



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

26 April 1990

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

**SELF-GOVERNMENT - SELECT COMMITTEE
Report**

MR JENSEN (10.32): Mr Speaker, I present the report of the Select Committee on Self-Government. I move:

That the report be noted.

This report has the potential to provide an opportunity for stimulating, reasoned political and community debate on the future operations of self-government in the ACT in general and this Assembly in particular. As we all know, the establishment of this select committee arose out of the way in which self-government was inflicted on the people of the ACT without any real consultation, following a process where elements of the Federal administration established self-determination for the people of the ACT after internal discussions. In other words, the terms under which self-government was given to the people of the ACT were decided by the Federal bureaucracy negotiating with itself.

Some of you are familiar with the 1984 Craig report on self-government, which provided advice to the Minister for Territories and Local Government in May 1984. The Craig report saw a major role for the then ACT Legislative Assembly in developing the terms under which full self-government was to be given to the ACT people. Of course, the Assembly was abolished by a sunset clause before it could play this role. What we now have to do is to attempt to salvage what we can from the decisions taken without any real, meaningful consultation. This report provides a starting point for this debate.

I am also pleased to advise the Assembly that this is substantially a majority report. My colleague Mr Wood has seen fit to comment on a small number of issues of detail. As Mr Wood has said in the opening remarks in his additional comments, I do not believe this affects what is a considered response to the terms of reference. I am sure he will tell us the reasons why he was unable to accept the priority listing of electoral systems indicated in paragraph 12.74. However, it would seem likely, given statements by the responsible Federal Ministers, that the people of the ACT will have a say, anyway, in which electoral system they prefer, and that is as it should be.

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Before commenting on the recommendations of the report, I would like to thank my colleagues Mr Kaine, who chaired the committee before me, and Mr Duby, who was also an initial member of the committee, for their efforts during their term on the committee. I am sure that they would join me in expressing thanks to members of the committee staff who worked on this report - Ms Cheryl Scarlett, who conducted much of the initial research and who has since left us; Miss Karin Malmberg, who helped finalise the report; and, of course, Mrs Kim Blackburn, who did the final keyboard work.

While I am in a thanking mode let me also put on record, on behalf of all members who served on the committee, my thanks to those individuals and organisations who took the time and the effort to provide detailed submissions as well as presenting themselves to the committee during the extensive round of public hearings that were held. This subject created considerable interest in the community, and I trust that they will not be too unhappy with this final report as a basis for debate. It is not possible to please everyone all the time, but at least they have had an opportunity to make their views known.

The terms of reference given to the committee required us to look at the issue of self-government in four broad areas: financial arrangements between the ACT and the Commonwealth; the form of government most appropriate to the ACT; the method and practice, or conduct, of the election; and reserve powers retained by the Commonwealth especially relating to responsibility for further electoral arrangements, the size and structure of the Assembly, the size of the Executive, and the role and powers of the Governor-General. Let me now address each of these four broad areas in turn.

The committee heard a lot of evidence about the form of government most appropriate to the ACT. However, what is abundantly clear is that now that the Federal politicians have passed us the self-government ball they are really not in any mood to take any of the responsibility back. This means that some of the suggestions for a municipal-style council with responsibility for education, health, police and the court system are not possible.

This factor was one of the major reasons why I saw no value in supporting any change in the form of government we have now. It is up to us to make it work to the best of our ability. However, the committee has recommended some areas where greater control over some matters relating to our Government should be given to the Assembly as the elected voice of the residents of the ACT.

The constitutionality or otherwise of the form of self-government given to us by the Federal Parliament has been raised at various times, both before and after the establishment of this Assembly. I do not propose today to go into the details of the arguments we considered, but you will find them in chapter 3.

However, considering the information put before it, the committee accepts the view that the granting of the form of body politic we now have was the most appropriate in the circumstances and provides the ACT with the widest range of options within which the ACT community can design a system which best suits the unique nature of our circumstances. The committee was of the view that, while the ACT can never expect or indeed want to become a State, the city-state model is appropriate and there is no justification for the separation of the State and local or municipal responsibilities because we are an integrated urban community. We should retain the present single tier of government in the ACT.

We considered various models of government that might be appropriate, including the present system, which includes the parliamentary committee process, and a proposal for an executive committee system. We considered that the current system of executive government with a parliamentary committee system was the most appropriate at this early stage of our development.

I may be a bit of a conservative on this. However, if the outcry against the "Machiavellian modified d'Hondt electoral system", as one witness called it, is anything to go by, it is probably better to stick to the devil we know rather than experiment with a system of government not used anywhere else in Australia.

This brings me on to the size of the present Assembly. It is clear, when one takes into account the lack of municipal or council representatives for municipal matters, that we are, in fact, under-represented. The current size of the Assembly is considered to be appropriate with current workloads, especially when one considers the amount of committee work undertaken by non-executive members. I personally believe that any less would not be in the interests of good government in the ACT as we struggle to pick up the threads of an administration which, by its very nature, had difficulty in gaining any priority in having matters considered by Cabinet. At least our Cabinet or Executive has sole responsibility for ACT matters and Ministers do not have to compete with pressing issues of national importance when they want to bring a matter before it. I am sure that this important change will be appreciated even more by the residents of the ACT in the future.

The committee was strongly of the view that the job is a full-time one and felt that there can only be rigorous and comprehensive scrutiny of the effectiveness and integrity of the administration of the ACT by a parliament with sufficient time and resources. However, your committee did make one important recommendation in this area. That was that any decision to increase the size of the Assembly and the Executive should be the responsibility of the Assembly. The current system, while allowing the Assembly to pass

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resolutions on this matter, provides the final say to the Governor-General. Clearly, such decisions should rest with those directly responsible to the people of the ACT. There is now no doubt, of course, that we in this place fit into that category.

We looked at the reserve powers of the Commonwealth Government and the Governor-General and concentrated particularly on the role of the Governor-General. It was considered that there were some areas where he had powers that went beyond those applying to other States or Territories. For example, the self-government Act does not require the Governor-General to consult with the Assembly or any of its members if he or she proposes to dissolve the Assembly. It would seem logical that before taking that final step to dissolve the Assembly the Governor-General should be required to at least consult with representatives from the Assembly. Who those representatives should be will depend on the circumstances that are applying at the time and it will be up to the judgment of the Governor-General as to who should be consulted. I believe that a condemned person should at least be allowed to put a case before the axe falls, if only because it is important to ensure that the principle of natural justice has been applied.

We looked very briefly at the requirement for two planning authorities. We did make a recommendation in relation to the need to provide a clear definition of what was of national significance in the planning and land management Act. My own view is that, if this is not done, there is a perfect opportunity for lawyers to make a living out of arguing whether a planning issue falls within the responsibilities of the Territory's planning legislation or that administered by the National Capital Planning Authority.

It was also considered important that, while this legislation provided for the National Capital Planning Authority to consult with the Territory Planning Authority, the latter was a statutory authority and there was no clearly defined statutory requirement for the Federal authority to discuss planning issues with the ACT Government or the Assembly.

I will move on to financial arrangements with the Commonwealth. I do not think there is one person in this chamber who believes that we, in the ACT, have been given a fair deal on the transitional financial arrangements between the ACT and the Federal Government. It may be that, unless some improvement takes place in the near future, we may have to start looking at ways in which we, in the ACT, can exert some pressure on the Federal Government to pull its weight here. While we may not be able to cut off their power and water, I am sure we could find some more subtle ways to send a quiet message to those on Capital Hill. The committee has therefore recommended a further year of transitional funding and a formal financial

agreement between the ACT and the Commonwealth. We are aware that the Government - both this Government and the past Government - were seeking just that.

This brings me to the final section of the report, which I am sure will result in most of the discussion. During our deliberations we did consider the results of the report of the Joint Parliamentary Committee on Electoral Matters. Indeed, many who gave evidence to that committee made similar submissions to our committee.

One of the most important recommendations in this section, I believe, is the clear message to the Federal Parliament that the people of the ACT, not a body with no real electoral responsibility to the people of the ACT, should have a say in how our elections are run. There are provisions in the self-government Act, the disallowance provisions, which would allow the Federal Parliament to ensure that we did not take any decisions in that area that were over the top. However, it would have to be a pretty extreme situation which impinged on the significance of the national capital before that took place. This would allow the ACT to prepare its own electoral Act like the other States.

The modified d'Hondt system was inflicted on the people of the ACT following last-minute amendments which made it so unacceptable to the Australian Electoral Commission that they were not even prepared to suggest how some of the wrinkles might be taken out. However, we did agree that, if we were to use the d'Hondt system again, it would require some major modifications to allow it to do what it was originally amended to do; that is, to allow for independents and the distribution of preferences. It was in this last area, of course, that some of the major problems occurred.

The committee was not terribly happy with the role played by the Australian Electoral Commission in the lead-up to the last election. I believe my colleague Mr Wood may have some comments about this matter. However, we did believe that the experience of the election meant that it may be worthwhile to consider establishing our own electoral commission to provide the Government with advice, to administer our own electoral Act, and to conduct education and information campaigns to promote public awareness. We certainly recommend that the Government consider that.

Because of the criticisms of the role of the Australian Electoral Commission, particularly in the length of the count, the committee did examine this issue in some detail. While the joint parliamentary committee was not prepared to join in with this criticism, our examination of the evidence suggested that maybe the commission should have done more. In fact, our consideration of the evidence and our questioning of Electoral Commission officials left us with the distinct impression that they had decided it was going to take two months and that no attempt was made to use more people to complete the task more quickly.

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Our questioning revealed that the suggestion that more staff could not have been employed because of the need for training was contradicted by later evidence that the staff had to be almost retrained following the completion of a particular stage in the count. The committee felt that the commission had had sufficient time to ensure that sufficient trained people were available.

We also considered various proposals for change to the system of electing members of the Assembly. These discussions centred around the number of electorates, ranging from a single electorate to various sizes of multimember electorates, and from a combination of these two to single member electorates. I do not propose to go over these arguments here today. Suffice to say that, while all the systems could have been applied within the ACT, some were considered more equal than others and arguments were mounted to suggest that each proposal was the best thing for the ACT since sliced bread.

However, the majority of the committee concluded that if we had to make a choice in order of preference we would suggest three of them in the following order: a single electorate with a simplified d'Hondt system which provided for independents and distribution of preferences; three multimember electorates using the Tasmanian Hare-Clark system, with provision for Robson rotation in the filling of casual vacancies by count-back; and single member electorates.

We were aware that the joint parliamentary committee had recommended that the people of the ACT be given an opportunity to resolve the issue by referendum and that the current Federal Labor Government was committed to having that take place as soon as possible. Our committee did not oppose such a course being taken. However, the majority of us considered that, provided the d'Hondt system could be made to include provision for independents and distribution of preferences, it should also be included in the options put to the people.

It is probably appropriate at this stage to mention the fact that the committee was disappointed that the Electoral Commission representatives were not prepared to discuss with the committee any possibility that modifications could be made to the d'Hondt system to make it more equitable. However, whatever went to the people in a referendum, it would be important to ensure that the voters of the ACT were very clear as to what they were voting for. Failure to ensure that this was the case could only result in an unsatisfactory result which would add further fuel to the fire of dissatisfaction with the voting system. (Extension of time granted)

On the option for the Tasmanian Hare-Clark system, the committee was of the view that, if this system were selected, the three multimember electorates proposed should

be made up of two electorates electing six members and one electing five, based on population numbers.

Mr Speaker, one thing for sure on this matter is that, unlike previous referendums conducted in the ACT on matters pertaining to self-government, once the referendum has been conducted and the results known, appropriate action should be taken to amend whatever legislation is necessary by whoever is responsible as soon as possible. The committee also supports the recommendation by the joint parliamentary committee that the Commonwealth fund the referendum.

During our consideration of electoral issues a number of other matters came before us. One of the reasons for the long delay in the last election was the size of the ballot-paper. The committee heard evidence that this was caused by the ease with which parties could register for the election. The electoral Act allowed one member to register six political parties in the last election without any requirement to meet membership numbers. Because we saw a need for some standard to be set which did not discourage the emergence of new political parties or groups, or mean that independent candidates should have any more or less stringent requirements than parties, we have recommended that both parties and independents be required to produce a membership list of at least 20 voters as part of the nomination process. I understand my colleague Mr Wood will comment on that as well.

The committee also considered the issue of a person registering more than one political party. We have therefore recommended that amendments be made to the appropriate electoral Act to ensure that an individual can be the registered officer or candidate for one party only. A related matter was the issue of the size of the deposit. We heard arguments ranging from zero to \$10,000. There was a need to identify a figure somewhere in between; certainly at the bottom end of the scale, I would suggest. The current figure of \$100 is much less than that required for election to other than the Western Australian Parliament or the House of Representatives. We eventually chose the same figure recommended by the joint parliamentary committee; that is, \$250.

Mr Speaker, there are a number of other general recommendations relating to electoral matters that we considered: the closing of postal votes on the day of election to allow counting to commence straight away; lodging of registered party tickets, if applicable, by independents; and vertical listing of independents on the right of the ballot-paper.

The committee also looked briefly at the issue of computerisation of voting within the ACT. It is clear that the action of voting by computer is a long way off in Australia with our systems. It may be possible, however, to actually count the vote and allocate preferences by computer. The Electoral Commission showed no interest in

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the concept. A proposed system was placed before the committee based on the modified d'Hondt system and we were told that it would be even easier for the Hare-Clark system. However, there are still a number of issues to be resolved, not the least of which is the means by which the input of information from the ballot-paper could be verified. While these problems are not unsolvable, more work is required. We considered it appropriate for this issue to be examined further. Action along these lines would depend on the system finally accepted, as it may be that no real benefit in speeding up the count or using fewer staff is possible using computers.

In closing, let me say that this has been an interesting and challenging task, and I trust that this report will provide the basis for responsible debate on an issue that affects us all. I commend the report to the Assembly.

MS MAHER (10.50): Mr Speaker, I am going to speak only very briefly on this report. Mr Jensen has outlined a lot of the comments that I was going to make, so I will not go over them. The report was requested because of genuine community concern about the issues of self-government. The terms of reference reflect those concerns. Let me read them out. We had to report on the following:

- (a) a financial agreement between the ACT and the Commonwealth Government as a result of self-government for the Territory;
- (b) the form of government most appropriate in the ACT taking into account the responsibilities of State, Territory and municipal governments;
- (c) the method and practice of the first ACT election with particular regard to the electoral system and the election process with a view to recommending changes which might improve the process and expedite the count; and
- (d) the reserve powers retained by the Commonwealth under the ACT self-government legislation particularly with respect to:
 - (i) the responsibility for the future electoral arrangements;
 - (ii) the size and structure of the Legislative Assembly;
 - (iii) the size of the Executive; and
 - (iv) the role and powers of the Governor-General.

After almost seven months of public hearings the committee arrived at 28 recommendations. I must stress that many of those recommendations, if they are adopted by this Assembly, have to go to the Federal Parliament before anything can actually be changed to assist the ACT in having its own electoral system over which it has power and to which it can make its own changes.

As I mentioned, I do not intend to go over the issues again. What the committee has done is to examine ways in which self-government can be modified to best serve the citizens of the ACT. In most of the recommendations the point at issue is that, given self-government for the Territory, it should be meaningful and the Territory must have control over its own future.

A lot of the submissions we got were very different. Groups and individuals have different attitudes and they thought different issues were important to the ACT. I am not going to go on any further. As I said, I feel Mr Jensen went over a lot of the points that I was going to go over. Before I sit down I would like to thank the other members of the committee, also Mr Kaine and Mr Duby who were on the committee at some stage, and Cheryl Scarlett, Karin Malmberg and Kim Blackburn for their help on the committee.

MR WOOD (10.54): Mr Speaker, this report was originally to be subtitled "The Craig Duby Change of Name Report". With that in mind, there was always the potential for a deal of disruption or nonsense to be incorporated into the report. In fact, it is a serious and comprehensive report which, in some areas, I disagree with but in the main it has my support. It was designed to enable Mr Duby and the No Self Government Party to justify their change from that title to something else. I understand he was considering at the time when the Follett Government was overthrown - since they had so much letterhead everywhere with NSG on it - changing it to the "Now Self-Glory Party", but that has not happened. Another name was chosen.

I want to speak, firstly, about the d'Hondt system. Although in our consideration it was not central to the debate on this matter, nevertheless, it has occupied a major role. The terms of reference do not indicate that we should have spent all our time on it but at various times committee members have realised it occupied a large part of our consideration. After all our consideration I can say to you that I am still not absolutely clear on how that system worked.

There were three reasons why d'Hondt was so criticised and why it is in such poor repute. The first relates to a matter that Mr Jensen raised, and that was the reluctance of the ACT community to accept the idea of self-government. No matter what system had been proposed, I am sure that it would have been agreed to reluctantly. I do not know that there was so much reluctance but there certainly was some considerable opposition. However, I suspect that in the community there was a willingness to accept responsibility for our affairs.

The referendum which was held about 1978, from memory, was poorly worded in the sense of being used as an argument to say that people in the ACT did not want self-government. That referendum, as I read the figures, said that people

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wanted to have responsibility, but three options made it difficult to define just how that responsibility was to be accepted.

Certainly there was no difficulty - I concede this - in numbers of groups in the community running against the whole idea of self-government. Certainly in some areas of the community there were people who were prepared to work against that idea, who thought that self-government was going to mean a reduction in living standards; people who did not realise that whoever was running the Territory was going to do it on a severely constrained budget; people who thought that the Federal Government was going to provide a pot of gold forever. I am surprised, given all the debate there has been, that people would have that thought, but it was certainly there.

This ability to spark a debate against the idea of getting away from our comfortable former existence led to a variety of groups, some of whom are represented in this chamber today, opposing the whole notion of self-government; and this is the second reason why d'Hondt failed. When you are running for self-government and for responsibility for our affairs, it becomes difficult to do so in a serious environment when there are people running on a ticket against it. Indeed, I think no less damaging were the people who tried to lighten the whole affair by forming nonsense parties and being nonsense candidates. That is a further reason for the d'Hondt failure. There was a list of 117 people on that museum piece now, the ballot-paper. That was obviously not going to help enhance d'Hondt in the minds of people.

The third reason for the failure was the Australian Electoral Commission itself. We all recognise that they did get a very difficult system to operate. I know that. I have tried to go through it and to understand it thoroughly and I accept that it was a difficult system. They said it was, and I do not argue with that. But, having once acknowledged how difficult a system it was, the Electoral Commission set out, in the way it conducted the election, to prove that it was a difficult system. I believe the officers could have shorn two or three weeks off the counting time if they had set their minds to it, but they were determined not to do that.

I have dissented from the body of the report that gave a preference order for electoral systems. I do not want to say, as my two colleagues did, that d'Hondt provides the best system. I will leave that for the community to decide. I have the confidence that the Labor Party will perform well whatever the electoral system is. You can debate endlessly, but give us any of those three choices or any other choice and the Follett Government will be the government after the next election - whenever that is. Whatever system goes, I have confidence in it.

Mr Humphries, in contrast, is on record on numbers of occasions expressing great anxiety about single member electorates. I think he has gone so far as to say - and he can correct me if I am wrong - that we would sweep the pool. Well, I am confident. I do not know whether I am that confident, but it surprises me that Mr Humphries is so lacking in confidence for the chances of the Liberal Party under that system.

Mr Humphries: It is based on the evidence.

MR WOOD: It is based on the evidence? Well, that does not say much for the Liberal Party, I have to tell you, does it? Based on the evidence, they would not win in single member electorates.

I have more confidence, based on the evidence, that the Labor Party would win with d'Hondt or Hare-Clark or single members or whatever. The reasons why my colleagues across the road there have supported d'Hondt are fairly clear. They have come to recognise in the end that the reason why my two colleagues on the committee have opted for d'Hondt is that they recognise that is the best, perhaps the only, way in which they can be returned.

Mr Kaine: The fairest system.

MR WOOD: Oh, the fairest? Yes, the fairest system to get Mr DUBY and others re-elected, because obviously the greater the number of people you have in a proportional system, the lower the votes you need to get up. These people are obviously not expecting great swags of votes come the next election.

