. Patients will want a form of redress most frequently where they do not get good advice or where they want information beyond what is available to them at that time. The community as a whole will want to ensure standards for discussion and decision-making which are readily understandable.

The recommendations are supported in general terms, because they recognise the concerns of both clients and doctors. They enable guidelines to be determined by an appropriate recognised and professional group. They do retain the role of courts as final arbiters of a satisfactory general standard in particular cases. I should say here that it is obviously the case that the law has already developed very finely-honed standards in this regard and I believe it is not appropriate to disregard them or put them aside in favour of some other independently determined standard. The recommendations are flexible and aimed at being implementable, given the complex issues involved.

The report has separately highlighted the issues relating to the ways in which the process of informing clients might be facilitated and this has some advantages. First of all, by giving the task of developing them to the National Health and Medical Research Council, the guidelines will have maximum advantage in that the processes of drafting them, providing it involves all parties, will, firstly, be educative in itself; secondly, will have potential for greater support from the community; and, thirdly, will link in to a recognised process.

It will also be able to be executed over time - that is, general guidelines could be followed by a series of more specific ones and public comment could, of course, follow concurrently. The advantage of the approach adopted is that various authorities can independently consider their own use of the guidelines. For example, the ACT Department of Health will obviously have to consider those guidelines for itself in relation to its community medical and hospital protocols and client education information and self-help programs.

The success of the strategy proposed by the report hinges, I think, upon the production of those guidelines and the usefulness of those guidelines. Developing these will be a complex task and will require cooperation from all groups involved. Before they could be adopted in the case of the ACT, my department would want to thoroughly review the guidelines and would want to be assured that all interest groups have been appropriately involved, and I intend to see that that occurs.

My department wants to consider the ways in which such guidelines might be used in, for example, its routine delivery of health care services and also in regard to special help for some client groups - for example, those from non-English speaking backgrounds or those with a speech or hearing disability. Of course, special considerations apply in those circumstances.

The report limits its consideration to medical treatment by doctors and does not raise the issues as they relate to other health professionals. The same changes which are producing increasing community demand for participation in

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decision-making are also affecting professional relationships with the health system and the levels of autonomy and responsibility of other professional workers, for example, physiotherapists, chiropractors, dietitians, midwives and people of that kind. I do not criticise the report for that omission; it is obviously a major work and clearly requires careful consultation before any conclusions can be drawn about particular professional groups. I do believe, however, that the start made in the case of doctors is a useful one and appropriate extrapolations in the case of other professionals should be considered.

I think that increased debate on informed consent issues may well lead to related issues such as the right to die without treatment, euthanasia, the right to refuse treatment and the responsibilities as well as the rights of both clients and professionals all being considered in a better light. If the report is a catalyst in providing informed public debate on these issues, as well as those contained within it, I think it will have proved very useful.

Within the scope of this report there is some capacity for very useful debate within the ACT. Ms Follett made reference to the attitude of doctors and the problems that that gives rise to and, of course, I acknowledge there has been a problem. I think she was possibly quoting from the report when she described doctors as being, on occasions, aloof and condescending towards client groups. I agree that that is an issue which has to be addressed in this debate. But doctors are not the only professional group, or indeed the only group, providing a service to the community in which that kind of thing occurs. It is particularly keenly felt in the case of doctors because, in a sense, our lives are in their hands and naturally people want to have advice and information on a one-on-one basis, rather than feeling that they are being told what is best for them.

As I said before, I hope that this report will lead to a better debate on this subject, that it will lead to better information about what is available, what is legally possible and what is appropriate and, in particular, will generate debate within the medical profession itself such that the standard of care being provided and communication are both improved.

MR WOOD (5.05): Mr Speaker, it is the case that a significant factor in the consent for medical procedures that a patient gives a doctor is the requirement that the patient is fully informed about any such procedures. It is not sufficient for either the patient or the doctor to believe that a patient need only have a basic trust in the doctor. A doctor may be negligent if he or she does not properly inform the patient of all that is involved in treatment and the outcomes of the treatment, and I would refer to a passage in the document quoting Mr Justice Cox, who said:

The medical man's duty ... extends to the whole of the professional relationship, including examination, diagnosis, treatment whether medical or surgical, and the need in an appropriate case to provide information to the patient.