Mr DUBY: Democracy in action.

MR WOOD: Democracy in action? Well, indeed. I have dissented on a few points, for example, about the numbers of people required to support parties and candidates. You can see that in there. I will not repeat them in this speech. I want to add another one. Recommendation 20 refers to a count-back to fill vacancies and it refers to that in the event of something other than single member electorates being used. That is done on the assumption that that count-back maintains the position - I am sure both my colleagues would agree - that party members or independents are replaced by similarly minded people. It certainly does not propose that someone from another party would be the person to fill that vacancy.

Mr Speaker, the report is an endorsement of self-government; there is no doubt about that. The committee was not designed to go out there and to get opinions for or against self-government, but it drew a lot of enthusiastic responses from people who are concerned democrats, people who know elections and electoral systems. They responded, and they said, "Self-government is good; let us get the best system for it we can". In fact, Mr DUBY, it is as you hoped, a strong support for self-government.

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It is too late now, since the changes of some months ago, for you to use it as a springboard into something else, but it is a strong support for self-government. I think, from memory, there were two, maybe three, letters - as opposed to submissions - which criticised the idea of self-government. They thought we should not be going down the path that the report did. I think that bears mentioning. This report, while getting into details of electoral systems and financial support, is in itself a strong support for this parliament and for self-government.

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

CULTURAL ACTIVITIES AND FACILITIES - SELECT COMMITTEE
Alteration of Resolution of Appointment

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

That paragraph (2) of the resolution of appointment of the Select Committee on Cultural Activities and Facilities be amended by omitting "on the first sitting day after 30 April" and substituting "by 25 October".

CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE
Report

Debate resumed from 1 November 1989, on motion by **Mr Humphries**:

That the recommendations be agreed to.

MR DUBY (Minister for Finance and Urban Services) (11.05): Mr Speaker, the environmental aspects of the National Aquarium were considered by the Legislative Assembly Standing Committee on Conservation, Heritage and Environment. In their report of November 1989, the committee concluded that, subject to the project meeting its operational requirements and the competent administration of the various Acts, there should be no environmental harm due to the aquarium. However, in order to satisfy any environmental concerns, they made the following recommendations:

that the new planning legislation for the ACT contain a requirement for an assessment of developments that have a potential impact on the amenity of the community or the environment;

that large developments, such as the National Aquarium project, be brought before the Assembly or one of the relevant Assembly committees before an offer of a lease is made;

that the Government review the past policy of directly negotiating the sale of sites for one-off tourist attractions with developers;

that the conservator of wildlife determine the impact of the freshwater species and organisms which do not occur locally and which are proposed to be displayed at the aquarium before any licence to import the organisms is issued;

that the Chief Minister be responsible for the assessment of the impact on the site which will be caused by the introduction of waterfowl, reptiles and other animals;

that there be an independent assessment of the aquarium operations two months after operations begin; and

that animal welfare legislation be introduced into the Assembly as a matter of priority.

Mr Speaker, the Government has considered these recommendations and is now prepared to answer them all. Concerning the first recommendation, the Government has already tabled in the Assembly its draft Land Use (Inquiries and Environmental Assessment) Bill. The provisions in the draft Bill cover the matters raised by the Assembly committee in this recommendation. Mr Speaker, our comments on recommendations 2 and 3 will need to be in line with the finally decided planning and development procedures. Recommendations 2 and 3 raise important procedural issues. For example, if an international developer has a commercial proposal, a responsible government must accept that there is a recognised place for commercial-in-confidence consideration. A novel proposal should be protected at the concept stage if that is the wish of an architect or an inventor.

Similarly, there is a correct balance to be achieved in accordance with the current discussion papers and draft Bills on planning and leasehold. As I have said, Mr Speaker, our comments on recommendations 2 and 3 will need to be in line with the finally decided planning and development procedures. Recommendation 3 is also of relevance to the question of all direct sale proposals. Clearly the Government needs to adopt an overall policy and not just one for tourist sites. Basically, these recommendations will require further consideration and will be the subject of a separate report to this Assembly.

Consultants were engaged to assess the potential impact of displaying non-local freshwater fish and also the possible impact of introducing waterfowl, reptiles and other animals to the aquarium. I will report separately on the results of each consultancy. The freshwater fish consultancy was undertaken by a senior veterinary officer of the New South

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Wales Department of Agriculture and Fisheries. During the study, close consultation was maintained with Mr Geoff Da Deppo, his curator, and the Office of Industry and Development.

The consultant supports the basic concept and design of the aquarium and endorses the display of freshwater fish and aquatic invertebrates proposed for display at the aquarium, subject to the adoption of several recommendations. In essence, the consultant recommends three basic actions to minimise any possible damage. The first is, where practicable, to ensure that stock for the aquarium comes from sources known to be free of major diseases. I think that is commonsense. The second is to ensure that the organisms go through an adequate quarantine procedure before being introduced to the major display. The third is to collect all wastes and sterilise them before discharge to the sewer system and hence from there into the Murrumbidgee system. The detailed recommendations are contained in the report which has been circulated, I believe, to Assembly members.

The ACT Government endorses the report and its recommendations and will implement those for which it is responsible. Mr Da Deppo also accepts the report and has implemented or is implementing the recommendations that apply to him.

The consultancy into the impact of the introduction of waterbirds, reptiles and other animals was undertaken by Mr Frank Gnauck of Documentation Pty Limited. Mr Gnauck concluded that the impacts that could be expected from displaying exotic waterbirds and aquatic reptiles as proposed by the developers, subject to certain controls, are not serious. He recommended that the purpose of the lease be redefined to enable the display of waterbirds, sea-snakes, freshwater crocodiles and turtles but that other non-aquatic animals not be displayed without public consultation.

Mr Gnauck further recommended that the details of the animals which can be displayed, the display conditions and the measures required to protect the environment should be determined by a legally binding management plan for the aquarium. As part of his report, Mr Gnauck considered the request of the developer for special consideration to enable early display of waterbirds at the aquarium. He concluded that this should be permitted under appropriate conditions by issuing a certificate under section 72A of the Real Property Act 1975 with a time limit of six months as an interim change to the lease pending final consideration of the full report by this Assembly. It is proposed to follow this course of action.

The ACT Government and Mr Da Deppo support the report of the consultant. It is proposed that the report by Mr Frank Gnauck be tabled in the Assembly and be available for public comment, as recommended by the Conservation,

Heritage and Environment Committee. Matters raised in the public comment process will be referred back to the Government for consideration.

The Government's response to the other recommendations of the Assembly committee are as follows: concerning recommendation 6, it is proposed to accept the committee's recommendation that there be an independent assessment of the aquarium operations two months after operations commence, and I will advise the Assembly on the results of this assessment at the appropriate time; concerning recommendation 7, the review of animal welfare in the ACT which commenced in 1988 is nearing completion. It has involved extensive community consultation. It is expected that a finalised ACT policy on animal welfare will be available later this year. This will provide the detailed policies on which new animal welfare legislation will be based.

I present the following reports to the Assembly.

National Aquarium -

Government response to the Standing Committee on Conservation, Heritage and Environment Inquiry into the National Aquarium.

Report on -

An assessment of possible impacts on the National Aquarium site of the proposed display of waterbirds and other animals, by F.R. Gnauck in association with Documentation Pty. Ltd, dated 4 April 1990.

Possible impact of the freshwater display organisms, their pests and their diseases due to escape or accidental loss, dated 31 March 1990.

MS FOLLETT (Leader of the Opposition) (11.13): Mr Speaker, I find Mr Duby's response to this report on behalf of the Government totally inadequate. In fact, I find it amazing that the Government has now proceeded to skate over the very basis for this report having been done at all. I am sure that no member here will ever forget the disgraceful series of innuendos and allegations put forward by members of the current Government, by Mr Collaery in particular. They were put forward in relation to my colleague Mr Whalan and concerned an alleged case of corruption involving the proponent of the aquarium proposal, Mr Da Deppo. For the members who may have conveniently forgotten that, I have here the Canberra Times report of 7 July 1989, the headline of which is "\$100,000 deal denied". It relates to Mr Collaery's comments in relation to the propriety of Mr Whalan in connection with the development of the aquarium.

Government members have apparently conveniently forgotten all about that, although there is a quotation in this report from Mr Collaery himself which says "it is in the public interest that allegations of this nature, once made, should be pursued".

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Why have they not been pursued? Why has there been no further action? Why has the Government totally overlooked this matter? I find it extraordinary, Mr Speaker. In fact, the very first sentence of the committee's recommendations reads, and there is a particular reason why it does read this way:

The Committee during its investigation found no irregularities on the part of any party, including the developer and its proponent Mr Geoff Da Deppo in relation to any matters.

This was conveniently overlooked in its entirety by this Government. I think it is time that it was made public. This Government owes both Mr Da Deppo and my colleague Mr Whalan a full and public apology for its most improper allegations in relation to the genesis of this report.

We had a constant series of allegations about the lease on this project as well. It was not just an allegation of outright bribery; there were also constant allegations about improprieties in the lease arrangements. You have forgotten all about it now.

Mr Collaery: Refer to the sections in the Hansard.

MS FOLLETT: Mr Speaker, I suspect the current Attorney-General knows full well how irresponsibly he behaved on that occasion and is now somewhat embarrassed by it. He owes Mr Whalan and Mr Da Deppo a full apology. You have skated over it. You are a disgrace.

A further matter which Mr Duby failed to address was the comment by Senator Richardson after the committee's report had been put out. I find that a strange matter indeed because it again has overlooked the committee's own consideration of events prior to self-government and the committee's own words in relation to that matter. They are:

In relation to the offer and sale of the site, the Committee is satisfied that the proponent of the project, Mr Da Deppo, has met the appropriate conditions which he has been asked to comply with by previous Ministers and administrations responsible for the Territory before self-government.

I am surprised that the current Government missed the opportunity to respond to Senator Richardson's subsequent calls for a full environmental impact statement and so on and to Senator Richardson's allegations that the project had changed after his initial consideration of it. Of course, what we found was that the project had not substantially changed and Senator Richardson was pursuing that course for reasons best known to himself, but the fact is that he is no longer pursuing it. He has now withdrawn

on that matter, as far as we can judge. I think that that should always have been his stance, given that he was, in fact, the Minister responsible before self-government. I am surprised you missed that.

Mr Speaker, I am pleased to hear from the Government that it will be proceeding with the environmental aspects of the committee's recommendations. I fully support that. I am disappointed, as must be all of Canberra, by the fact that one of the basic recommendations relies upon adequate planning and leasing legislation and we are yet to see that finalised by the current Government. The fact that this report is now some six months old and that recommendation has not been substantially acted upon is a matter which should be drawn to attention. We have had any number of promises on the matter of planning and leasing from the Government, but of course what we have not got is the actual product. We look forward to that.

I note that that is the Government's response. I find it inadequate, for the reasons that I have outlined. I stand by my statement that Mr Collaery and this Government owe my colleague Mr Whalan and Mr Da Deppo a full and public apology for their initiation of this report. They are now so embarrassed by it that they fail to even address it.

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

POSTPONEMENT OF NOTICE

MR KAINE: Mr Speaker, I move:

That notice No. 1, Executive business, be postponed until a later hour this day.

Mr Speaker, I will make a brief explanation. I understand that there has been a stop-work meeting at the Government Printing Office and this has prevented the material being delivered in time. I expect it to be delivered later today.

Question resolved in the affirmative.

HOUSING ASSISTANCE (AMENDMENT) BILL 1990

MR COLLAERY (Minister for Housing and Community Services) (11.20): Mr Speaker, I present the Housing Assistance (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

The Housing Assistance (Amendment) Bill 1990 supports the ACT's participation in the Commonwealth-State housing agreement. The ACT became a signatory to the agreement on

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1 March 1990. Members may recall that the Chief Minister signed the agreement.

The Bill seeks to amend the Housing Assistance Act 1987 by incorporating the agreement as a schedule to the Act, replacing existing schedules 1 and 2 which do not fully reflect the objectives and the provisions of the new agreement. There are also some minor or consequential amendments.

In becoming a signatory to the Commonwealth-State housing agreement, for the first time in its history the ACT is now a full partner with the States and the Northern Territory. In consequence, the ACT will share in the funding to be made available by the Commonwealth through the agreement over the 10 years commencing this financial year. Until 1992-93 the ACT is assured of Commonwealth base level funding for housing of \$17.772m annually, the same nominal level as in 1989-90. At the same time, the ACT is required to provide matching grants to attract the untied Commonwealth funds. Matching grants will need to increase progressively from \$3.92m in 1989-90 to \$7.841m in 1992-93.

Mr Speaker, key Commonwealth aims in introducing the new agreement are to: re-establish the financial viability of public housing; increase the State-Territory contribution to public housing; promote consistency in State-Territory housing programs with the principles and objective of the agreement; improve the planning process for public housing, providing a real opportunity for involvement by the community; ensure access to housing assistance for all groups experiencing housing need; and improve user rights in housing programs.

The Alliance Government is strongly committed to these objectives and seeks through this Bill to ensure that they are reflected in ACT legislation. I commend the Bill to the Assembly. I present the following papers:

ACT Housing Trust - Profile 1987-1990;
Housing Assistance (Amendment) Bill 1990 - Explanatory memorandum.

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

PAWNBROKERS (AMENDMENT) BILL 1990

MR COLLAERY (Attorney-General) (11.23): I now present the Pawnbrokers (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Upon the establishment of the ACT as the seat of government, those Acts which applied in New South Wales were adopted as Acts of the Territory. The New South Wales Acts Act 1986 sought to consolidate those Acts which still apply in the

Territory without undertaking any reform of their provisions.

One of the first New South Wales Acts which was consolidated was the Pawnbrokers Act 1902. The Pawnbrokers Act 1902 regulates the trade and business of pawnbroking by requiring pawnbrokers to be licensed, records to be kept of pledged articles and the interest of owners of articles pledged to be protected.

At the time the New South Wales Acts were consolidated, which was prior to self-government, the Senate Standing Committee on Regulations and Ordinances, which then reviewed ACT legislation, expressed concern about provisions which contained inappropriately defined offences and created strict liability offences. An undertaking was given to implement such legislative changes as were necessary to overcome the committee's concerns. The Bill will bring the legislation into line with current attitudes to statute law as it affects individual rights and liberties. I present the explanatory memorandum to the Bill.

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

SECOND-HAND DEALERS AND COLLECTORS (AMENDMENT) BILL 1990

MR COLLAERY (Attorney-General) (11.26): I present the Second-hand Dealers and Collectors (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Another of the New South Wales Acts to which I referred in my presentation of the Pawnbrokers (Amendment) Bill 1990 was the Second-hand Dealers and Collectors Act 1906. The Second-hand Dealers and Collectors Act 1906 regulates the trade and business of second-hand dealing and collecting of old wares by requiring dealers and collectors to be licensed. The Senate Standing Committee on Regulations and Ordinances expressed concern about provisions in the Second-hand Dealers and Collectors Act 1906 which contain strict liability offences, powers of arrest without warrant and reversals of the onus of proof.

An undertaking was given to implement such legislative changes as were necessary to overcome the committee's concerns. The Bill will bring the legislation into line with current attitudes to statute law as it affects individual rights and liberties. I present the explanatory memorandum to the Bill.

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

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TRUCK (AMENDMENT) BILL 1990

MR COLLAERY (Attorney-General) (11.27): I present the Truck (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Upon the establishment of the ACT as the seat of government, those Acts which applied in New South Wales were adopted as Acts of the Territory. The New South Wales Acts Act 1986 sought to consolidate those Acts which still apply in the Territory without undertaking any reform of their provisions. One of the New South Wales Acts which was consolidated was the Truck Act 1900. The Truck Act 1900 relates to contracts made with respect to wages and requires wages to be paid in money and not in goods.

At the time the New South Wales Acts were consolidated, which was prior to self-government, the Senate Standing Committee on Regulations and Ordinances, which then reviewed ACT legislation, expressed concern about various provisions in the Truck Act 1900 which contained strict liability offences and inappropriately defined offences. The then Commonwealth Minister gave an undertaking to implement such legislative changes as were necessary to overcome the committee's concerns. The Bill will bring the legislation into line with current attitudes to statute law as it affects individual rights and liberties. Mr Speaker, I present the explanatory memorandum to the Bill.

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

LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY) (AMENDMENT) BILL 1990

Debate resumed from 29 March 1990, on motion by **Mr Duby**:

That this Bill be agreed to in principle.

MR BERRY (11.30): The Long Service Leave (Building and Construction Industry) (Amendment) Bill is a Bill of some significance for workers in the construction industry. It is important in no uncertain way for the delivery of conditions for those workers in relation to long service leave. Those conditions which are picked up in the legislation have been the subject of some dispute between the then Commonwealth Government and workers in that industry on a number of occasions.

I must say at this stage that it was the same construction workers who fought for those conditions who gathered outside this place in relation to other matters, and those same construction workers will recall for a long time Mr Collaery's description of them as "grunting sheep".

Mr Duby: As what?

MR BERRY: As "grunting sheep", or "sheep which grunted".

Mr Duby: Sheep do not grunt. They baa.

MR BERRY: According to Mr Collaery, they do. Mr Speaker, it is appropriate that legislation is enacted to smooth out the administrative arrangements in relation to the board. As the Minister, Mr Duby, has said, that is what this legislation sets out to do. It is also appropriate for legislative changes to follow circumstances where concerns about the administration of the legislation are expressed by those responsible for auditing the way that the board operates. This proposed legislation sets out to do that.

One of the concerns of the Labor Opposition in relation to the legislation was the allocation of funds for training. Following some consultation with the unions whose members are affected by this legislation, those concerns were relayed to Minister Duby. I am happy to say that agreement has been reached in relation to some amendments that will turn up when I move those amendments at the detail stage of consideration of the Bill. Those concerns relate to the sole use of funds for training rather than expanding the use of those funds for other projects, which the board has a right to do with ministerial consent.

Mr Speaker, I will not go on for much longer about the Bill other than to repeat that it is a Bill of importance for workers in the construction industry. It is important that the funds which are assigned under the provisions of the legislation are assigned for the purpose of training, and the amendments that I will move in the detail stage will set out to confine the use of those funds to that.

MR COLLAERY (Attorney-General) (11.34): Mr Speaker, the Long Service Leave (Building and Construction Industry) Act 1981 established a scheme which enables workers in the ACT building and construction industry to accrue long service leave credits for work in that industry. Credits continue to accumulate if a worker moves between employers and may accumulate across States if the State concerned is a party to a long service leave credit portability agreement.

The scheme is funded by a levy, currently 2.5 per cent of ordinary wages, on employers in the industry. The levy is paid into a fund administered by the Building and Construction Industry Long Service Leave Board. The three-member board is appointed by my colleague the Minister for Finance and Urban Services and comprises one employer and one employee representative and an independent chair. Similar schemes exist in New South Wales, Victoria, South Australia, Tasmania and Western Australia.

The amendments to the Act have arisen out of consultation between the board and relevant employee and employer

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organisations. One amendment revises the formula used for the calculation of the long service leave entitlement and payment of that entitlement to employees. For several years the Australian Audit Office has been critical of, firstly, the Act for providing the board with a discretionary power in calculating a worker's entitlement, and, secondly, the board itself for failing to process payments exactly in accordance with the Act.

At present, where a worker's average weekly wage is less than normal owing to unpaid sick leave or some other circumstance, then the board may apply the normal average weekly wage for the purpose of calculating the worker's long service leave entitlement. The Bill removes this discretion and requires the board to pay the greater of two calculations of the entitlement. The first calculation is based on the worker's average weekly wage for the four months prior to taking leave and the second calculation extends this period to 12 months. In this way, if a worker has had extensive unpaid leave just prior to his long service leave entitlement then his average wage is fairly assessed.

The Audit Office has also criticised the board for calculating an entitlement before it is due and before the board has received an employer's return, and for paying an entitlement before it is due. In these circumstances the board has calculated an entitlement based on oral advice from the employer and has made an early payment to enable an employee to coordinate bank transfers or make other arrangements such as travel plans.

Mr Speaker, I note again that there is only one member of the Opposition present in the chamber while this document, which is vital to our workers, is being debated. That is a shame. Mr Berry is taking charge of responsibility for workers in the ACT. I wonder what his hierarchy thinks of that.

Mr Speaker, the Bill allows the board to calculate a worker's entitlement up to 14 days before and to prepay the entitlement up to seven days before the worker commences leave. These amendments will permit the board to calculate long service payments in a manner which is equitable to workers, will permit workers to make suitable banking arrangements before commencing leave, and will avoid future Audit Office criticism.

Speaking of criticism, Mr Berry drew out that old chestnut again - the allegation that I regard workers as sheep. Mr Speaker, I put that one down at the time, and I wish to put on the record very clearly the circumstances which gave rise to that suggestion. During the passage of the move-on Bill - - -

Mr Berry: Relevance, Mr Speaker?

MR COLLAERY: Mr Speaker, the relevance is that Mr Berry says this Government and I are not concerned with the interests of workers. It is appropriate that I indicate my interest in the interests of workers and respond to those allegations. It gives me pleasure to put that one down. The fact is, when I was invited to speak outside this Assembly to a protest gathering, mainly of unionists - - -

Mr Berry: On a point of order, Mr Speaker; this is not relevant. It has not got relevance to the debate. Heavens above, if he wants to raise an issue of misrepresentation - - -

MR SPEAKER: Order! You are debating the issue, Mr Berry. Please remain relevant, Mr Collaery.

MR COLLAERY: Mr Speaker, on that day in question I was delighted to take the opportunity to address the workers assembled in the square. Contrary to the understandings reached, a further speaker was aligned in the program and I was shouted down by a group of workers who were being whipped into a frenzy by comments from some of Mr Berry's colleagues. I came back into this chamber afterwards and thought, "Well, when I grew up in Wollongong, the workers allowed other workers to have a go, but it does not apply in this Territory". You were not prepared to let me, as a worker, have a go.

Mr Berry: Mr Speaker, I raise a point of order. It concerns relevance again.

MR SPEAKER: Thank you, Mr Berry. Unfortunately I am trying to listen to two people at once. Please remain relevant, Mr Collaery.

MR COLLAERY: Yes, Mr Speaker. The right of workers to be heard is no different from the right of any of us workers to be heard, but there seem to be different rules for Mr Berry and the rest of us here. He can stand in this chamber, Mr Speaker, and allege that I regard workers as sheep, which he said.

Mr Berry: On a point of order, Mr Speaker; Mr Berry would accept your rulings on it. I hope that Mr Collaery does and remains relevant.

MR COLLAERY: Mr Speaker, I am delighted finally to get an admission from Mr Berry to the effect that calling workers sheep is not relevant. Of course it is not relevant, Mr Speaker. I never suggested such a thing. This is important legislation. It deserves the support that it is getting from this Government without the diversionary tactics that the sole member of the Opposition present is trying to import to the debate.

MR KAINE (Chief Minister) (11.41): In the absence of any member of the Opposition other than Mr Berry, I guess the Government has got to continue to carry the debate on this

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matter. I must take up the comment made by my colleague the Deputy Chief Minister, who noted that this Labor Party that claims to represent the workers cannot even sit in this chamber when a matter of this nature is being debated. Its members find other more important things to do. Indeed, it is becoming the joke around the town that we have an invisible Opposition that is rarely, if ever, in the house. I think it is time its members started to take stock of themselves and, if they really believe they represent the workers, they should be here representing them. (Quorum formed)

I note that a quorum is present, Mr Speaker, without one additional member of the Labor Opposition appearing, however.

My colleague the Deputy Chief Minister has spoken on the amendment introduced by this Bill which will allow for a more equitable calculation of a worker's long service leave entitlement. A further aspect of the Bill concerns the levy on employers which is imposed by the board to cover the payments of long service leave and the board's administrative costs. At present, the Australian Government is required under section 24(1) of the Act to investigate every three years the state and sufficiency of moneys held to meet the potential liabilities of long service leave payments, and to report on whether any increase or reduction in the levy is necessary.

In his report of 29 December 1988, the Australian Government Actuary recommended a reduction in the levy from two and a half per cent to two and a quarter per cent. You will note that the Bill replaces the references to the Australian Government Actuary with an actuary appointed by the ACT Treasurer.

The board consulted with the ACT Trades and Labour Council and the various ACT building and construction industry employer bodies on the actuary's recommendation, and all of those organisations agreed that the board should continue to collect and invest the two and a half per cent levy but that an amount equal to the one-quarter per cent reduction should be allocated to industry training. The amount collected would vary between \$250,000 and \$300,000 each year and, subject to ministerial approval, would be available for training purposes identified by bodies such as the ACT Regional Building and Construction Industry Training Council, the Vocational Training Authority, employers and union groups.

This redirection of industry resources to training will enable some immediate gaps in the industry's training requirements to be filled. The Government recognises that in the longer term this approach may not be the most appropriate and it will review the arrangement in the light of developments in industry financed training as they emerge across all industry sectors. The Vocational Training Authority has recommended that, within the

framework of the Commonwealth Government's training guarantee proposal, each industry should examine the most suitable funding model for that industry. My colleague the Minister for Finance and Urban Services is currently considering this recommendation.

The building and construction industry has proposed a model for the long term involving a levy based on the contract price to be collected through the building permits process. This process will also need to be considered in the context of the Government's overall attitude to future industry funding of training. However, pending decisions regarding the funding of training by all Territory employers, conversion of part of the long service leave levy for training is a useful start and can only be an advantage to the building and construction industry.

The Bill provides for a 10 per cent portion of the levy to be set aside, with effect from 1 July 1989. It extends the functions and powers of the board to allow it to administer the training fund. This makes use of the existing infrastructure, can be undertaken at little cost and has the support of both employee and employer organisations. It provides the Minister with a discretionary power over the disbursement of the training funds and it substitutes the reference to the Australian Government Actuary with the words "an actuary appointed by the ACT Treasurer".

The Bill also includes an amendment concerning the investment of board moneys. At present, under section 23 of the Act all contracts over \$100,000 must be approved by the Minister. Until mid-1988, the board operated under legal advice that this provision did not apply to investments of board funds. In the 1988 report on the board's operations, the Australian Auditor-General drew attention to a new interpretation from the Australian Attorney-General's Department which stated that an investment was considered to be a contract and, as such, each investment over \$100,000 must be approved by the Minister. All current board investments exceed that amount, and the necessity to obtain the Minister's approval each time an investment is made is considered to be cumbersome and unnecessary.

The Government accepts the advice of the ACT Treasury that, given the short time frame in which the money market operates and given that such investments occur regularly and the form of investment is both safe and liquid, then ministerial approval is not necessary. The Bill allows the board to invest moneys in excess of \$100,000 without requiring ministerial approval, provided that such investments are made in accordance with section 90 of the Audit Act of 1989.

The Bill makes a significant contribution to the building and construction industry and provides for better administration procedures to the Building and Construction Industry Long Service Leave Board. It has the effect of

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requiring the board to invest moneys on deposit with an approved bank or in Territory or Commonwealth securities or in any other manner approved by the Chief Minister. An approved bank, in relation to an authority, means either a trading bank, as defined in section 5(1) of the Banking Act 1959 of the Commonwealth, or another bank declared by the Chief Minister or a person authorised by the Chief Minister to give approvals under this section to be an approved bank in relation to that authority.

Mr Speaker, I believe that the amendments put forward in this Bill provide a system by which industry training in the Territory can be enhanced. It is something which has long been sought by union organisations and by employers in the Territory. It sets up the mechanisms for proper control of the moneys that are being paid by way of levy for this purpose. It provides the infrastructure within which the board can operate effectively to get the best return for the money that it has on investment until it is required for training purposes, yet it still vests in the Minister for Finance and Urban Services and indeed the Chief Minister the means of properly controlling the collection, management and expenditure of those funds. I believe this is something that both the industry and the trade unions have long been seeking and waiting for. This Bill will give them the system that they require.

MR DUBY (Minister for Finance and Urban Services) (11.50), in reply: I see that there are still no other members of the opposition here in the Assembly with the exception of Mr Moore. I gather that Mr Moore does not intend to speak, so I shall conclude the debate on this matter.

Mr Speaker, the Long Service Leave (Building and Construction Industry) (Amendment) Bill of 1990 was initially drafted with the approval of the previous ACT Government, the previous Labor administration. I think it is an indication of the acceptance of this particular piece of legislation throughout the community that the Alliance Government agrees with the merits of the draft Bill and has carried it through in almost the identical state to that proposed by the previous Government.

The main purpose of the legislation is to provide a mechanism to allow a portion of funds being collected from the building and construction industry to be set aside for industry training. I think it is well-known and documented throughout the community that training is a matter of vital importance for our industries. Without training, the general level of standards within the industry will decline and perchance we will wind up with a situation where we have no new young people coming into the various industries. Training is very, very important.

The need for a fund to provide and assist with training was recently highlighted by the severe budgetary restraints experienced at the ACT Institute of TAFE. These led to the deletion of some trade courses from the TAFE's curriculum.

Both employee and employer organisations in the industry agreed that some form of training was essential to the industry's long-term viability and, after considered consultations, it was agreed that, rather than reduce the levy paid by employers - as recommended by the Australian Government Actuary in 1988 - the equivalent of funds should be set aside for the purposes of training.

The levy is collected by the Building and Construction Industry Long Service Leave Board. It was agreed that the board would be the most appropriate body to administer the collection and investment of the moneys for the industry training fund. As to the administration of the fund itself, I believe that the Vocational Training Authority is the most appropriate body to carry out this function. The Vocational Training Authority is engaged in the daily assessment and monitoring of training needs for the ACT, and I believe it is best placed to develop guidelines and provide advice on applications for financial assistance from the fund. It has had much experience in coordinating and implementing various training programs and, as such, I believe it is the appropriate body to be carrying out the administration of this fund.

In consultation with relevant bodies, I will consider appropriate processes to ensure that adequate accountability mechanisms are in place regarding the disbursement and utilisation of the training funds released by the board. I think that is an important issue too.

The remainder of the Bill provides for better administration procedures for the board and addresses areas which have been subject to audit criticism in the past. Those matters have been gone into at length by both Mr Collaery and Mr Kaine and I feel it does not behove me to go once again through the details. However, there were matters which had been raised in the past by the Audit Office in connection with various practices which were, of course, done in the best interests of the workers and their funds but which apparently were technically in breach of audit regulations. The provisions in this Act will correct that anomaly so that the funds of the workers will be able to be invested in an appropriate fashion, taking into account the time frames required in the modern money market.

In summary, Mr Speaker, the Bill allows for long service leave payments to be calculated more equitably than they have been in the past. It provides for the establishment of an industry training fund. It allows the board to make investments without ministerial approval in certain circumstances and it provides for the appointment of an actuary by the ACT Government.

Given these factors, I think it has been said that this is a long overdue and very welcome addition to the provision of experienced and skilled tradespersons in the ACT. I commend the Bill to the house.

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Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 3, by leave, taken together, and agreed to.

Clause 4 (Functions of the Board)

MR BERRY (11.56): I move:

Page 2, line 8, omit "and Projects".

Mr Speaker, if I can just clarify the issue; the deletion of those words is a consequential amendment to the main thrust of an amendment which also appears in the proposed amendments circulated under my name. That amendment is the fifth one and it relates to clause 7, on page 3, where it tightens up the requirement to divert funds into training rather than other issues. This is merely a consequential amendment arising from that amendment which will come up later on.

MR DUBY (Minister for Finance and Urban Services) (11.57): Mr Speaker, the Government has no objection to this amendment and, as Mr Berry has mentioned, this amendment is a consequential amendment to one to be considered later, amendment No. 5, which is an amendment of section 19D of the Act. We will address that subject when that particular amendment arises. The Government has no objection to it.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 5 and 6, by leave, taken together, and agreed to.

Clause 7 (Insertion of Division)

MR BERRY (11.58): I move:

Page 2, lines 20-21, heading of proposed Division 2A, omit "and Projects".

Again, this is a consequential amendment for the removal of the words "and Projects" from the heading of the proposed division 2A. Nothing more needs to be said on the matter, Mr Speaker.

Amendment agreed to.

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

Page 2, lines 24-25, omit "and Projects".

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

Page 2, line 29, omit "and Projects".

MR BERRY (11.59): I move:

Page 3, proposed subsection 19D(1), omit all words after "construction industry" to the end of the proposed subsection.

This is the main thrust of the amendment which I have moved. As I mentioned earlier in relation to the in-principle debate, the issue arose out of concerns by representatives from the union movement that the issue of tightening up the expenditure of funds on training needed to be addressed in the course of this debate. As a result of consultation between the unions, myself, and the Minister Mr DUBY, agreement has been reached to delete the words proposed in the amendment and, as a consequence, tighten up the expenditure of the funds, which the board has the power to do in terms of the legislation. I think that is all that needs to be said in relation to the matter, Mr Speaker.

MR DUBY (Minister for Finance and Urban Services) (12.00): Mr Speaker, the words to be deleted occur at the end of a paragraph which begins:

The Minister may apply money out of the Fund for the purposes of training in the building and construction industry ...

Then the words to be deleted are written - "or for any other purpose connected with that industry".

Mr Speaker, originally those words were included so that, if needs be, the Minister may authorise expenditure of funds in areas which, by absolute dictionary definition, may not be included in the word "training". The sort of thing we are talking about there would be a promotion to indicate that a career in gas fitting could be very exciting. It would be to generate more people to come into that particular industry. That was the general intention and that, of course, is a very commendable idea.

After discussions with the unions and with the opposition, persons were concerned that in some future time, when there may be a far less reasonable person than me sitting in the ministerial office, the Minister may take it upon himself or herself to use that section of the Act quite literally and spend money out of this training fund for any other purpose, as that clause admittedly says. After discussions between the unions and the Vocational Training Authority, it has been determined that the word "training" is sufficiently broad not to exclude expenditure by the Minister or the Government in areas such as the ones that I have outlined. Accordingly, the Government supports this amendment and will not oppose it.

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Amendment agreed to.

Clause, as amended, agreed to.

Clauses 8 to 12, by leave, taken together, and agreed to.

Clause 13 (Saving)

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

Page 6, line 17, omit "and Projects".

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.04 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Ainslie Transfer Station

MS FOLLETT: My question is to the Chief Minister. Was the Chief Minister consulted on the closure of the Ainslie Transfer Station? As Minister responsible for the environment, did he undertake any assessment of the environmental impact of the closure? If so, how was it that he overlooked the obvious environmental concerns?

MR KAINE: Yes, Mr Speaker, I was well aware that the Minister for Finance and Urban Services, as a consequence of the necessity to reduce government expenditures, had proposed not to renew the contract under which the transfer depot at Ainslie would have been operated. I understand also that, while it was the wish of the Government not to renew this contract, it was not at all of concern to the contractor that this be done.

I do not accept the proposition from the Leader of the Opposition that there was an adverse environmental impact. There are two public depots in the Territory to which everybody else in Canberra delivers any rubbish that the normal collection does not take care of. One is in Holt and one is in Long Gully. If you do not happen to live in Ainslie, you put your rubbish, if you have any that does not get shifted by the normal disposal system, in your car or your trailer and you deliver it out there. I do not accept that asking the residents of Ainslie to do the same thing puts them at any disadvantage and that they are therefore in any different position from people who live anywhere else in the Territory.

SUSPENSION OF STANDING ORDERS

MR MOORE: Mr Speaker, I seek leave of the Assembly to suspend standing order 117(f) since I intend asking Dr Kinloch a question of public concern, the answer to which might be interpreted as anticipating a matter on the notice paper; namely, the inquiry into commercial and domestic waste management.

Mr Collaery: I rise on a point of order, Mr Speaker. We have previously had an opinion from the Clerk of the house on the question as to whether a member may ask questions of a committee chairperson after the committee is functus. The fact is that our previous advice from the Clerk was that those questions may be asked of a chairperson whilst the inquiry is in progress and not after.

MR MOORE: It relates to environmental matters. He is chair of a committee on environmental matters.

MR SPEAKER: Order! The situation alluded to by Mr Collaery, I believe, does not have the authority in this circumstance in terms of what the Clerk did or did not say to Mr Collaery. The situation is, I believe, that I should put it to the assembled members to either grant or not grant Mr Moore's request. So the question before the house is that leave be granted. Is leave granted?

Leave not granted.

MR MOORE: I move to suspend standing order 117(f) to allow a matter of public importance - - -

Mr Kaine: I rise on a point of order. Mr Moore has the right to ask me, as the appropriate Minister, a question on the environment or anything associated with it. The Leader of the Opposition has chosen to do so. I submit that we let Mr Moore do the same thing and not attempt to deflect the question to somebody else in connection with a report that has been tabled, that is now before the Assembly, and that is no longer in the jurisdiction of the committee. It would be appropriate for him to ask the question of me if he wants an answer to it.

Mr Moore: I rise on a point of order, Mr Speaker. I was in the middle of moving the suspension of standing orders when I was interrupted.

Mr Kaine: And I raised a point of order.

MR SPEAKER: Please proceed, Mr Moore.

MR MOORE: I move to suspend standing order 117(f) - - -

Mr Duby: I raise a point of order. It is just a matter of commonsense. He is moving the suspension of standing

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orders to ask a question of Dr Kinloch. Dr Kinloch is not present in the Assembly.

MR SPEAKER: Please proceed, Mr Moore.

MR MOORE: Thank you, Mr Speaker. I move:

That standing order 117(f) be suspended so as to allow a question of importance to be dealt by the Chair of the Standing Committee on Conservation, Heritage and Environment.

Question put.

The Assembly voted -

AYES, 6

Mr Berry
Ms Follett
Mrs Grassby
Mr Moore
Mr Whalan
Mr Wood

NOES, 10

Mr Collaery
Mr Duby
Mr Humphries
Mr Jensen
Mr Kaine
Ms Maher
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Stevenson

Question resolved in the negative.

QUESTIONS WITHOUT NOTICE

Ainslie Transfer Station

MR MOORE: Mr Speaker, originally you gave me the right to ask a question. I attempted to suspend standing orders in order to first seek leave, then to suspend standing orders in order to ask a question in a particular way to avoid any further problems. But that not being the case, I am now ready to ask my question.

My question is directed to Dr Kinloch as chairman of the Conservation, Heritage and Environment Committee. Dr Kinloch, were you in particular, or was the committee in general, consulted by the Government before it announced the closure of the Ainslie Transfer Station which, according to the committee report - - -

Mr Kaine: I rise on a point of order, Mr Speaker. I thought that the Assembly just voted on the question of whether or not Mr Moore could ask such a question and then we were told that he could not.

MR SPEAKER: We did not know what the question was at the time. Now we are getting the text of the question, so I will rule on that.

Mr Jensen: I raise a point of order, Mr Speaker. Standing order 116 relates to a "bill, motion, or other public matter connected with the business of the Assembly, of which the member has charge". Mr Speaker, I would suggest that, as the committee report has now been brought down, the member no longer has charge of that matter.

Mr Moore: He has.

MR SPEAKER: Please do not debate the issue.

Mr Moore: He is the chair of the Conservation, Heritage and Environment Committee.

MR SPEAKER: Order! I have now forgotten the text of your question, Mr Moore. I will rule on the question after it is delivered, if you would give me time to listen.

MR MOORE: Thank you, Mr Speaker. If you would let me deliver it and then rule, I would be happy with that. It is quite brief. According to the committee report, it is considered to be important to waste management. I refer the Assembly to recommendations 7, 15 and 26 of the report. Therefore, Dr Kinloch, will you call on Mr DUBY for a stay of execution until the matter currently on the notice paper has been debated, or will you allow the Minister and his department to shamefully anticipate the result of the debate with a blatant display of non-consultative government?

MR SPEAKER: Mr Moore, I rule that Dr Kinloch does not have charge of that issue because it is asking him to make a statement of policy.

Tuggeranong - Centrepoint Building

MRS NOLAN: Mr Speaker, my question is to Mr Humphries in his capacity as Minister for Education. I refer the Minister to the announced decision of the Government to occupy commercial premises in the Centrepoint Building in Tuggeranong. When will the space to be occupied by the Education Department in fact be occupied?