There is a responsibility on the part of the patient. All patients should be inquisitive, determined and prepared to get beyond the medical terms that are likely to be used. Assistance is needed. This is all the more important if facing serious treatment, where a number of alternatives are available or if there is a greater degree of risk. In our increasingly litigious society doctors are sued, and patients get treatment that they believe is unsatisfactory and want to take action.

This report is a response to the need to ensure that the law is as clear as possible. Broadly, the report could have taken two paths. It could have recommended guidelines which courts could consider in determining any doctor's liability. Those guidelines would give only evidentiary status. On the other hand, the report could have provided a stronger approach through legislation. In this circumstance guidelines would provide conclusive evidence of the standard of reasonable care in respect of information given about medical procedures. This could be done through legislation.

The report has opted for the weaker of those two approaches. I disagree with that report in this very significant matter, and I urge those in the ACT, from the Attorney-General to departmental people, to consider that a very large body of opinion believes that this matter should be proceeded with through legislation. We need effective legislative protection to be introduced for patients. The current law does not detail the nature and amount of information to be provided. These requirements are simply inadequate at this time.

I do not accept the recommendation in the report that the common law standard of reasonable care, which presently applies, should be retained. The report argues that this already provides a satisfactory standard and that legislation is not necessary, but it is obviously heavily influenced by doctors rather than patient groups. The argument that it gives is questionable, in my view. Current practice is much too vague and continues to place the patient in positions of dependence on the doctor who can continue to determine what a patient needs to be told. Legislation which could be enacted would place responsibility for medical decisions on the patient rather than the doctor. Surely that is where responsibility properly lies.

The report places great emphasis on guidelines. It is true that, whichever option the report had recommended, guidelines are needed and are very important. However,

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these guidelines should be seen as additional to, rather than a substitute for, a legislative basis for informed consent. In drafting these guidelines, care must be taken to ensure that the paternalistic tone of the report is not reproduced. Arguments that there may be circumstances in which it is in the patient's best interest to withhold information cannot be accepted. In no other profession or circumstance would such an approach be tolerated. Because these decisions concern our health, our most fundamental interest, this principle should not apply in the medical world. People are constantly taking decisions about their health - their diet or attention to exercise, for example. Yet the moment they walk into a doctor's surgery there seems to be a long-established tradition that they cede to the doctor a substantial degree of the right to make decisions.

Patients must claim their rights. I believe that doctors have taken great strides in recent times in respect of the information that they give to patients, but much more is yet to be done. The importance of this matter, an individual's health, is such that full acknowledgement of this, through strong legislation, is absolutely essential.

MR COLLAERY (Attorney-General) (5.12), in reply: I thank members for their comments in relation to this paper. In view of Mr Wood's comments, which were slightly and informedly critical, I thought I should mention that really this document was an historic one. It is the first time that three law reform commissions have jointly published a report, and they were the Victorian Law Reform Commission, the Australian Law Reform Commission and the New South Wales Law Reform Commission.

Also historic was, contrary to what Mr Wood suggested, the length and breadth of the inquiry. If I could draw Mr Wood's attention to appendix 4 of the document, he will see there that the inquiry received submissions from, or was otherwise assisted by, at least 20 individuals and 33 independent organisations, including the Women's Electoral Lobby, the Humanist Society of Australia and the Australian Council on the Ageing. To say that the report is strongly overinfluenced by the medicos is probably being less than just to the report. Be that as it may, it is historic - - -

Mr Wood: But you will listen to those comments.

MR COLLAERY: I think we will examine the Hansard, and no doubt the writers will look at that, too. The report has produced, as Mr Wood has suggested, a mixed reaction from the medical profession. Perhaps I should inform the house what that is, to my knowledge. The Federal President of the AMA said that he found the view that we could get informed consent impracticable. That was rejected by the Health Issues Centre of Victoria, which believes otherwise. It believes that the onus is on the doctor to try to ensure that the patient is comprehending what is being said.

Interestingly, the Royal Australasian College of Physicians supported the law reform recommendations. That is very significant, and perhaps that answers a bit of Mr Wood's concern that this will not get the momentum to turn itself into reality. Professor Ron Penny, chief Commonwealth education and services adviser on AIDS for the Australian National Council of AIDS, supports the document and believes that it is essential that patients be informed about what is happening to them. He specifically makes his comments in relation to patients affected by the HIV.