MR HUMPHRIES: Mr Speaker, I thank Mrs Nolan for her question. I do think it is timely because there has been some confusion about the occupation by the Government of premises in Tuggeranong, and the position as far as the Centrepoint Building is concerned is very clear. The Government has a very strong commitment to the Tuggeranong Valley - a commitment not just to offering employment opportunities in the valley but also to doing whatever we reasonably can to support business in that valley. In that regard we are very pleased to be occupying premises in part of the Centrepoint Building in the near future.

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The answer to Mrs Nolan's question is that we expect that it will be August before the fit-out of the top floor of that building is completed and the department can, in fact, move its people down there. About 30 people will occupy those premises, from the accreditation section and from the Tuggeranong regional office, which is entirely appropriate. In fact, I can also say as Minister for Health that it is quite possible that officers of the Department of Health will also be occupying part of that building.

Lake Tuggeranong - Pollution

MR WOOD: I direct a question to the Chief Minister. As Minister for the environment, what action has he taken to prevent the continued pollution of Lake Tuggeranong; has he yet discovered what killed the fish; and will he undertake to table the autopsy report on those dead fish?

MR KAINE: Mr Speaker, the responsibility for the fish in Lake Tuggeranong rests with the Minister for Finance and Urban Services, who has been examining the matter from the practical viewpoint of city management, which, despite the nature of the question, is in fact the position. I understand that he has got a report on the problem and he has the matter under control. I have not seen that report - - -

Mr Wood: Well, it is not under control. Fish are still dying.

Mr Stefaniak: No, they are not.

MR KAINE: I will sit down while the public debate goes on, Mr Speaker.

MR SPEAKER: Please proceed, Chief Minister.

MR KAINE: I think the public debate should continue.

MR SPEAKER: Well, it has now ceased, Chief Minister.

Ainslie Transfer Station

MRS GRASSBY: My question is to Mr Kaine, as Minister for the environment. Can the Minister inform the Assembly what consultation was held with the Conservation Council of the ACT recycling campaign, or Revolve, prior to the decision to close the Ainslie Transfer Station?

MR KAINE: Put simply, Mr Speaker, as I have already said, none. The decision was taken not to renew a contract. That was the basis of the decision and it is consistent with this Government's program to reduce expenditures or to close a budget gap of the order of \$37m next year. It was

judged that there would be no detriment to anybody by closing down that transfer station. It was done by decision of the Government. That is what Government is for - to take decisions when matters like this arise. Every minor administrative decision is not referred to the public. It was not under the previous Government and it is not going to be under this Government. Only matters of policy will be so discussed.

MRS GRASSBY: Mr Speaker, I have a supplementary question. Could the Minister tell me what happened to the great consultative Government, with the people that Mr Collaery spoke about, that was going to be formed by the new Alliance when it became the Government, where people would be consulted before something was done?

MR KAINE: That is not a supplementary question and I will not give it an answer.

Gowrie Hostel

MS MAHER: My question is directed to the Chief Minister as Treasurer. Chief Minister, as you are aware, Gowrie Hostel is scheduled for auction by the Commonwealth on 2 May 1990. What steps, if any, is the Government proposing to take in relation to the outrageous land and asset sale by the Commonwealth?

MR KAINE: I thank Ms Maher for the question because it is a most timely question and one - - -

Mr Berry: You are not going to answer it, are you? This will be something new!

MR KAINE: Are we going to carry on another public debate while I answer this question?

Mr Berry: We just want to see whether you can answer the question - something new for the Assembly.

MR KAINE: I will answer the question if you will sit down and be quiet for 10 seconds.

It is a fact that the Commonwealth retained possession of Gowrie Hostel on the transfer of other assets to the Territory, in my view contrary to the spirit, if not the law, as expressed in the self-government Act and related Acts. The fact that the Government now intends to sell off that property does raise the question of what the Commonwealth's intentions were when it retained that property.

This Government has resolved to initiate appropriate legal proceedings against the Commonwealth in relation to its proposed auction. I expect that legal proceedings will resolve a number of vital questions concerning the asset

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handover process after self-government and purported declarations of national land by the Federal Government that relate not only to the question of Gowrie Hostel.

In this case the Alliance Government, on behalf of the people of the ACT, will be challenging the Commonwealth's bona fides in declaring the Gowrie site to be national land on the eve of self-government and just as quickly moving to sell it. I expect that this litigation will have profound precedental importance in relation to other matters, and the Government is determined to pursue with full vigour these concerns on behalf of the people of the ACT, in whom the property ought to vest.

Ainslie Transfer Station

MR BERRY: I have a question for the Chief Minister on which I hope I will be able to get an answer. As Minister for the environment and Treasurer, did the Chief Minister ensure that a full cost-benefit analysis of the closure of the Ainslie Transfer Station was undertaken?

MR KAINE: Mr Speaker, the question of the continuing costs of operating that depot and the costs to the community was taken into account, and that was why it was decided not to continue that contract.

MR BERRY: Mr Speaker, I ask a supplementary question. Did the costing that the Minister referred to - I could hardly call it a cost-benefit analysis - include the resource costs of greater energy usage by the north Canberra residents driving to other tips; reduced recycling; and the cost to the ACT Government of cleaning up the increased illegal dumping?

MR KAINE: Mr Speaker, the question, by implication, assumes that there will not be adequate provision made for recycling. That simply is not the case. While closing down that depot as a transfer depot - I repeat, as a transfer depot - there is a considerable saving to the taxpayer; and, with the other measures that the Government is taking to institute a comprehensive recycling program, there will be a better result for the community and not a worse one.

Children's Services

MR STEFANIAK: Mr Speaker, I direct my question to the Deputy Chief Minister. I refer to a recent report in the Canberra Times regarding proposals for Marymead to reorganise its services in the area of substitute care. Does this represent a change of direction in the care of children?

MR COLLAERY: I thank Mr Stefaniak for the question. I do recall also seeing Mr Berry on television accuse the Government of making knee-jerk decisions on welfare. That was a timely article by Joan Morris. It demonstrated the continuing development of new directions in family support and substitute care services in the ACT for children.

Discussions concerning a more appropriate range and mix of services for children in need of care in the community have been held during the past few months - they have not been knee-jerk decisions, Mr Speaker - with all non-government agencies funded by the Community Welfare Branch. In fact, I invited Mr Berry to attend a seminar in relation to that, so I was disappointed to see him on television attacking me personally for making knee-jerk decisions. He also attacked our Government from an ideological viewpoint, once again suggesting that we were moving away from care for the community.

Mr Speaker, the proposals that Marymead has now submitted cover a whole range of services. I am quite delighted to see that Marymead - a great institution in the ACT - is moving to broaden its range of services available to children and possibly to include more support services for families in crisis. Mr Speaker, this is an issue that I thought was largely bipartisan. I was disappointed on the weekend to see that we were going to move into a point-scoring exercise.

Water Pollution

MS FOLLETT: Mr Speaker, my question is addressed to Mr Kaine as Minister for the environment. I would refer Mr Kaine to the article in the Canberra Chronicle of 24 April 1990 which is included in the circulated press clippings and which is entitled "Pollution Threatens ACT Waterways". I would ask Mr Kaine, as Minister for the environment, what action he will be taking to ensure that the Environment Protection Section's identified under-resourcing is rectified?

MR KAINE: Mr Speaker, first of all, I have not seen the article to which the Leader of the Opposition is referring. I understand she said it was dated 24 April. That was the day before yesterday. Yesterday was a public holiday. I have not seen either the publication or the article. I have no knowledge of any under-resourcing. Perhaps, if the Leader of the Opposition has something more authoritative than an article in that particular journal to justify the assertion that there is under-resourcing, I will take it on notice.

MS FOLLETT: Mr Speaker, I would ask a supplementary question. Does the Chief Minister, as Minister for the environment, undertake to investigate with the Environment Protection Section their statement of under-resourcing of their section and respond to the question?

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MR KAINE: I am not aware of any such statement, Mr Speaker. I will certainly discuss with that agency whether it is certain that they are under-resourced, and that is a matter of definition. The Government will determine how many resources and what resources they should have. From the viewpoint of anybody that might have made a statement from that organisation, it would be a fairly subjective view without regard for all of the other responsibilities and commitments of the Government, but I will certainly ask them to justify their position that they are under-resourced.

China Support Group

MR MOORE: My question is also to the Chief Minister. On 12 March, Professor Jenner wrote to him on behalf of the China Support Group asking the Government to provide a public site for a plaque in memory of the victims who were massacred in Tiananmen Square. Can he please inform the Assembly whether he has decided on a site, where it will be, and why he had not answered the letter as of 20 April 1990?

MR KAINE: The answer to the three questions is no, the Government has not decided on any of those issues, and the principal reason is that that letter was brought to my attention only on Tuesday of this week. I do not know how long it has been in the system or where it has been, but it was brought to my attention on Tuesday. The matter will be taken up by the Government. It raises questions of foreign relations and how far this Government ought to be getting into the business of supporting or not supporting foreign governments or the actions taken by foreign nationals. It is not a simple question of whether we know the bark on a tree. The Government will consider it in due course.

MR MOORE: I ask a supplementary question. Will the Chief Minister report back to the Assembly on his decision?

MR KAINE: Not necessarily. I am sure that, if we decide to put up a plaque, it will be generally known.

Mr Moore: Thank you! That is a joke. You are a joke.

MR KAINE: Mr Speaker, I think that Mr Moore ought to mind himself.

Mr Moore: You paternalistic, patronising old sod.

MR SPEAKER: Order!

MR KAINE: He tries to turn this place into a circus.

Mr Moore: You are the clowns for it.

MR SPEAKER: Order!

MR KAINÉ: I regarded his question as a serious question and I gave him a serious answer. I think that he should settle for that and not continue to be the clown.

Lake Burley Griffin - Pollution

MRS GRASSBY: Mr Speaker, my question is to Mr Kaine. I refer the Chief Minister to the pollution of Lake Burley Griffin by blue-green algae. As Minister for the environment, what action has he taken to rectify this toxic pollution and prevent it from occurring again?

MR KAINÉ: I am not a scientist, Mr Speaker; I do not know what action can be taken, if any, to prevent it occurring again, and nor am I aware of what the scientific technique is to eliminate it. My understanding is that the appropriate authorities are aware of the problem. They are probably more deeply aware of the problem than is Mrs Grassby. They are attacking the problem, they are doing whatever is within their power to eliminate it, and no doubt they will continue to do everything in their power to make sure that it does not recur, since it is somewhat of a problem.

Ainslie Transfer Station

MR JENSEN: Mr Speaker, my question is directed to Mr DUBY in his capacity as Minister for Urban Services. It relates to the proposed closing of the Ainslie Transfer Station when in fact the waste inquiry recommended its upgrading. Could Mr DUBY provide me with an indication as to why he is taking this action.

MR DUBY: I thank Mr Jensen for the question. It is about time the question about the Ainslie Transfer Station - - -

Mr Moore: I raise a point of order, Mr Speaker, under standing order 117(f). This is a matter that is on the notice paper and Mr DUBY has not given us a chance to debate it. He has made a decision without necessarily having a chance to debate it. He should not be allowed to make a statement now without giving us the chance to reply.

MR DUBY: Do you want that answer or not?

Mr Moore: No.

MR SPEAKER: Thank you, Mr Moore, for the observation. Could I just clarify that issue?

MR DUBY: There is nothing to clarify, Mr Speaker. It is a frivolous point of order. I must admit some of the words

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of the question escape me. Would you put your question again, Mr Jensen?

Mr Moore: On a point of order, Mr Speaker; that part of it is a little irrelevant because the discussion must not be anticipated.

MR SPEAKER: Thank you for your direction, Mr Moore. Please do not speak over me. I am trying to run this Assembly with your help, not without it. Mr Jensen, would you please rephrase your question.

MR JENSEN: Mr Speaker, I will try. The question, very simply, is in relation to the Ainslie Transfer Station's proposed closure. Can Mr DUBY give an indication to this house as to why he has made the decision, as the responsible Minister, to close that particular facility at this stage?

MR DUBY: I thank you, Mr Speaker, and I thank Mr Jensen for the question again. Mr Speaker, it has been bandied about in question time today that the closure of the Ainslie Transfer Station is contrary to the findings or the recommendations - - -

Mr Moore: I raise a point of order, Mr Speaker, under 117(f). Mr DUBY is about to anticipate discussion on a matter that is on the notice paper.

MR SPEAKER: Order! I rule that you are out of order there, Mr Moore. Please proceed, Mr DUBY.

MR DUBY: Thank you. As I said, it has been said that the closure of that station is contrary to recommendations of a report. Frankly, Mr Speaker, it clearly is not. The only mention of Ainslie Transfer Station in the recommendations of the committee is that recycling facilities at both landfill sites and the Ainslie Transfer Station be upgraded and access improved. The gist of that recommendation is that recycling facilities be improved and upgraded, and, Mr Speaker, that is exactly what this Government is doing. It is upgrading the recycling facilities here on the north side, the inner north.

Mr Moore: He ought not be allowed to do this, Mr Speaker.

MR SPEAKER: Order! Please be wary of where you are going, Mr DUBY.

MR DUBY: The Government is committed to upgrading recycling facilities and improving access to the public.

Mr Moore: Mr Speaker, I ask you again, under standing order 117: we have no chance to reply on this or to comment.

MR SPEAKER: Mr Moore, he has been asked a question and he is trying to answer it.

Mr Moore: He is anticipating discussion.

MR DUBY: I am certainly not doing any such thing. I am explaining to you what the Government is doing.

Mr Moore: I tried to suspend standing orders and you would not allow me to do so. That is the difference.

MR SPEAKER: Order! Mr Moore, I warn you.

MR DUBY: The Government is in the process of providing high-quality recycling facilities at Mitchell for citizens of the north side.

MR SPEAKER: Order, Mr DUBY! I think you are getting away from the question as posed. I think you are debating the issue.

MR DUBY: The question asked was: what was the reason given for the closure of the Ainslie Transfer Station? The reason given first of all was that, given the current economic climate and a cost of some \$200,000 per annum to the ACT ratepayer and given the stringent requirements for money that we are facing, that it was decided that the contract for the operation of the Ainslie Transfer Station was not to be renewed as at 30 April. The non-renewal of that contract is quite satisfactory to the current contractor, who I believe was unhappy with the thought of continuing the operations of the Ainslie Transfer Station. We are in the process now of establishing recycling facilities throughout the north side to cater for all people who currently use the Ainslie Transfer Station. Indeed, at the end of the day, the citizens of Canberra will be better serviced.

New Citizen Publication

MR STEVENSON: My question is directed to the Attorney-General. In connection with the Attorney-General's responsibility for civil rights in this Territory, is the Attorney-General aware that his statement in this house last Tuesday evening that the New Citizen is a recognised journal of the League of Rights is incorrect?

MR COLLAERY: I thank Mr Stevenson for the question and I also thank Mr Stevenson for further advice given to me this morning. Prior to the making of that statement, my office conducted considerable research which showed some correlation of contributions between the New Citizen and the League of Rights' official publication called The Intelligence Survey. I take Mr Stevenson's point that, in terms of its registered publication origin, the New Citizen is produced and published by the Citizens Media Group Pty Limited and appears to reflect the views of the Citizens Electoral Council. As such, it might be more properly described, in

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my more considered view, as a journal reflecting the viewpoints of the Citizens Electoral Council than having any linkage with the League of Rights. I understand that the New Citizen is not deposited in the National Library as is required by law, and research into the actual origin of that journal was not aided by that problem.

MR STEVENSON: I ask a supplementary question, Mr Speaker. Is the Attorney-General aware that he has received further incorrect information with regard to the registration of the New Citizen with the National Library, that the ISSN number of the New Citizen with the National Library is 1034/7720, that that particular registration has been valid for over 12 months, and that the National Library has forwarded a letter to the New Citizen editor indicating that indeed it did receive its January-February 1990 issue?

MR COLLAERY: All I can say in relation to that matter is that a researcher was sent to the National Library, spent a day there in researching and found that there is a journal called the New Citizen. It originates in early settler migrant days and it is called the New Citizen. I am not sure whether that is the journal that Mr Stevenson is referring to.

Mr Stevenson: No.

MR COLLAERY: If it is not, then I stand corrected and indeed apologise for any suggestion to the editor of the New Citizen that the paper had not been lodged as required by law. But I can assure Mr Stevenson that a competent, professional researcher was sent to the National Library by my office for the day to try to research that and our advice at the time was that it is not registered.

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

RESIGNATION OF MR WHALAN

MR WHALAN, by leave: As the first member of the Assembly to resign, I thought this might provide me with an opportunity to spend a little time reflecting upon our joint experience here in this place and to examine some of the events leading up to the first election, in March 1989. I find it quite an interesting coincidence that the select committee report on self-government should coincide with my final speech in the Assembly.

Mr Jensen: It was a coincidence, Paul.

MR WHALAN: It was a coincidence, Norman assures me. This report is the latest in a long succession of reports on this issue. Having over the years read most of those reports, I can tell you that they all have something in common, and that is an early chapter which describes the

previous reports. Each successive report is added to the list so that that is what distinguishes one report from the other - the latest report is one more report in the list - but it has been my experience that otherwise those reports have added little towards progress in the development of self-government.

The essential turning point in development towards self-government - and I think that all fair commentators would acknowledge this and this particular report does so - was the election of the Hawke Government in 1983. This latest report at page 14 refers to the very first speech made by the Governor-General on that occasion, when he said that the Government was committed to bringing self-government to the ACT.

Throughout the period of the Hawke Government until the royal assent to the legislation on 6 December 1988, there had been a series of steps which were an essential prerequisite to the realisation of the ambitions of those of us who genuinely supported self-determination in the ACT. I must say, without any modesty whatsoever, that it was my honour and privilege to be closely involved in that process.

Significant stages in that process of the Hawke Government started with the immediate efforts of the Hon. Tom Uren when he established the Craig committee to review self-government, and some space is devoted in our report today to the Craig report. Subsequently, upon the change of ministry, Gordon Scholes introduced into the Parliament legislation in 1986 which would have established a Legislative Assembly. Those of us who experienced that particular period will know that the legislation went through the lower house where the Government had the numbers and it faced the difficulties of a Senate where the Government did not have a majority and where the balance of power rested jointly with the Liberal-National Party coalition and Democrat members. You might recall that it was during that period that Senator David Vigor - in fact, I had forgotten his name until I reviewed some of my notes - attracted to himself the title of the "butcher of self-government" because of his role.

The significant feature of that period of discussion about the legislation in 1986 was that really the debate was not about the powers of self-government or the functions of self-government or how government should operate. At the political level the debate always came down to one very narrow issue, and that narrow issue was always the electoral system. That was the basis on which the legislation foundered in 1986 and that was the factor which had previously prevented any serious development towards self-government. Those of us who were close to this issue at that time realised that the issue had to be addressed; something had to be done to find and identify a circuit-breaker which would allow the rest of the debate to continue in an orderly manner.

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That stage commenced, I believe, with the appointment of the Hon. John Brown as the responsible Minister after the election of July 1987. It was from that point of time that self-government gained a momentum which was irreversible. There was a commitment and a determination to find solutions to the problems. Three prerequisites were met in that subsequent period which culminated in the passing of the legislation and the royal assent in December 1988.

The first prerequisite was the final consolidation of the elements of the Territory and municipal governments into one, single administrative unit. In hindsight, I now believe that, had the 1986 legislation been passed and had there been an election then, self-government would have foundered because it had not properly gone through the processes of consolidation. It was during this period that we saw that come to fruition. Except for some elements such as justice, which stayed with the Attorney-General, over that period virtually every element of municipal and territorial government was brought together under the one, single administrative unit.

Leadership was provided through the appointment of an officer with firm authority. It was not something that happened overnight; it happened over a period of time. First of all, various statutory authorities were collected together under one Federal Minister - notably the Health Authority and the Schools Authority. At first, while they came under the umbrella, they still remained independent of the central administration and reported directly to the Minister. That gradually changed, and it was John Brown who insisted on an administrative arrangement being established where he worked through one administrative head. The associate secretary appointed in that period was to be that particular person.

The second aspect which was so significant during this time was that for the first time the Commonwealth Treasury and the Commonwealth Department of Finance acknowledged and accepted the concept of self-government. I am quite sure that they were partly motivated in that acknowledgement by their own self-interest, because I am sure that they could see the benefits that would accrue to the Commonwealth by going down the path of self-government and simultaneously placing a self-governing ACT Territory on the same financial basis as the rest of the States and Territories of Australia. We are now having to suffer and, in some cases, to make those hard decisions which are related to that aspect.

But, finally, the most important development during this period was the identification of the circuit-breaker, the identification of an electoral system which would form the basis of legislation and which would make possible the successful passage of that legislation through the Senate.

I personally find it hard to describe the feelings that I experienced when I was present in Geelong in July 1988 when Cabinet met and approved the self-government package. It is an irony that it should have been meeting out of Canberra on the occasion on which that historic decision was made, but so be it. It was certainly an extraordinary occasion and one that I will remember for as long as I live. I remember the excitement of the Minister at the time at getting the legislation through and even at the last minute the negotiations that continued with the Ministers responsible for the financial aspects of government.

Then began a period of feverish negotiation. The introduction of the legislation into the House of Representatives was a pretty formal process. The real action took place in the Senate, and that is where the negotiations took place. Those negotiations resulted in a series of legislative amendments which saw the legislation proceed.

I think that to proceed from a Cabinet decision in July to royal assent on 6 December and an election on 4 March was indeed a remarkable achievement. Many people played a significant role. I would like to acknowledge the role that was played by the Opposition in the Senate at that time, particularly Senator Margaret Reid, and Amanda Vanstone initially and then Senator Robert Hill subsequently. Indeed, Mr Humphries, from this chamber, was also very much involved throughout that period in those negotiations.

Our party, the Labor Party, did not negotiate with the Democrats throughout that period. It was a significant part of the discussions at that time and I think it was probably one of the factors that led to the agreement with the Liberal Party on this. We chose to negotiate solely with the Liberal Party. It was conducted on that basis and it does recognise, I think, our belief in essentially a two-party system within the tradition of Australian democracy.

During that period there was very enthusiastic support from Ministers. If Ministers are not supportive of these sorts of things they just do not go anywhere. The succession of changes of Ministers throughout that period has often been the subject of criticism of the Hawke Government, but we were very fortunate in having Ministers like Gordon Scholes, who was in the earlier phase. In the subsequent successful phase we had John Brown; Senator Richardson, who played an important role in some of the negotiations; Gary Punch; and Clyde Holding. Without their support that result would not have been possible.

Of course, the bureaucracy played an essential role. Many officers could be individually identified, but I wish to name one. Gary Whitley's efforts should be singled out for special mention. After the failure of the 1986 legislation

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Gary Whitley literally searched the world for an election system which could form the basis of compromise for self-government. He, Gary Whitley, must take the credit for introducing us to the d'Hondt system.

It was rather a dubious honour for Gary Whitley to be the person who found us the d'Hondt system. I can still recall the telephone call that he made to me. He said, "Mate" - I think he refers to everyone as "mate"; it is a feature of his personality - "Mate, I think I have found it. I think I have got the system which can form the basis of the circuit-breaker". The "circuit-breaker", by the way, is his terminology. And so the d'Hondt system became the basis of the circuit-breaker. Of course, what we must realise is that the original d'Hondt system that Gary Whitley brought back from Europe was very substantially modified. It was almost modified beyond recognition, but let us never forget that that was the first time that anybody had come up with anything that could form the basis of self-government today.

Gary Whitley subsequently headed the self-government unit. When I mentioned that timetable for the period from the decision of the Cabinet, to the royal assent, to the election, it was Gary Whitley who steered the ship throughout that whole period. His achievement was absolutely extraordinary. That timetable was very difficult but it was he and his team, the group of people who worked with him, who played such an important role. I know the hours that they worked. They worked many, many hours over and above the normal hours of nine to five and I would like to say that, if anybody ever wanted to see a demonstration of the devotion of public servants to the community, this was a classic one.

I know that something is being written at the moment about self-government and I would just like to state that I believe that Gary Whitley's role must be recognised in any history written about the development of self-government in the ACT. There are many stories about this period which are yet to be told - which may never be told, in fact. You know, Clyde Holding once gained a valuable concession by providing Margaret Reid with a carrot cake. During the period there were monumental exchanges with the Australian Electoral Commission, many of which will never be published for fear of the laws of defamation. The very significant and public battle over the abolition of the NCDC was part of this particular process. These were all significant developments and elements of the period.

With the legislation in place, the real battle then began. The election campaign and what might be described as the negotiation period - I do not know how the historians will refer to the period between March and 11 May but I suppose it is as good as anything to call it the negotiation period - initiated Canberra to a whole new world of falsehood, innuendo, unsubstantiated allegation and character assassination, all of them essentially initiated

by one person. This reckless disregard for the reputations of citizens brought shame on this Territory. His style was to cripple the proceedings of the Assembly throughout its first year. I have spent a bit of time over the last couple of days going through the press clippings, and it takes only an examination of the press clippings to substantiate the points which I have just made.

The outcome of that election was an aberration. When you consider that half the voters voted informally, failed to vote, or voted for candidates against self-government - that is, a little over half the total of people eligible to vote in the elections last year protested - the outcome is not surprising. It is my belief that at the next election there will be a totally different result. There will be a return to the support for the major parties within the Australian political system.

In my concluding remarks, Mr Speaker and members, I would like to say that it has been an honour to serve in this first Assembly and to serve in the first Government of the ACT. I wish to thank my party, the Australian Labor Party, for the experience, and my parliamentary colleagues in the ALP caucus for their confidence in me. I do not express that gratitude lightly. We in the Labor Party regard our party as a great historical movement and not simply as a vehicle for personal ambition. I look back on the period of the Follett Government with a sense of achievement. I thank Rosemary Follett for her serene leadership of our Government throughout a most difficult period. I particularly treasure the memory of the solid unity of our caucus and our strength of purpose as a united team when we were in government and subsequently, since we have been in opposition.

I wish Trevor Kaine well in his leadership of the Alliance Government. The Chief Minister is an honourable man. I know that he will face the difficult decisions which confront him with resolution and a sense of decency. It is well-known that I regard Trevor Kaine as a personal friend, and in a way I must say that I am glad that our friendship will not continue to be tested by things which have to be said in the heat of debate in this chamber.

I would also like to place on record my admiration for the manner in which Gary Humphries from the Liberal Party has approached his ministerial duties. I am conscious that he is sitting on the hottest set of financial and administrative challenges and I do not envy his role over the next couple of years.

Mr Speaker, I leave the Assembly with less charitable feelings towards the Deputy Chief Minister. I cannot forget the impact on me and those close to me of his allegation last year that I had accepted a large bribe. I considered that my personal and political reputation would not, and could not, recover from that allegation. I remind you of the Canberra Times the day after those allegations. I

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acknowledge that in December Mr Collaery made a mealy-mouthed apology for his action in that matter, but the apology was barely reported.

The allegation should never have been made. I do not possess sufficient charity to forgive either the Deputy Chief Minister or his party colleagues for that action. Hector Kinloch used the Collaery allegations to defame me on ABC radio shortly afterwards. I think the Deputy Chief Minister should reflect on his pattern of behaviour last year and feel some shame. I suggest that he should begin by reading the Hansard of the very first question time in this chamber. When he has reminded himself of the nature of the first questions he asked in this place he will begin to understand why he is held in such low regard by my party and by some of his own colleagues.

Mr Speaker, on the question of the Remuneration Tribunal, I have already criticised the decision of the Remuneration Tribunal to award such a pitiful salary that only retired people or part-time members would be encouraged to serve in this place. I have highlighted in my resignation that the essential element was not the level of the salary but the virtual determination that this employment is part-time, and the inevitable conflicts of interest that would result from that. I believe it takes a special dedication to serve constituents in the ACT where there are fewer politicians by far per head of population than anywhere else in Australia, and to serve for the lowest salary paid to any member of a parliament in Australia. It must be corrected.

Mr Speaker, I wish to thank my current personal staff, who include Lynne and Geoff, and particularly my staff who served me as a Minister last year. I am particularly grateful for the loyalty and support that I received from them. I have placed on record many times my belief that in Canberra we are served by some of the most dedicated, effective and competent public servants that exist in this country, and I state it once again. I am grateful for the period that I spent with those public servants and, on behalf of the people of Canberra, I am grateful for the service that they provide to Canberra. I consider that these officers are uniquely effective and professional and I trust that they will be allowed to continue to serve the Government and the people of the ACT so effectively.

In conclusion, Mr Speaker, I thank the Assembly for the opportunities of the exchanges here. I believe that there is a great deal of need for improvement in the Assembly. I hope that, if my departure in some way reduces the political temperature in this place, then I will at least have made that contribution. I leave with regret. It is not something that I have chosen to do; it is something that I have considered carefully, and I think members will acknowledge the context in which I have made that decision. I thank you all.

MR KAINE (Chief Minister), by leave: I have not prepared a formal response to Mr Whalan's statement. I had no idea, of course, of the kinds of things that he would say, but I would like to say from the outset that it is a matter of personal regret on my part that Mr Whalan has found it necessary to leave this Assembly.

From his outline of the history leading up to the establishment of this first Assembly last year it is obvious to all how deeply he was involved over a number of years in all the things leading up to the establishment of this Assembly. I would have to say that as long as almost 10 years ago Mr Whalan was firmly committed, as many of us were and remain, to the concept of self-government. He played a very persistent role over those years and was fortunate perhaps to be in a position where he could exert some considerable influence on the outcome. I think that his role in those years leading up to self-government should be placed on record and should be acknowledged.

Paul came to the Assembly with the other 16 of us a year ago with high aspirations for self-government. He had been committed to it for years - I know he remains committed to it - and he had high hopes for this Assembly to become an institution of some repute and some integrity. During the seven months that he has been here - or eight months, I guess it is now - he has approached the job with determination, with commitment and with great energy. Those attributes are characteristic of the man in whatever he undertakes.

As a Minister of the Follett Government, admittedly the first Government, I believe he demonstrated, his great competence as an administrator and he attacked most vigorously the tasks of the office as he saw them. I have not always agreed with Paul as to his assessment of what should be done or how to go about doing it. That is part of the political scene, I suppose, and it is part of being friends. One does not always agree with everything that other people do or the way they perceive the world.

I acknowledge his great personal commitment to making this new self-governing Territory work. In his seven months in office as a Minister he achieved a great deal. In my view, he has continued to function most effectively in opposition as well. Some of my colleagues on this side of the house will probably agree that he has been the most effective Labor member in opposition. I believe that to be true; I think that others on this side of the house believe it to be true. He has been particularly aggressive and his approach has not always met with the approval of other members of the Assembly. There have been occasions of personal acrimony which are regrettable, and I hope that this is a facet of the early politics of this Assembly that is now history and will not be repeated. I think it is most regrettable that this had to occur, even in the first months of this organisation's being.

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Mr Speaker, I personally regret very greatly that Paul has found it necessary to resign in order to seek that financial security that we all seek in our own way. I believe that the Assembly and the community will be the poorer for his going. I am grateful that our friendship has survived this experience. Mr Speaker, I wish Paul every success in his future endeavours.

DR KINLOCH, by leave: I very much honour Paul Whalan for a particular facet of his career. I understand he was once a history teacher in the New South Wales Education Department. We are jointly historians, therefore. I want to come to that point. It is a very strange change coming to this Assembly from another kind of life and finding the particular tensions and struggles that go on here. We have all learned to adjust to that, one way or another.

I came from a department and a university which is particularly concerned about the history of Australia. One of my colleagues, Dr John Ritchie, is now the editor of the Australian Dictionary of Biography. Others of my colleagues in the Australian National University have been very concerned about Australian political history. I believe there is no doubt whatsoever that Paul Whalan deserves to be recognised and honoured in due course by the Australian Dictionary of Biography, although I hope not for a long time, because they tend to deal with people who are in the total past. May you not be there for many years. I do hope that the people in the political science and history departments at the Australian National University will recognise that here in our own city, in our own Assembly, we have had a very considerable historical event occurring over the past one, two, three years.

Paul Whalan has made references to a number of things that preceded the fact that we were here. I hope - and I will be saying this formally in a letter to Ian Hancock, the head of the history department - that the department will pay special attention to the history of this Assembly as we gather our records in our first year of operation. There is no doubt whatsoever that Paul Whalan has played a most significant part in that year and in the preparations to it and deserves to be honoured historically for that role.

He would think it strange if I did not respond to one small matter. I, of course, never at any time wished to defame him or planned to defame him or did defame him or intended to defame him or will ever defame him. Indeed, today I wish to say again that we do recognise the very considerable role he has played in this Assembly, we honour that and we wish him well in his future career. We hope too that the particular reason for his leaving will find a remedy. It could be that his very leaving will help to lead to that remedy. I agree with him that it would be a very sad thing if this Assembly consisted only of people like me who can afford to be in it because we are retired. I believe we ought to be able to say to young, able men and women, "Look, here is a vital and important career for you. Come and join us".

Paul, I wish you well in your new and exciting life. I am sure you will not be very far from this Assembly in the work that you do. I know all people on this side of the house want you to have the best possible outcome from your resignation.

MR HUMPHRIES (Minister for Health, Education and the Arts), by leave: Mr Speaker, I also acknowledge Mr Whalan's important role in the bringing of self-government to the ACT. I acknowledge the remarks made earlier - I think, by Mr Kaine - that Mr Whalan's commitment to self-government is not merely based on self-interest. It is not one that is directed to any narrow party advantage. It is a long-term, very sincere and very profound dedication to self-government, and I know that because of my own role in that period which he described as a negotiating period but which is probably better described as a conception period. He has indicated to some extent the difficulties in obtaining that conception. From my own point of view, as I was at that time advising the shadow Minister for the ACT, Senator Vanstone, on matters dealing with the ACT, I was acutely aware of the potentials for coitus interruptus that presented themselves at all stages during those negotiations.

He referred to stories about that period. A story that I will probably relate if I am asked by a biographer is about the day that Senator Vanstone went to the shadow Cabinet with her submission on the response of the shadow parties to the Punch proposal for self-government. I had had long discussions with Senator Vanstone and I have to say that I do not think that her position, as she took it to shadow Cabinet, was really what I would have liked to have taken had I been in her shoes. Nonetheless, she went there with that submission, which was not favourably disposed towards the Punch proposal. Shortly after she left I was sitting in her office thinking that things had not gone very well when the telephone rang. It was Gary Punch. He said, "Is Amanda there?", and I said, "No, she's not. She's left for shadow Cabinet". He said, "Well, has she got everything ready? Is she ready for her submission? Do you think she'll be all right?". He, I think, had some misconception as to what she was going to shadow Cabinet to argue for. I said, "Yes, I think she's all right, and I think she's ready, and I think she'll be successful". He said, "Well, if you see her, wish her luck", and I said, "Yes, I'll do that, Minister". I never saw her before she came back, so in a sense it is probably just as well that I never got to wish her luck.

Nonetheless, circumstances changed. Senator Vanstone ceased to be shadow Minister and somebody else became shadow Minister. Of course, her transition from shadow Minister to the back bench is typical of the very great rotation of personalities that occurred during that period. There were a great many people on either side involved with this process and in that sense it is very hard to identify

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any particular individual as the person principally responsible for the advent of self-government in this Territory.

Mr Whalan says that Gary Whitley deserves that title. That may be. But consistently there throughout the negotiating period in the lead-up to this decision on 6 December 1988 was the advice and role of Paul Whalan himself. I must say that although I acknowledge the role of Gary Whitley, if the title of the principal protagonist or the father or whatever of self-government were to be bestowed on anybody, I think that Paul Whalan would come very close. It might not be an honour, it might be a slur in some people's lexicon, but I think it is very clear that he has the best credentials to hold that title.

The electoral system was, of course, a circuit-breaker. It was significant in obtaining self-government. It was crucial, although I have to say that Paul has not brought out the fact that there was another alternative in the electoral possibilities which was not pursued by any of the Ministers for whom he worked. That alternative was an arrangement of three electorates of, say, seven members each under the Hare-Clark system. It was not pursued, even though it would undoubtedly have broken the circuit, because it was a system opposed by the ACT branch of the Labor Party. I do not wish to be churlish, but that certainly has to be noted.

Mr Speaker, I am, in a sense, very happy to see Paul Whalan go. He has made a great deal of anguish and concern for me. He has certainly made a few more grey hairs for me. I do not know much about Terry Connolly, his successor - - -

Mrs Grassby: Do not worry, he will give you a few more.

MR HUMPHRIES: Well, he may do, Mrs Grassby, but he will need to be a very talented man to fill the shoes of Paul Whalan. Mr Whalan has been a worthy opponent over these last 10 months, or whatever it is. He will be hard to replace. It always seems to me, Mr Speaker, that the measure of one's success in life, the value one attaches to the achievements of one's life, should be in terms of the permanency of one's achievements. It is all very well to make people happy while you are alive but, if you can make them happy after you have died, you are in a much better position to claim something for posterity.

I think Mr Whalan has a very significant legacy - perhaps not exclusively his, but certainly his in large part - and that is the institution of self-government. I firmly believe that this institution is a valuable one and one which will assist and prosper the people of the ACT for many years to come. As such, his achievement will last for a very long time, long after his death, long after the death of all of us. That is a matter, I think, for which we should pay tribute to Paul Whalan at this time.

MR STEFANIAK, by leave: Like my colleagues, I also reiterate what has been said to date about our departed colleague, Mr Paul Whalan. Hopefully he will not be departed for a long, long time, because not only has he offered much to this Assembly but I am sure he has a lot to offer for many years to come to the ACT community. We might not always have agreed with a lot of what has occurred in this chamber or with a lot of policies taken by the Follett Government or with some of the tactics adopted by the former Government now in opposition, but I think it would be churlish not to say a bit about some of the great achievements of Mr Whalan for Canberra and for this Assembly in its short 11 months' history. I will not go into the points raised by Mr Humphries, although I certainly endorse his comments and those of the Chief Minister concerning Mr Whalan's great role in the formulation of self-government in the Australian Capital Territory.

Whilst there were a number of initiatives taken by the Follett Government that we would not necessarily agree with, I think there are some other great achievements Mr Whalan, particularly, can take a lot of credit for. In his 11 months, and especially in his seven months as the Deputy Chief Minister, he made a genuine attempt to foster private development and investment in the Australian Capital Territory. With money as tight as it is and with the difficulties we are experiencing with the Federal Government, this is the only way to go. Canberra will have to become more and more reliant upon the private sector, and, to his very great credit, Paul Whalan did a lot to ensure that that occurred in his seven months as Deputy Chief Minister.

Mr Humphries has spoken of his lasting achievement of self-government for the ACT, and although a number of other people were involved in that he certainly can take a lot of credit for it. There are some other things though which I think Mr Whalan can take credit for. Although perhaps it was not his initial idea, as some other members of his party and some other individuals in the Canberra community first floated this one, Mr Whalan can take a lot of credit for providing the ACT with one of the truly first-class international football stadiums in the world - the Bruce Stadium. Now, I know we had a few arguments last year as to whether we should or should not have the athletics track there, but be that as it may. Alternative arrangements were made there, and what we have is a magnificent facility. Although the concept might have been there before, because of Paul Whalan's efforts it is now a reality and I think we are starting to reap the benefit of this magnificent facility.

During my time assisting the Deputy Chief Minister in the sporting area I have spoken to many people. I have also spoken to many people in opposition. Although there are some points Mr Whalan and I might disagree on in the sports area, I would also like to pay tribute to him for his seven

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months as Minister for sport. He was a true friend of sport in the ACT; he was the man who realised how terribly important sport is for the Australian psyche and especially for the psyche in the ACT. I think that in his seven months here in the Assembly, with that portfolio under his belt, Mr Whalan was a good friend of sport in the ACT and helped it develop.