As my colleague Mr Humphries reminded me, the report does not address fully the condition of people with disabilities and minors. I note in a footnote, at page 17 of the report, that the South Australian Consent to Medical and Dental Procedures Act 1985 does not define health in this context, but it is suggested by the authors of this report that the general consensus would include all aspects, physical and mental. As Mr Humphries quite properly observes, there has not been sufficient emphasis on the situation of people with disabilities and minors.

The announcement made by the Government on its proposed law reform program, regrettably, has not caught the attention of the Opposition, and it did not show interest in debating that program yesterday. I believe that this document will be one of the early documents taken on board by the local law reform process. If a log jam develops interstate, hopefully the ACT can lead the way on this matter and meet the concerns raised by all members in the house.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Apartheid

MR BERRY (5.17): Today is the United Nations International Day for the Elimination of Racial Discrimination, or Sharpeville day. The laughter on the other side of the house demonstrates the difference between those people opposite and the Labor Party. The Labor Party's vision is international; we are concerned for people in other countries, and we represent a lot of people in the ACT who share similar concerns and who want apartheid stopped.

On this day in 1960 the racist police of South Africa murdered 69 innocent people and maimed hundreds of African people as those people peacefully demonstrated against

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these pass laws. These laws are an instrument of oppression of the Government, one of the tools whereby the majority of South Africans are deprived of dignity and basic human rights.

The Sharpeville massacre marks the beginning of the recognition by the outside world of the evils of apartheid. For the first time we saw the inhumanity and violence of the regime against its innocent victims. After the Sharpeville massacre, the African National Congress and the Pan Africanist Conference were banned and their leaders imprisoned. Victims were blamed.

The intentions of the regime were at last open to the scrutiny of the rest of the world. The Sharpeville Six were charged under the common purpose law, an iniquitous law practised by the racist South African regime, where people who have no part in a crime can be convicted of that crime for having been in the vicinity when the crime was committed. Another group that was charged under the same law was the Uppington Fourteen. Those people were never convicted of carrying out a murder; they were just in the vicinity.

Recently, with the release of Nelson Mandela and the unbanning of the African National Congress and the Pan Africanist Conference, there has been a hope that reform is under way in South Africa. But we must remain vigilant and we should not be seduced by simple cosmetic reforms. The South African Government is keen to have the rest of the world feel that there is change on the way in South Africa. We should not be convinced by mere window-dressing. The rest of the world must be clearly convinced that there is significant change in that country before it drops the sanctions against it. Everybody must stand firm to ensure that those sanctions remain in place until such time as real change takes place.

There are no proposals on the horizon in South Africa for one parliament which houses blacks and whites, and there are certainly no proposals for electoral reform. Until the apartheid system is completely dismantled, as my good friend Maxwell Namidzvahannani would say, root, stem and branch, the oppression suffered by the black people of South Africa will continue; there is little doubt of that.

As responsible Australians, we must lend our support to the oppressed and apply pressure to the regime to dismantle its racist system. A small group of activists in the ACT has carried the campaign forward for a number of years. It has repeatedly manned picket lines and demonstrated outside the South African Embassy, and has been maligned and pushed about because of its work in defence of the African people.

The street in front of the embassy is called Rhodes Place. As a symbol of this continued support, I have placed on notice a motion for this Assembly to support the renaming of Rhodes Place to Mandela Place. In this way we can

indicate our abhorrence of the racist system in a tangible way which will be a constant reminder to the people at the South African Embassy, who are the ambassadors of apartheid in this country.

Telephone Directory

MRS NOLAN (5.22): I would like to talk very briefly in relation to a couple of matters. The first is the new telephone directory that was released at lunchtime today by the Chief Minister and, along with the release, the new seven-digit telephone numbers for the ACT. But the issue about which I really wanted to talk was the contribution that Yellow Pages has made to tourism, for the first time, in this 1990 directory. I think it is quite appropriate that we see for the first time "Canberra and Beyond" which names many of our wonderful attractions in both the private sector and the public sector.

Mrs Grassby: So they ought to. They make a fortune out of it. What are you promoting them for?