It is a shame to see someone leave the Assembly after only 11 months, Mr Speaker. I fully appreciate the reasons why Paul Whalan is leaving. I am sure I join other members in wishing him well. He was certainly an opponent to be feared. He has caused Mr Humphries a lot of grey hairs. He has probably caused us all a lot of grey hairs. That is what one expects in relation to a good opponent. The way he opposed certain things might not be the way other people would do it, but so be it. We all have our own individual styles. The Assembly will be a sadder place for his leaving. His boots will be very big ones to fill and we look with interest to see how his replacement does attempt to fill them.

I personally wish him all the very best in his future endeavours. I am sure we have not seen the last of him in various capacities and it is with some regret that I do wish him well in the future. It is a shame to see him go.

MRS NOLAN, by leave: I will be very brief. I would like to join with my Liberal colleagues and other members on this side of the house in paying tribute to Paul Whalan for his time here in the first Legislative Assembly, both his time in government and more recently his time in opposition. As a Tuggeranong Valley resident along with Paul Whalan, I am sure that there will be many people in the community - not only of Tuggeranong but right across Canberra - who will be quite sad to see him no longer here as a member of the Assembly. I think it is important to recognise the reasons for his going. We understand those reasons and he will be sadly missed, I am sure, by all members of this Assembly. Any formidable opponent would be missed, and we wish him well.

MR JENSEN, by leave: Mr Speaker, I join with other members who have already spoken about Mr Whalan's role in the establishment of self-government in the ACT. My first contact with Paul was during the election campaign, specifically, in our mutual aim to represent the people of Tuggeranong and, more particularly, the people of Canberra. There is no doubt about his commitment to this area, and I think, as Mrs Nolan has said, there will be many who will be sorry to see him go. A personal friend of mine indicated to me that - particularly in this sporting area that Mr Stefaniak has already mentioned - it was Mr Whalan's efforts to assist a particular group that enabled them to go away on a very successful program. I think that was clearly an area of some interest to them.

Whatever one may say about Mr Whalan, life is certainly not dull when he is around; there is no doubt about that. This was very quickly made clear to us during the early days of the advisory committee and even during the long hours that we spent during the Estimates Committee. As chairman of that committee, I know that Mr Whalan spent more hours in front of that committee than any other Minister, and that was due to his extensive role and responsibility in government. I do not think there is any doubt that Mr Whalan put every effort that he could into his role as Deputy Chief Minister and the areas of education, industry and development, and other areas like that.

I, personally, will miss the cut and thrust of Mr Whalan's role in this Assembly. I have always maintained that, when we finally came into government and Mr Whalan went into opposition, I knew damned well that Mr Whalan would be keeping us very well and truly on our toes. From that point of view I am sorry to see him go. I trust and hope that his replacement will do likewise. In closing I would like to thank Mr Whalan for his participation in the Assembly and to wish him well in his future career.

MR DUBY (Minister for Finance and Urban Services), by leave: Mr Speaker, I shall not dwell long on the subject. I think it is fairly apparent, from the words that have been spoken by members on this side of the Assembly, that Mr Whalan is going to be missed. The history of self-government in the ACT has got his name on it, and in that regard he will long be remembered. I, personally, will miss Mr Whalan. I have always appreciated Paul's frank, forthright manner of dealing with things. Whilst, as others have said, I am from a professional point of view not all that sad to see him go, from a personal point of view I shall miss him. Good luck with your endeavours, Paul, and we wish you well.

MS MAHER, by leave: Mr Speaker, I would just like to say that the last year has been a huge learning curve for me, and Mr Paul Whalan has been a significant part of that learning curve. I thank him for that and I would like to wish him well in his future.

MR MOORE, by leave: I think the contribution that I have noted, particularly from the crossbenches, that Mr Whalan has made is in some ways best summed up by referring to the fact that he was anything but a "Yes, Minister" Minister. I think that is something that several Ministers in the current Government could learn from him. There are appropriate times to question the department and, where appropriate, to overrule it. I know of several occasions when Mr Whalan has done this and has made the decisions out on his own, putting his own neck on the line. I think this is something that does not happen often enough and it is a lesson that could well be learnt from him.

For my part in the muddying of his name I apologise, as I have personally, but I apologise publicly. In speaking of

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transition, I want to let him know that for me that was the beginning of a transition to where I find myself now on the crossbench. There was a realisation for me that there was a lot more to politics than that sort of game and it was necessary for me to realise the importance of getting on with the job. For that I thank him. I would also like to add my own good wishes to Paul and to state here that I have learnt the value and the strength of the character of this man as I have got to know him better, and I am delighted now to have the opportunity to wish him well and to say that I will, along with others, miss him in this Assembly.

MR COLLAERY (Deputy Chief Minister), by leave: Mr Speaker, what was not stated either by Mr Whalan or by others on his behalf was that he served five Federal Ministers through a transitional phase of this Territory's history. In so doing - and I now speak as a leader of a community group - for many of us in the community Paul Whalan loomed large on the political landscape. He looked after affairs while we had that long series of partly absentee Ministers for the Territory - those Federal Ministers who came and went, often without establishing or even purchasing their own home in this Territory. I believe that Paul Whalan's name left that landmark impact at the time as the regent of government in the Territory, often as the custodian of issues. A lot of those issues were issues that the community groups did not agree with.

When we reached election day, 4 March, the Canberra Times carried Geoff Pryor's famous cartoon which showed Mr Holding, the then incumbent, leaning across the desk at the last moment, going "sign, sign, sign, scratch, scratch, scratch". The Canberra Times editorialised it and said, "If ever we needed self-government, the last decisions on the eve of self-government prove it". There was a variety of decisions, some we are still living with and some we did not know about at the time. One, of course, affected me personally.

The situation of being a ministerial adviser to a Federal landlord government and being a local citizen must not have been easy for Paul Whalan. It must have been a very difficult task at times to be a regent in your own city and answerable to a Federal overlord. I imagine that took a great many skills. Certainly, on one occasion when I went up to see an incumbent Minister about an issue with, I think, Sir John Gorton and some other residents, Paul was there.

That brings me to another issue. The onset of self-government was not made easy by those years of what we perceived to be the closed shop. One of the great surprises that has come out of the debate today has been the acknowledgement by the key players in the major parties of how self-government was negotiated. I am not going to be so flippant as to say "across a carrot cake", but certainly one can gauge some idea of the suspicions - and,

as was established, the unreasonable suspicions - of the community groups and people in the community who did not think they had a say; self-government was being forced upon many of them.

In my comments I need to acknowledge that a stage was set for the unfortunate commencement period of self-government, and that was the period when I, as a community leader, let years of non-consultation go on, on a whole range of issues across the whole community spectrum. Of course, Paul Whalan, as someone with the broadest shoulders in this Assembly and, as other people have said, one of the key, experienced operators, absorbed a lot of the punishment.

I came to this Assembly raw, inexperienced in politics and bursting to have a go and to even the score. I believe that, in a debate on 4 July 1989 in response to a motion called by Mr Berry, I overstepped the mark. I have said that; I said that in December, and I say now that, clearly, I should never have tabled the document; it should have been supplied elsewhere in confidence in another circumstance. That was an error of judgment which I acknowledged, not in a mealy-mouthed way but directly, in December, long before any good words about Paul Whalan were brought on by his resignation. That is an acknowledgement made.

Mr Speaker, Paul Whalan's other achievement has been to sharpen debate in the Assembly, and that produces a better democratic process. I believe that his other achievements have been catalogued, but I do want to say that controversy probably is the hallmark of the kind of broad footed, broad shouldered politician that Mr Whalan is. I do not believe that, in saying that he suffered grievously at my hands, he has been in any way seriously and permanently impaired as a result. Certainly, if there had been a situation that I could have attended to in relation to those matters I would have, but it achieved its own momentum at the time and it was not a situation that one could deal with easily.

Mr Speaker, that was the situation of self-government here in its early months. There was a lot of angst. As for the manner in which Mr Moore shifted responsibility onto my shoulders, let me remind him that he did apologise to me on an occasion for meeting with you, Mr Paul Whalan and Mr Peter Conway prior to the formation of government to have a discussion. That was a discussion that his colleagues did not know about. I say this with no rancour, Mr Speaker: it typified the extreme skills that Mr Paul Whalan has.

He had a very great hand in setting up self-government here and likewise, and unknown to many people, a very great hand in shaping the direction, the future and the partial disintegration of the Rally. This is the hallmark of a good politician. I hold no rancour against him for that. This is good politics, to slip the opposition. When we came to be sworn in here on 11 May 1989 I had no adequate knowledge of that discussion at that time, and the

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knowledge of that discussion came only later through a source next to Peter Conway. I think that was good politics. That is the hallmark of someone who has set his party up in a better position than it might otherwise have been in. I congratulate Mr Whalan for his skills. I am sure they are going to be felt elsewhere soon.

MR MOORE: I seek leave to make a statement. I claim to have been misrepresented.

MR SPEAKER: Please proceed.

MR MOORE: The apology that Mr Collaery is talking about is just another one of his lies.

MR SPEAKER: Order! Do you need to do this now, Mr Moore?

Mr Collaery: Mr Speaker, I ask that Mr Moore be asked to either withdraw that statement or prove it.

MR SPEAKER: Please withdraw the statement.

MR MOORE: Mr Speaker, Mr Collaery has provoked this situation and it is just another one of his lies. That is the crunch.

Mr Collaery: You did.

MR SPEAKER: Order, Mr Collaery! Mr Moore, please withdraw the statement.

MR MOORE: It is a fact, Mr Speaker.

MR SPEAKER: Mr Moore, I direct you to withdraw that statement.

MR MOORE: Mr Speaker, I will withdraw whatever you direct me to withdraw.

HERITAGE WEEK Ministerial Statement and Paper

MR KAINE (Chief Minister), by leave: Mr Speaker, as members know, Heritage Week is celebrated around Australia in April of each year. I formally launched Heritage Week in the ACT last Friday at the recommissioning of Locomotive 3016 and, of course, the week is now well advanced. Despite this, I believe that Heritage Week deserves particular recognition by this Assembly. Heritage Week provides a rare opportunity for the community to focus on the heritage which we all value and at the same time, through a varied program of activities, to educate ourselves further about our environment and history.

I understand that Heritage Week has been held in the ACT since 1981, and from 1983 it has been coordinated by a

committee representing key community organisations concerned with our heritage. The committee has representatives from the ACT division of the Australian Railway Historical Society, the Canberra Archeological Society, the ACT branch of the National Trust of Australia, the National Parks Association of the ACT and the ACT Heritage Unit of the Chief Minister's Department.

The committee, assisted by a part-time coordinator, compiles a program of events and activities involving more than 50 community groups and many Federal and ACT government departments and authorities. Extensive Heritage Week activities are also planned in schools and libraries across the Territory.

The organisation of ACT Heritage Week is supported by the ACT Government through a heritage grant from the community development fund. This grant - \$18,000 this year - is supplemented by extensive local business sponsorship, both in cash and in kind. This enables the ACT Heritage Week committee to produce a high-quality printed program to distribute throughout the community, to sponsor a display in the Albert Hall each year and to advertise Heritage Week events in the local media.

Mr Speaker, the theme for Heritage Week this year is industrial heritage. A range of activities and events during the week focus on the industrial theme. By recommissioning Locomotive 3016 at the Canberra Railway Museum last Friday, we provided a very fitting beginning to Heritage Week this year, in keeping with the industrial heritage theme.

Despite the apparent youthfulness of Canberra, the ACT contains a rich and varied industrial heritage, relating to both the national capital and earlier rural settlement. Grazing and other rural industries, mining, eucalypt distilling, timber cutting, flour milling and other essential industrial activities took place in this district during the nineteenth and early twentieth centuries.

With the establishment of the national capital, there was an initial focus on gearing up for the provision of essential services, and this meant the construction of a brickworks, power station, water storage reservoirs and pumping stations. All of these are now recognised as part of our inherited assets. These elements of our heritage allow us to understand something of the achievements of earlier generations in adapting existing technologies to industrial activities.

Mr Speaker, there has been an emphasis in recent times on the quality of our environment, on sustainable development and on heritage conservation. Industry has been challenged to be more environmentally responsible. We have been fortunate in the ACT to have been free from the burden of heavy industry and its adverse environmental consequences. Canberra was planned as a garden city right from the

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beginning, partly as a reaction to the dismal conditions of earlier industrial cities. It is important, however, to recognise the significant role that various industries play in sustaining our present quality of life.

No modern society can exist without supporting industry, whether it is primary production, mining, manufacturing or the high-technology computer industry. They all provide products that are essential to our daily lives. What is important is that industry should be responsible in its treatment of the environment and prudent and sensible in its use of resources.

Mr Speaker, the Alliance Government is committed to the protection and conservation of all aspects of heritage in the ACT. Apart from our industrial heritage, the ACT is fortunate to have significant components of Aboriginal heritage, including the rock shelter at Birrigai where the earliest evidence of human occupation in inland south-eastern Australia has been found. This site dates back more than 21,000 years.

Pastoral traditions are strongly reflected in our heritage also. Sites such as Lanyon homestead exemplify nineteenth century pastoralism, while Lambrigg, the home of William Farrer, was the site of his experiments in rust prevention in wheat, so important to the viability of a major Australian primary industry. Canberra, as a planned city, is itself a valuable item of heritage significance, not only in Australia but also in world terms.

The recently released draft Planning and Heritage Bills demonstrate our commitment to maintaining our heritage. As a government, we recognise and are reinforcing the obvious connections between heritage protection, conservation and land use planning. Consequently much of the value of the Heritage Bill is proposed to be brought into effect through the draft Planning Bill and its provisions for a Territory plan.

The provisions of the Heritage Bill provide not only for the protection of heritage places but also for heritage artefacts and objects - a much neglected and potentially fragile component of this community's heritage. Heritage is essentially about what we as a community value in the environment around us - what we care about and what we want to pass down to our children.

The responsibility for heritage protection and conservation is shared between the Government and the community. The Government can provide a legal and administrative framework which can act as a stimulus for the community to act responsibly towards its heritage, but the cooperation and participation of the community is essential for effective heritage protection and conservation.

In this regard, the Alliance Government supports the provision of grants from the community development fund for

heritage purposes. These grants provide assistance for the operation of key heritage community organisations, for projects and for the purchase of equipment for community groups.

Whilst the level of funding under this program has been modest, I believe that it has been very effective in achieving the involvement of the ACT community in the conservation and the presentation of its heritage. The success in past years of ACT Heritage Week is evidence of this. This is where celebrations like Heritage Week measure their value - they involve a broad cross-section of the community. Heritage Week provides an opportunity to participate in a wide range of activities for all ages and interests - from urban walks, tours and exhibitions to special heritage menus at local restaurants.

Mr Speaker, I commend the work of the ACT Heritage Week committee for developing this program this year and I hope that the community is participating fully in the events of this week. I table the following paper:

Heritage Week - Ministerial statement, 26 April 1990.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

ACT GREENHOUSE STRATEGY Ministerial Statement and Paper

MR KAINE (Chief Minister), by leave: I would like to inform the Assembly about current initiatives that my Government is taking to respond to major environmental issues affecting the ACT. As the Minister with overall responsibility for environmental matters, I am acutely aware of the crucial role that the environment plays in maintaining and conserving our quality of life based on the present and the future. Because the environment is affected by such a variety of human activities, it is critical that our approach to the protection of the environment is handled in a coordinated and integrated way.

For too long people in the ACT have seen spasmodic environmental initiatives undertaken and promoted on an ad hoc basis by some areas within the Government, only to realise that these initiatives have not been carried through in related areas. This has meant that these initiatives have not been able to achieve as much as had been hoped.

To overcome this problem, my Government is working on a policy document which will detail how the Alliance

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environmental platform, which was released in January, can be implemented within the next five years. This policy will bring together all the issues relating to the environment as one set of principles which can be implemented in a coordinated way.

It is important, as I have just outlined, that a government should have an overall vision of the environment and a set of principles to put this vision into practice. Individual proposals can then be examined against the principles to ensure that they are consistent with our overall goal. It is only when we put these principles into effect that we can hope to achieve a coordinated set of activities across the ACT, leading to desired objectives.

The Government's environmental strategy will be published soon and will provide both the overall vision for the ACT environment and the framework for the more specific environmental policies that my Government is developing. In our first year in office we are giving priority to developing strategies to address the greenhouse effect and for recycling, energy conservation and sustainable development.

We are giving urgent attention to the report on waste management recently tabled by the Standing Committee on Conservation, Heritage and Environment. Its report on an integrated energy resources policy, which we expect to be tabled in a couple of months, will also be a high priority for the Government.

Protection of the environment has important implications for future economic development for the ACT. What use is economic growth and its associated benefits if our environment is seriously degraded? Unless economic decisions are ecologically rational, we will be unable to maintain, let alone improve, the standard and quality of our living.

Recognising this interdependence between environmental protection and economic growth, this Government is developing policies which will ensure that development decisions made now do not compromise the environmental quality of the ACT of the future.

To help in the management of our integrated approach to the environment, a variety of mechanisms have been established to ensure that environmental policies are consistent across all functional activities within the Government. This will also ensure that environmental implications are adequately and comprehensively addressed whenever they occur. These mechanisms include the interdepartmental committee on environmental policy, which is responsible for identifying and recommending solutions for the big environmental issues which confront the ACT. Also, the interdepartmental committee on environmental quality provides a forum for the exchange of expert and technical information and ensures that information on new developments is shared across agencies within the Government.

There are a number of specific big issues that the Government needs to address, and the greenhouse effect is one of them. It is now generally accepted that there is a gradual warming of the earth's temperature due to the release of detrimental gases into the atmosphere. It seems that it is difficult for the scientists, at this stage, to determine the rate and the amount of global warming, but we do know that in the interests of mankind, we have to start now to develop initiatives to respond to the greenhouse effect and plan for the changes that will occur with an increase in the earth's temperature.

I am releasing today a consultation paper called Developing an ACT Strategy to respond to the Greenhouse Effect, which has been developed by a working party of officials from all relevant agencies in the ACT Government. I invite public comment on the consultation paper so that the fullest debate on this most important issue can be generated at our localised level. Many of the initiatives proposed in the strategy are still at a preliminary stage and the Government is awaiting the report of the Standing Committee on Conservation, Heritage and Environment on an integrated energy resources and environmental policy for the ACT before finalising its greenhouse policy.

The proposed five-part strategy is based on: actions to limit the greenhouse effect by slowing down and reducing detrimental gas emissions; planning and research to direct our efforts to adapt to future climatic change; coordination and monitoring of research programs in other States and at a national level; education to develop community awareness and action, to ensure that actions can be implemented effectively; and coordination within the ACT Government to ensure implementation, evaluation and reporting.

The most immediate way that the release of greenhouse gas emissions can be slowed down is through reducing emissions of chlorofluorocarbons and other gases such as carbon dioxide and methane. Cabinet has agreed that legislation should be prepared to regulate the use of ozone depleting substances in the ACT and this will ensure that the ACT, at least, is able to implement the Australian and New Zealand Environment Council strategy for ozone protection and complement the Commonwealth Ozone Protection Act 1989.

In addition, the Government should be looking at ways of phasing out CFCs that are already present in refrigerators and cars in the ACT. Depletion of the ozone layer is a related issue to the greenhouse effect because chlorofluorocarbons not only harm the ozone layer but also function as greenhouse gases and contribute to global warming. However, carbon dioxide released by burning fossil fuels and wood for energy production is the major source of greenhouse gases in the atmosphere and contributes 45 to 55 per cent to the greenhouse effect.

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Energy conservation, in its broadest sense, is therefore a particularly important part of the strategy and perhaps the most direct way that we can all contribute to the slowing down of the greenhouse effect, particularly in the short term. The strategy proposes a number of initiatives that will promote energy conservation in transport, building and construction, the way that we use energy at home and in our industrial sector.

We are also looking at means of introducing energy efficiency ratings for buildings and energy efficiency labelling for products in the ACT. We recognise that this latter aim, of course, depends on cooperation with other jurisdictions and I cannot see, at this stage, how we can introduce it unilaterally. Promoting recycling measures, developing reforestation and sensitive agricultural and land management practices are also part of the strategy to reduce deleterious emissions. For example, an effective reforestation strategy can promote the use of timber from plantation forests as a building material, encourage the growth of new forests and act as an efficient means of carbon dioxide fixation.

We will be carefully considering the recommendations on waste management in the report of the Standing Committee on Conservation, Heritage and Environment on that subject. Obviously, waste management and minimisation are important elements of both an effective greenhouse strategy and overall protection of the environment.

In terms of reducing methane emissions - the other major greenhouse gas - at this stage there appears to be little that can be done to absorb or limit methane emissions in the ACT, apart from reducing waste generation. The ACT will be monitoring developments in other States in the collection and utilisation of methane gas generated in landfill, sewage treatment and other industrial processes to see whether there will be scope for further action as technologies evolve. (Quorum formed)

Community education and participation are vital elements in making a greenhouse strategy work. It is only through community education and participation that the ACT Government can develop community awareness of the causes and implications of the greenhouse effect and encourage innovative responses to address those issues at all levels of the community.

It is important that members of the community have the opportunity to respond to the issues raised and the initiatives proposed in the greenhouse strategy and that they understand fully the urgency and importance of the issue.

The inquiry by the Standing Committee on Conservation, Heritage and Environment on an integrated energy resources and environmental policy for the ACT is providing an opportunity for the community to have input into

initiatives that the Government is developing in the energy conservation field.

The terms of reference of the committee are to inquire into and report on an integrated energy resources and environment policy for the ACT with particular reference to: the use of emission standards for wood-burning stoves, integrated with management of plantations of pine and native species; housing design standards to conserve energy; the environmental impact of current energy use in the ACT and the environmental impact of alternative proposals for balanced energy use; and the environmental impact of energy use aspects of urban planning and transportation.

Mr Deputy Speaker, the Government believes that it is important to have consensus across the community on the range of issues that are involved in such an inquiry. The committee has received a number of submissions and I expect it to be reporting in the near future. It is therefore essential that the community interest, expressed through input into such committee inquiries and feedback on government strategies, is taken into account by the Government. If we can put forward initiatives that involve the community, we can harness community concerns and ensure that our initiatives are implemented effectively and successfully.

The work that has been undertaken for the ACT in dealing with the greenhouse effect problem fits in well with the national initiatives in which we are involved. The Australian and New Zealand Environment Council members are currently preparing a national greenhouse strategy document and the ACT has been involved in this. The report will provide a useful basis for consultation, discussion and decision making for national initiatives to respond to the greenhouse effect.

The approach taken acknowledges the important role of a number of key stakeholders, of which the ACT is one. It also takes into account the international context, especially the Pacific region, and links in with the strategy being produced in New Zealand. Ultimately, strategies to respond to the greenhouse effect will only work if they are adopted on a global level. However, we can all start to become more aware of issues surrounding the greenhouse effect and modify our lifestyles to limit the level of gas emissions.

The Alliance Government is involved in a number of initiatives to develop greenhouse strategies and I will keep the Assembly informed of progress. As I have stated, initiatives such as the greenhouse strategy are but one of a range of responses to environmental issues that the Government is tackling. The community needs to be confident that the Government is committed to conserving and, where possible, enhancing the current high quality of the ACT's environment. Responses that we are developing

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are looking at not only addressing current issues of concern but also beyond these to ways of tackling other emerging environmental issues.

Mr Deputy Speaker, the Government of the ACT needs to work in partnership with the community to ensure that environmental issues can be addressed in a comprehensive and effective way. The initiatives that the Government will propose will work only if they are taken seriously by the private sector and by all individuals in the community. We will all need to change habits of a lifetime and adopt sensitive attitudes and practices with regard to the environment.

Mr Deputy Speaker, I present the following papers:

ACT greenhouse strategy - Ministerial statement, 26 April 1990;
Developing an ACT Strategy to Respond to the Greenhouse Effect.

I move:

That the Assembly takes note of the papers.

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

ADJOURNMENT

MR DEPUTY SPEAKER: Order! It being 4.30 pm, 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.

DOMESTIC VIOLENCE **Discussion of Matter of Public Importance**

MR DEPUTY 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 widespread problem of domestic violence and the need for action by the Government to assist domestic violence survivors.

MS FOLLETT (Leader of the Opposition) (4.31): I have proposed this matter of public importance today to mark the fact that it is national Stop Domestic Violence Day. Today is also the second anniversary of the opening of the Canberra Domestic Violence Crisis Service.

Domestic violence is something which nobody used to talk about. In recent years, the more people have been willing to talk and as more research has been conducted, the more we have realised the widespread nature of the problem. Several simple facts should concern everybody in the community and galvanise us to take action.

Research shows that one in three female partners is likely to be subjected to domestic violence at some time during their relationship. New South Wales police statistics indicate that almost half of all female murder victims were killed by their spouse and that there was previous evidence of domestic violence in about half of the killings. A national opinion survey showed that nearly half of the Australian community know somebody actively affected by domestic violence, yet one in five people think that there may be circumstances in which use of physical force against a partner is acceptable. It is not.

Domestic violence can take many forms. Apart from suffering from obvious physical acts like hitting, pushing, shoving, kicking or choking, many women live with the constant threat of violence. We can also identify other forms of abuse which might be classed as domestic violence because they involve intimidation or denigration of the partner. For example, psychological and emotional abuse can involve threats, harassment or denigration of the person.

Social abuse involving isolation is often caused by geography and the denial of transport to a spouse. Economic abuse often stems from male control of household financial resources. Finally, sexual abuse within a relationship should also be considered domestic violence.

Domestic violence occurs amongst all groups in the community, whether middle-class or working-class, old or young, black or white, English or non-English speaking in background. The perpetrators are often outwardly respectable and responsible members of the community.

I mentioned that one in five Australians thinks domestic violence is acceptable in some circumstances. The same survey found that one-third of respondents felt domestic violence was a private matter that should be handled within the family. More than a quarter felt that they would ignore the situation if they found out that a neighbour was beating his wife. Two-thirds of the community held the view that a woman who is beaten can always leave if she wants to.

It is clear that we need a change in community attitudes. In particular, we need a change in attitude by men, who have to recognise that violence in the home is unacceptable, and not only unacceptable but also a criminal offence. I believe that we should call domestic violence what it really is - criminal assault. Violence in the home

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has always been wrong, it has long been illegal, but the powers of arrest and punishment under the law have not always been adequately applied.

Community attitudes to domestic violence and enforcement of the law seem to stem from the low social status of women in our society and the fact that men still regard women in many senses as their property. For some reason, our community sees violence in the home as different from violence elsewhere.

Recognition of the fact that women are not adequately protected against violence in the home has led all Australian States except Queensland to introduce domestic violence legislation. The usual features of this legislation include definitions of the range of offences which constitute domestic violence. The legislation provides for a protection order from a court where there is actual violence or a reasonable fear of violence. The protection order can be extended to others in the same household, particularly children.

The legislation usually encourages the laying of charges by police rather than placing the full responsibility for informing onto the victim. Police are given clear powers of entry to a dwelling where a domestic violence offence is suspected, and a breach of a protection order is a criminal offence for which arrest can be automatic.

The ACT Domestic Violence Act of 1986 contains all these features and it is a fact that about 40 protection orders are granted every month. The victims of domestic violence need assistance and understanding from the community and they have a particular need for certain types of services. I am very pleased to say that, since the introduction of the Domestic Violence Act, the Federal Police have responded extremely well. A lot of effort has gone into education and training and I believe that most police now understand their obligation to intervene in cases of violence in the home.

The Domestic Violence Crisis Service, which was established two years ago, provides very valuable support and counselling services to victims. The workers at the service, who are often called out with the police, have shown great dedication and courage in helping women and children. The seriousness of the problem in our own community is demonstrated by the fact that crisis service workers are called with the police to more than 70 serious assaults every month and receive more than 500 calls each month on the crisis line.

All too often the reason why women live with domestic violence is that they have no option; they have nowhere to go. These women's options are usually also restricted by the types of community attitudes to which I have referred. As an Institute of Criminology paper put it:

Police remain reluctant to arrest perpetrators; medical practitioners appear to be equally unsupportive, often ignoring the abuse and treating the client symptomatically; lawyers and the judicial system appear indifferent and inactive; clergy are felt by victims to be the least helpful of all agencies; and ambivalence and detachment are found in other health and welfare workers.

It is not surprising, therefore, that leaving a violent relationship is a last resort. Women do not call the police lightly and they do not take their children and leave the security of a home unless there is very good reason.

It is instructive to continue with the same passage from the Institute of Criminology paper. The institute goes on to say:

The only support agencies with a consistently positive image are women's refuges. Victims feel that refuges are psychologically supportive, non-blaming, provide the practical help they need to survive, and help with overcoming feelings of worthlessness and guilt.

These are precisely the reasons why my Labor Government provided an additional \$142,000 in the budget this year for an additional domestic violence refuge. That refuge is desperately needed by many women and children in Canberra. The Government is currently paying a lot of money to accommodate women and children in motels because they have nowhere else to go. The existing refuges are overflowing and always have been. It goes without saying, of course, that those motels do not provide the specialised support or counselling that a refuge would.

The attitude of members opposite is demonstrated by the fact that nothing has been done by the Alliance Government to spend the money which I provided. Just as with many of the other initiatives in the budget concerning women, they will sit on their hands and take no action. They do not have the courage to announce what is effectively another budget cut.

Yet another area where this Government has been dragging the chain is in amending the Domestic Violence Act. A review of the operation of this legislation was conducted in 1987. It involved substantial agreement by all interested parties about a number of amendments. For example, a domestic violence protection order may currently only be sought by a spouse, police officer or, in the case of violence against children, parent, guardian or household resident.

Clearly we should make the protection provided by the Act available to more people. For example, elderly members

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of households, such as grandparents or the parents of adult children, can also be victims of harassment and abuse, and protection obviously needs to be extended to people in differing forms of relationships. Everybody concerned agrees that the New South Wales approach should be adopted where protection is extended to all family or household based relationships.

The other important amendment that everybody is waiting for is one which will allow people under the age of 18 years to seek protection from domestic violence in their own right. At present, the Act prevents a person under 18 years from applying for a protection order without the assistance of others.

These two major amendments and a number of other technical changes have been needed for a long time. Everybody concerned agrees with them. At the start of October last year the Labor Government agreed to the drafting of these amendments. A preliminary draft had been prepared by the time we left government. Once again, the inaction and the uncaring attitude of the current Government and, in particular, of this Attorney-General has been exposed.

Mr Collaery: How outrageous! You'll get your answers.

MS FOLLETT: Mr Collaery has had four and a half months to introduce the Bill but he has done nothing.

Mr Collaery: You had seven months.

MS FOLLETT: I notice that he is getting a bit heated. If he has done anything, I would be delighted to hear about it. I do not wish to end, however, on a sour note; so let me be optimistic and say that, after a decade of campaigning in the US and Canada, research shows that community attitudes may be changing.

But we should take seriously the argument that domestic violence and the attitudes which surround it are based on deep-rooted assumptions about gender roles. They depend upon systematic, economic, political and legal inequalities between men and women. Campaigning against domestic violence alone is, therefore, not enough. We must tackle the attitudes and inequalities of our whole society before domestic violence can be removed.

MR COLLAERY (Attorney-General) (4.43): Much of what the Leader of the Opposition said is common ground in this community, one hopes, or at least in this Assembly, one hopes. Certainly the Alliance Government agrees with the sentiments that the Leader of the Opposition expressed up to the time she departed to the \$142,000 and the rest. The Government is deeply concerned with the problem of domestic violence in our community and recognises the need to assist domestic violence survivors. (Quorum formed)

Domestic violence is a difficult problem to address as it involves social attitudes towards women, human relationships and the family. However, there are several ways in which this Government is assisting victims of domestic violence. In my role as Attorney-General I am particularly concerned with legal initiatives for its prevention.

I recently attended a legal forum on domestic violence, which the Leader of the Opposition opened. She did not stay, but many of the rest of us stayed for most of the sessions. It was arranged by the Domestic Violence Crisis Service along with representatives from agencies involved in assisting survivors of domestic violence, including the police, the Legal Aid Office, the courts, the Director of Public Prosecutions and the Adult Corrective Services.

This excellent forum, organised by Heather McGregor of the Crisis Service, made it clear that legal agencies in the ACT recognise the importance of working together to prevent domestic violence. It was most significant that, late on a Friday afternoon, Heather McGregor and the service could get such a huge gathering - probably more than 200 people at one stage - on this topic. It demonstrates a clear community commitment to the concerns and the chance that we have of a bipartisan effort in this area.

One of the initiatives touched on was formal training for police in dealing with domestic violence. I am pleased to say that procedures have been developed in consultation with the Domestic Violence Crisis Service, which, as you know, is also called to all disputes but which will answer only if either party so requests and the police consider it safe to do so. So the police involvement is vitally important and must proceed in harmony with the Domestic Violence Crisis Service. They have put in enormous effort, to my personal knowledge, over the years in beating down community attitudes and gaining an acceptance of the inequality of women, which is fundamentally at the base of much of this problem.

Despite the legitimate criticisms that Ms Follett outlined, the ACT's domestic violence legislation is still at the cutting edge in this country. When one travels and when one is used to different legal jurisdictions in this country, one realises that that excellent band of people who got together in the early 1980s in the ACT and put together that legislation need to be congratulated for their foresight. Some States still do not have those processes. The introduction of the Domestic Violence Act at that time was a great boon to many people involved, including the practitioners, and I was numbered amongst those at the time. Much credit should go to our Chief Magistrate, Mr Cahill, in that regard, and the persons who assisted him in various lengthy committees.

This Government is committed to amending the Domestic Violence Act. The amendments that the Leader of the

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Opposition so churlishly referred to as having been delayed by this Government have been agreed to by the Alliance Cabinet and they are with the draftspeople at this stage. Despite the very great pressures on the Legislative Counsel's office, I truly hope that we will have a Bill by the end of this autumn session.

There can be no question that the Attorney-General of this Government - me - and the rest of the Government are not committed to getting those amendments in. The Chief Magistrate said at that forum that I mentioned earlier that the amendments had been agreed to and largely drawn up before self-government. I put to the Leader of the Opposition that she had seven months to get the drafting done and get the Bill before the house, and she should give us a chance to finalise the process without unnecessary, churlish criticism which I regard as quite personal in the way she put it. It was extremely personal criticism and she knows it is totally wrong and unfair.

The Government has adopted the recommendations of the committee which comprise the background to those suggested amendments. Although the Leader of the Opposition catalogued the defects in the current law, she did not indicate what amendments she knew are just around the corner. They are major amendments that will extend the categories of persons who are eligible to apply for a domestic violence protection order.

This will make ACT legislation consistent with that of New South Wales so that protection will be extended to family and household based relationships. This will include a person who is living or has ordinarily lived in the same household as the perpetrator and a person who is or has been a relative of the perpetrator, as well as children of these people. This means that the protection under the Act will extend to people such as parents, grandparents and adult children with mental or physical disabilities.

It is also proposed that the Act will be amended to allow a child to apply for a protection order in his or her own right and for the provision of legal assistance in these cases. This is particularly important where children are in the age range of 16 to 18. There may well be occasions when they are separated from their parents but still wish to have the protection of a domestic violence order. This particularly arises where allegations of child abuse are involved, as in the series of the "Louise" articles so graphically published by the Canberra Times recently. Other amendments will also be supported to improve mechanisms for protection under the Act. The Government is committed to introducing these amendments as soon as possible, and I hope we can bring them in before the end of this autumn session.

The ACT and the Commonwealth governments jointly provide funding for the ACT Legal Aid Commission. None of my comments on this topic could pass without recognising the

leading role that the Legal Aid Commission provides in domestic violence matters. Although formally the commission provides a full-time duty solicitor, on recent occasions and, I am advised, after the Raiders lost their first game recently it was all hands to the pump in the family law section of the Legal Aid Office. There were up to 11 complainants in the aftermath of the Raiders missing their first game.

The drama, the tension and the efforts of the legal aid staff in domestic violence could not be exaggerated by me in this chamber. There are often dramatic scenes, and recently that was the case. There is intense pressure on court staff, the magistracy and all those working in that area, including the private practitioners who attend also, although I note that in the past three months the commission has been able to make regular, urgent domestic violence referrals to only two private practitioners, with others taking domestic violence referrals occasionally.

That has worsened the plight of the Legal Aid Commission and is a matter which I am looking at now with a view to determining whether solutions lie within the commission or with a mixture of effort by this Government, particularly in funding directions, and other initiatives. Some options, for example, that may be considered are to permit people who do not have current practising certificates in law to assist applicants to make their applications before the court. Those assisting might be friends, relatives, crisis workers, refuge workers and the like. I see disadvantages in that option, and I am not sure that the commission would be entirely happy with it due to the complexity of the situation and the need to have counselling and legal assistance in the one place.

Another option is that the Law Society of the ACT could, with the large sums of interest that accrue on the trust fund, provide its own domestic violence duty lawyer service. That could be explored.

But it is vitally important that the whole of the ACT community recognise what the Leader of the Opposition said when she quoted that appalling statistic of the number of referrals per capita in this Territory. That means that a minority of men, particularly, in this community are whacking the ratepayer and the taxpayer in this Territory and are often escaping without any of the financial and pecuniary penalties that can be applied to them by other laws to pay for the court processes. I am looking at that matter very carefully at the moment to see whether there can be any cost recovery from the perpetrators of domestic violence.

Another issue which I am determined to look at is why the assaulted party and/or children should leave the home and whether realistic measures can be brought in to exclude the perpetrator from the home. But very often the situation is so emergent that the party has already fled the home before

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help can be brought. As we all know, those in occupation often have a tactical advantage.

There is great inequality in that area of legislation, and the magistrates put enormous effort into being even-handed, and great effort is put in by the Legal Aid Commission and other practitioners who are dedicated in the area - it is unremunerative - to try to even the complete imbalance between the parties.

The Alliance Government is committed to maintaining current funding levels for the Legal Aid Commission to enable the continuation of this service. There can be no thought that we would work towards the derogation of that service. My law officers are currently investigating ways, in tandem with the Legal Aid Commission, to try to assist the commission in the great stress that it is under in relation to the domestic violence area.

We are also looking at broader, long-term solutions in cohesion with other States' Attorneys; particularly, the Government is examining the report of the National Committee on Violence, which highlighted the social and economic cost of violence. In due course I will be tabling the report and advising the Assembly of the implications of this for the ACT. Clearly, there should be unanimous support for the weapons amendment to the domestic violence legislation. That Bill, which has been introduced into this Assembly, will enable a magistrate, on request, to order the seizure of firearms and other weapons held by an alleged perpetrator of a domestic violence conflict.

Finally, the Leader of the Opposition said that we had failed to spend the \$142,000. I have news for her; she did not allocate a separate fund of money. Although the item appeared at page 12 of the women's budget, that \$142,000 represented a presumptive claim on the SAAP funds. The SAAP funding decisions, in the normal process of events, have only just come to me as Minister. They are recommendations by the committee in the standard, accepted way that we deal with the Commonwealth. There has been no delay and no attempt to siphon the funds away or use them for anything else.

If the Leader of the Opposition had given attention to these matters when she was in government she would have found that through an oversight - and I do not know whether it is hers or someone else's - she made provision in her budget but did not carry it through. In effect, that money has pre-empted the SAAP funding vote, and an acute problem has arisen about that funding matter. I had discussions with representatives of Toora women's shelter last week, and they will continue until we can resolve the funding issue that has arisen over that oversight.

I am happy to brief the Leader of the Opposition outside the Assembly in relation to those budget and treasury matters. They certainly have no reflection on the Alliance

Government. It was only recently drawn to my attention. That \$142,000, which in real terms, for full-year funding, was \$238,000, would represent just about the whole of the SAAP funds for the year. It would embrace all the youth services and the rest. No separate provision was made in the budget. It was an assumption that SAAP would be available, and that creates acute problems at the moment.