MRS NOLAN: You may like to look at the new directory and see the work that has been done in relation to the photography and the script that is written. I think it is quite valid. I think it is quite important to see that a directory can be used for this sort of promotion.

We are seeing here places of interest, such as the National Science and Technology Centre, diplomatic missions, Government House and the Prime Minister's Lodge, Ginninderra Falls, Calthorpe's House, Bywong Town, Corin Forest, Tidbinbilla, Lanyon, Nolan Gallery, Rehwinkel's Animal Park, Queanbeyan, Yass, the festivals and quite a lot of others. I think this issue is of significance. It is the first time that this has been done in the ACT, although I am of the understanding that in other places similar things have been done.

I have one concern, and that is whether a price had to be paid for those photographs. With tourism promotion in the ACT I think photographs of such calibre would be provided freely, seeing that they would be well promoted, both within this city and beyond. The region is very important to us tourism-wise. This book obviously lands in most businesses and many post offices around the country. I think it is yet another initiative that will be very favourably received by the community.

Federal Election

MR HUMPHRIES (Minister for Health, Education and the Arts) (5.25): I want to raise an issue which has been coming up over the last few days in the media, and that is job cuts

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that might occur as a result of the election to be held this coming Saturday. I think the Prime Minister, a person who rarely receives any accolades from me, has in this case exposed the ACT Labor Party's campaign for the upcoming Federal election as baseless scaremongering.

With ads running in the ACT by the Labor Party, claiming that the Liberal Party would cut 4,000 jobs in the ACT alone, and Senator Bob McMullan ranting that 15,000 jobs would go, the Prime Minister has counterclaimed that the Liberal policies would add an extra 2,900 jobs to the public sector.

Mr Berry: If the answer is Liberal, then the question is stupid.

MR HUMPHRIES: I would like to know the real answer to the question. What does the Labor Party really think will happen under a Federal Liberal government? The electorate should not let the Labor Party's confusion let it think it does not know about job cuts. Within two weeks of the 1987 election Labor issued a press release axing 3,000 jobs in one fell swoop, and a month ago Labor announced that another 1,000 jobs were going. From the beginning of the term of this Federal Government until the end it has been involved in a war of attrition against the public service, particularly of this town. The Labor Party is like a junkie, doped up with job cuts, who seeks to appease his guilt by projecting it on to other people.

The Federal Liberal Party has not got into the job cut auction which is splitting the ALP. Our ACT Liberal Senator, Margaret Reid, has said that no public servant need fear for the future with the coalition's public service policy. Nothing in Federal Liberal policy would chop jobs wholesale, and the figure of 15,000 job losses is so much over the top as to be ludicrous.

The reality is that the Federal Government's failure to address public service reform seriously constitutes the greatest threat to public sector employment. In the face of the need for greater fiscal responsibility, Labor's "she'll be right" approach has wasted precious time for the public service reform to make the public sector financially secure in the long term. An efficient public service is our best guarantee of retaining jobs in the public service.

The Federal Liberal Party has announced a public service reform agenda which includes providing more opportunities for incentives in the public service, introducing a productivity improvement program directed at improving departmental work practices and productivity, applying productivity improvement targets for departmental running costs, rationalising functions to eliminate waste and duplication, looking at privatisation, contracting out alternative in-house suppliers and so on as techniques to improve efficiency. Those are things at which any responsible government should look.

Through these and other reforms I think the Liberal Party will act to make jobs of public servants more, not less, secure. I have no doubt that at the end of the term of the upcoming parliament, the first three years of a Peacock Liberal government, there will be more jobs in areas of current Commonwealth administration. Current public servants may be working for a State or Territory government, or for a private employer, but through greater efficiency there will be more jobs and more job security. I believe the only people who need to fear for their jobs as we approach the Federal election on Saturday are members of the parliamentary Labor Party.

Assembly Microphones

MR WHALAN (5.28): Very briefly, I would like to alert members to the dangers of these little machines here once the Assembly gets up. They are not turned off immediately, and what may otherwise be considered private conversations continue to be broadcast.

MR SPEAKER: Yes, in the past I have warned members of that possibility.

Ms Maher: Did you get caught out?

MR WHALAN: Someone else did, at lunchtime today.

Question resolved in the affirmative.

Assembly adjourned at 5.29 pm