MR BERRY (4.57): I must say that I am very pleased that the decision by the Leader of the Opposition to raise this issue as a matter of public importance has again flushed the Government out to at least make some comment in relation to the matter. We have heard some flowery and, I suspect, some mealy words in relation to this matter. Time will tell whether the Minister will deliver the goods in relation to the provision of services for those who suffer as a result of domestic violence.

The recognition of the widespread incidence of domestic violence in the community is still only new. I do not see any evidence that that recognition has really sunk in with members of the Government. I think it will require some commitment from them to overcome the problem for those who suffer as a result of domestic violence, whom services have not reached. Unfortunately, domestic violence has remained a hidden problem for too long. If history is any indication of what the future might hold for these people under this Government, it might be hidden for longer. There needs to be action, not words.

The attitude of society that women and children are the property of the male of the household persists whether we like it or not. This attitude totally undermines any attempts to improve the status of women. It was this attitude and its rejection which led to modern domestic violence Acts and the setting up of crisis services to give support to victims of domestic violence. That so many in the community are victims of domestic violence and that it occurs in all sectors of the community is a disgrace, and it is only now being revealed.

The myth that domestic violence occurs only amongst the poor is still widely believed. There is little doubt, Mr Speaker, that domestic violence occurs at all levels of society, in all cultural groups and at all ages. Older women are increasingly vulnerable. At a time when the population is ageing, it is crucial that we double efforts to fight this crime.

Domestic violence is an issue which some people would like to ignore and which some would prefer not to confront. But the issue has to be confronted by the people with the power to do it, and at this point in time it is the Government. The community requires action. Examples of women seeking help from neighbours only to find pleas for help unanswered are a further shame on society's view of this crime. That it is a crime is in no doubt. If one member of society attacks another in public, we are outraged; if it is done

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in a private home, we hide. Mr Speaker, as a community we pretend that it does not exist.

Mr Doby: I don't.

MR BERRY: Well, that is something you do. It is very difficult for many in society to understand fully the effects of violence on women. Our cultural background trains men to respond to violence with violence and aggression. Women and children in violent situations undergo not only physical suffering but also continuing emotional battering which impairs their ability to partake fully of society and leaves them unable to defend themselves physically and emotionally, and they are scarred for life.

As the Leader of the Opposition has said, that two-thirds of the community hold the view that a woman who is beaten can always leave demonstrates a failure to understand the complex nature of domestic violence and its effect on the victims. In many cases those battered women are isolated and economically or emotionally dependent, and as a result they lose confidence in themselves. They have a natural aversion to breaking up their families; they may hope that the bashing will stop and, more importantly, they are often terrified that they will be pursued and punished further. It is not a simple case of packing bags and leaving. The breaking up of the family is a long, painful and drawn-out process, and for many the financial costs are prohibitive.

The fact that almost half of all female murder victims are killed by their spouses is forgotten when the issue of providing adequate support for the victims of domestic violence is raised; that this crime threatens the lives of its victims is ignored in the belief that it is simply a private matter.

How do we approach the problem? Today we heard some words, but one would hope that now that the Government has been flushed out to make some statement on the issue there may be some action. We have heard all of the things that the Attorney-General is going to do, but it would be nice if we were to see something come to fruition from those words.

How do we, as a community, respond to domestic violence? Perhaps the best way is to take advice from those with the most experience. I think consultation with just one area of the community is inadequate. We have to continue to change the community attitudes to this crime. We have to learn about domestic violence, Mr Speaker, and we have to ensure that education programs - both the existing ones and the new ones - get to all sectors of the community.

At this point I must say that the diminishing concern by the Government for education in this society is, and should be, of great concern to the rest of the community. These education programs have to find their way into all sectors of the community - to schools, if there are any left open,

community groups and police. It would have been nice to be able to negotiate the terms of the new police force, but the Chief Minister has made it clear that there will be no negotiation in relation to that; that it will be looked after.

Ms Follett: He will tell us when he has decided.

MR BERRY: Yes, he will tell us when it is all decided. It will all be conducted behind closed doors. I wonder whether Mr Collaery supports that view. We have to ensure that information on domestic violence is displayed as widely as possible. It has to be displayed in doctors' surgeries, clinics, churches, schools and shopping centres. The practice of hiding the issue of domestic violence must cease.

Mr Collaery: Hear, hear!

MR BERRY: I am glad that you agree with me on that, and I hope that in the future, Mr Collaery, we can see some action that will ensure that it goes a little further than mere agreement.

Mr Collaery: You're getting a bit sharp these days.

MR BERRY: You are dealing with some pretty blunt edges over on that side. The review of the Domestic Violence Act in 1987 yielded recommendations to improve the Act, and it is good to hear that there are changes in the pipeline. The Government should move quickly to ensure that those recommendations are implemented. It should also move to implement the Labor Government's budget initiative to fund another domestic violence refuge. I do not want to hear any more excuses about the funding. I want you to get on with the job. Do not talk about what you are going to do.

The lack of accommodation for those in crisis has led to the placement of victims in motels, where support services cannot be adequately delivered. Mr Collaery, you would agree with that. There needs to be another crisis centre. It is not enough to take women out of their homes; they must have access to the full range of support services in this time of crisis. Motels are just not good enough; we need another centre, and we do not want excuses about the funding.

This really boils down to the empowerment of women in society, and that should be the fundamental aim of improving services to women. When the Follett Government attempted to improve women's services, some Liberal members attempted to prevent money flowing through to those women, and they will continue to do it. I think the greatest evidence of their lack of commitment to women's issues in this Territory is the number of them in this house. There is only one Liberal member. The Minister responsible for women's affairs in the Territory, the Chief Minister, Trevor Kaine, has not been in the chamber since the debate started.

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MS MAHER (5.08): Mr Speaker, other speakers have noted that today is National Stop Domestic Violence Day. It is an important way to make everyone aware that we are all responsible and that all governments must work to eliminate domestic violence.

It is fitting that this Assembly pauses to think about the effects that domestic violence has on our community. The costs of domestic violence are enormous. The first effects of domestic violence are the terrible injuries that too many women and children are suffering today and every day and the trauma that goes with the horror of violence in the home.

Domestic violence destroys the fabric of family life; it leaves permanent scars on survivors; it has the potential to emotionally damage all members of the family, their children and even their children's children; it generates a heavy cost on government in legal aid, financial help to survivors and help in kind, such as new housing. Often survivors have no source of income other than from the government. There are heavy medical costs and many other costs that cannot easily be quantified, such as lost schooling.

Domestic violence is a problem that faces all of Australia, and it must be addressed in a bipartisan manner. With encouragement from all States and Territories, three years ago the Federal Government launched a major campaign to educate the community about domestic violence. A domestic violence task force was set up, with representatives from all States, Territories and the Commonwealth, to manage the national education campaign and to coordinate initiatives against domestic violence.

For example, today a national forum on domestic violence training initiatives is being held in Adelaide. It is being attended by people who train workers in domestic violence management across Australia. The ACT has people there from both the government and non-government sectors.

The national education program is aimed at providing education on various aspects of domestic violence across Australia. It includes subprograms aimed at meeting the needs of women living in rural and isolated areas, women from non-English speaking backgrounds, Aboriginal and Torres Strait Islander women and Australian youth. In this way it is hoped that the message that domestic violence is not acceptable will be heard loudly and clearly across the whole of Australia.

I have mentioned the national initiatives because they emphasise the importance of community education. The objective is a change in community attitudes towards domestic violence. It is not that long ago that women were considered to be at fault if they were assaulted in the home. Research in the mid-1980s showed that many

Australians believed it was all right for men to assault members of their families in ways that were totally unacceptable outside the home.

The challenge before us is to make the community understand what domestic violence means. As a community we must view this sort of behaviour as unacceptable. The full weight of the law must be used to prevent such action and to take appropriate steps once violence has occurred. I find that it is still sadly true that many women either lack support or feel that they lack support to say publicly that they have been abused. I recall that only recently a person from New South Wales was interviewed and said, "It must have been the woman's fault". We must oppose this attitude wherever it appears.

It is not a woman's fault if she is abused physically or emotionally. No provocation is great enough to deserve violence in return. No circumstances could make it her fault or clear the perpetrator from responsibility. This Government has a very clear view on this matter and will do whatever it can to educate the community that domestic violence is unacceptable in the ACT. Our policy on the status of women says:

Women and children are more likely than men to be victims of criminal assault, particularly domestic violence and sexual abuse, and of street violence. The Alliance Government has a strong commitment to promoting the safety of women and children in our community and to providing ongoing community education programs.

Now I would like to quote some excerpts from the report of the National Committee on Violence. Some have already been mentioned, but I think they are worth reinforcing. It says:

One of the most striking aspects of violence in Australia is that the vast majority of those who commit acts of violence are males ... Victims of sexual assault and domestic violence are overwhelmingly female ... it is difficult to estimate the extent of domestic violence because of the lack of suitable data, but ... broad estimates suggest that "the behaviour is widespread, almost to the point of being a normal, expected behaviour pattern in many homes" ... in 1986-87, 25 per cent of all offences against the person reported to police occurred in a private dwelling ... a survey of community attitudes in 1987 found that 46 per cent of respondents reported knowing someone involved in domestic violence ... 47 per cent of all female homicide victims were killed by their spouse, compared to 10 per cent of male victims ... The general features of domestic violence ... were its private nature, that it is under-reported, that it occurs

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in all socio-economic groups and that there is still a high level of tacit community acceptance of at least some forms of domestic violence.

The ACT provides some high-quality services to help survivors of domestic violence. The Domestic Violence Crisis Service celebrates its second birthday today. It is a comprehensive service operating 24 hours a day, seven days a week. It works closely with the ACT police, refuges and all arms of government. It is of particular credit to that service that it works so effectively with a range of agencies.

The Domestic Violence Crisis Service, through the courts, helps women and children stay in their own homes. This is done through exclusion orders which force the perpetrator of domestic violence to move out of the family home. This is an important way of maintaining the dignity, safety and comfort of domestic violence survivors.

Canberra also has a range of women's refuges and halfway houses, which play a vital part in helping women survive the crisis of domestic violence. Domestic violence survivors also need long-term counselling services to help them regain their self-worth and quality of life. Canberra has a range of generic services in this area based at community health centres. There are also specialist services operated by the Rape Crisis Centre and the Incest Centre. Professional organisations, trade unions, police officers, doctors, nurses, lawyers, clerics, teachers and community groups are also playing important roles in dealing with domestic violence, as well as those directly involved in working in refuges and crisis services.

I have visited the Domestic Violence Crisis Service and was impressed with its professionalism. I would like to publicly congratulate it on its second birthday. Unfortunately, figures on the use of the Domestic Violence Crisis Service show that it is meeting a real need in Canberra. It has over 500 telephone calls each month and its workers intervene in over 70 crisis situations a month. In terms that we can understand, it means that six Canberra women in every 100 are strong enough to admit that they have been abused in their homes. Many of these women will be our friends and our neighbours.

More significantly, the figure that I find most disturbing is that one woman in every three will experience domestic violence in her lifetime. This brings home to me the true horror of the situation. At this level we are not talking about friends and neighbours; we are talking about our closest friends and, indeed, ourselves. Every woman in this chamber today either has faced domestic violence or runs a real risk that she will do so in the future. (Extension of time granted)

Today, being National Stop Domestic Violence Day, I have concentrated on the horrors of domestic violence. It is a

social problem that cuts across all governments at all levels and affects all Australians. Governments can help survivors but only the community can help break the cycle. Collectively, individually, as members of government and in our social circles, we must state that domestic violence will not be accepted in the ACT.

MR WOOD (5.18): Mr Speaker, as the Labor leader, Rosemary Follett, said, domestic violence is very much related to attitudes of the community at large, women and men. In some cases those attitudes are of tolerance or of avoidance of not taking action or non-interference. Let me talk about the male attitudes that are clearly identified. I do not know when it started - before anybody could record, perhaps, although it differs from society to society - but the attitude of men, of dominance, is unquestionably one of the main factors in causing domestic violence. How hard it is to change that emphasis. In some cases, research tells us that there is an attitude amongst some women that domestic violence can be tolerated. What is perhaps more common is the fact that too often there are too few options for women to explore to find an alternative.

How do we change those attitudes? I cannot stand up here today and tell you. Like others in this Assembly, about a week ago I went to a conference on domestic violence and I was very impressed to hear a range of people in Canberra who are working in that area expressing what was happening. What was clear was that those people who are handling the situation and taking steps to change what happens are unable to respond, as we all are, to how to change deep-rooted attitudes.

How do you convince men that they should not beat their wives? How do you tell them not to go out and get drunk, which is the predominant cause, lose control of themselves and attack women? I do not have the answers. I can say that it involves education of children in schools, but I think that happens. As a teacher, I can see ingrained in children attitudes not just on this but also in relation to a range of areas - to people of a different race, different cultures and different ideas - that make it very difficult to change. Try as we might, perhaps with some success, it is very difficult to take out those deeply ingrained attitudes that come from their homes.

There are measures under way in this community, as there are elsewhere in Australia. Most important, I think, is the training of police. Simple little things are needed, like providing child-care at courts. Women in this situation are further agonised by wondering where their children are. What do they do with them?

Recently the Standing Committee on Social Policy considered the question of public behaviours. Over and over again it was brought to our attention that really we should be looking at private behaviours; that is where the problem is, we were told by so many people. We were told that

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domestic violence is caused by men predominantly, that in 99 cases out of 100 - someone else may have more accurate statistics - the violence is committed by men against women; men against children; or parents, jointly or singly, against children. That is where the attention has to be directed.

The report of the committee said that there is no major problem of public behaviour, although some things have to be attended to. I do not think the Social Policy Committee, with the matters it has on its agenda, will be getting down for some considerable time, if at all, to the question of private behaviours, which is a very sensitive but very important area. If it does, I would like to investigate more how you change attitudes of young people and, along with that, how you firm up the attitudes of women not to accept violence. There is no point doing that at all unless you can provide women with the resources to stand up for themselves.

It has been said here today that too often women have no option but to stay in the situation. There is not the resource there for them to get out of that until it becomes absolutely intolerable. It is sometimes difficult even then. We must get the community to accept that this is the case and not leave unreported events in their neighbourhood, as happens in every neighbourhood.

I appreciate the advertisements that I have seen this week on the television screen, because they are a form of education. They are telling the community that domestic violence is not acceptable. I do not know whether the community is learning from them - maybe it is not, because it is no easy matter to change, as I have indicated - but domestic violence has to stop. In the last 10 years or so strenuous efforts have been made to stamp it out. I think we are still in only the early stage of doing so. We are beginning to handle it, but we are not really beginning the important task of changing attitudes. Somewhere we must involve ourselves in very deep research to get to that level so that we can change those attitudes.

MR SPEAKER: I call Mr Humphries.

Mr Moore: On a point of order, Mr Speaker; Mr Stevenson was on his feet before - - -

MR SPEAKER: Thank you, Mr Moore, for your observation. Mr Stevenson was not in his chair when he rose, and I decided to go from one side of the chamber to the other, as is normally the fashion. Mr Humphries may be brief. Please proceed, Mr Humphries.

MR HUMPHRIES (Minister for Health, Education and the Arts) (5.26): I will try to be brief, Mr Speaker. It is very unfortunate that this debate has become somewhat politicised, if you like. The comments, particularly of early speakers from the opposition side, tended to indicate

that this is a political issue, and I had hoped that it would never have to get to that level. I hope that we can develop, as we have in other crucial areas, a bipartisan approach to these very difficult problems.

I want to emphasise a few points made by Mr Collaery in the course of the debate. He indicated the Government's need to investigate ways to keep survivors of domestic violence, particularly women, in their homes. I think that is a very important feature of any successful framework for dealing with domestic violence. We need to keep the perpetrator away from the home and leave the wife, in particular, in the home in those circumstances. The authorities in New South Wales are examining similar proposals. I hope that we can work out ways of doing that in the ACT and perhaps lead the way in that respect.

The second thing to which Mr Collaery referred, which I think is worth referring to, is that this Government places a very high priority on amendments to the Domestic Violence Act. We simply cannot let the omissions, which have become glaringly obvious, remain. As such, a number of things will have to be done. We will have to extend protection to the whole household where the householder is under threat. We will have to provide for children under 18 to have the right to apply for domestic violence orders in their own right. I do not need to remind members of the significance of the "Louise" articles by Marion Frith. We have to provide for an extension of orders to cover the child of an applicant and we have to provide for the court to be able to specify in the order conditions about approaching or contacting a person mentioned by the order.

Mr Berry said in the course of his remarks that little is being done about education against domestic violence. I cannot accept that. He is obviously not up to date with what is going on in our schools. Considerable work is being done in this field in our system. There is also the point that was made by Ms Maher, that we have significant national education initiatives going on at this time. She referred to the national forum on domestic violence training initiatives which is being held in Adelaide and to which the ACT has sent people. It will be an important part of equipping our armoury to deal with these situations. I am pleased to see that the non-government sector will also be involved in that. It will be an important contribution to getting a comprehensive arrangement in place to deal with the situation.

I finally want to refer to child abuse, which is an important part of the domestic violence scene, unfortunately. I am pleased to note that, despite Ms Follett's worst fears, money that was put aside in the 1989-90 budget is being spent to upgrade the child abuse assessment clinic at the Royal Canberra Hospital. It is a very important clinic. Its role is emphasised by the number of sexual abuse cases which are received every year. In 1989 some 92 cases of child abuse presented at that

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clinic and, of those, 73 were cases of sexual abuse. Those are salient and disturbing figures, and I hope that we can ensure that we deal with them through the promotion of resources such as this and the proper resourcing of those resources so that we are able to deal properly with the problems.

MR SPEAKER: I call Mr Stevenson.

Mr Stevenson: It is all right. Michael will speak.

MR SPEAKER: I call Mr Moore.

MR MOORE (5.30): The main point I would like to refer to and on which, had I had the time, I would have spoken at length is the lack of an effective database for the systematic collection of data relating to domestic violence. I think it is important that the Government note that there is a great need in this area. If we are to be able to measure the extent of the problem it is critical for us to form that base. According to research conducted by the Australian Institute of Criminology, it is difficult to estimate the extent of domestic violence because of the lack of suitable data. No relevant studies have been conducted in Australia. Phone-in surveys, which we have, are limited by the self-report status of the respondents. Statistics collected by agencies such as police, refuge and crisis centres are fragmented.

So the point that I would really like to make - and I would have given a great number of reasons for it - is that it is important for the Government to spend money on making sure that data is collected so that we can evaluate the extent of domestic violence and make appropriate political decisions.

MR SPEAKER: The discussion is now concluded.

AUDIT (AMENDMENT) BILL 1990

MR KAINE (Treasurer) (5.32): I present the Audit (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Mr Speaker, there is a requirement to amend the Audit Act 1989 in order to enable the ACT 1989-90 semi-government borrowing program to proceed. The Commonwealth and State borrowing program, agreed to by the Loan Council on 18 May 1989, provided a \$43.326m allocation for the ACT, comprising \$39.5m new borrowings and \$3.826m maturing debt.

The previous Government had agreed that all semi-government borrowings would be raised centrally by Treasury on behalf of the Territory and the Territory authorities. My Government confirms this approach as being the most cost-

effective means of raising these funds. Section 61 of the Commonwealth's Australian Capital Territory (Self-Government) Act 1988 provides the authority for the Territory to borrow money on the open market. However, for the borrowing program to succeed it is necessary to draft ACT inscribed stock regulations to provide the responsible Minister with the authority to regulate the issue of ACT inscribed stock.

The proposed regulations are to be prepared under the Audit Act 1989, but it does not currently make any provision for creating the proposed regulations. This Bill seeks to amend the Act in order to incorporate the necessary provisions. ACT inscribed stock regulations are currently being prepared and will be ready for immediate gazettal once this Bill is enacted. Mr Speaker, I now present the explanatory memorandum to this Bill.

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Canberra Stereo Public Radio

MR WOOD (5.34): In this debate I take the opportunity to draw members' attention to the fact that Canberra Stereo Public Radio will be on air all next week. I am sure that body has the support of all members here and of a much greater group of people beyond. We all regret the decision that was taken some time ago to deny CSPR full-time access to the radio waves. It is a fine body. When it is on the air it sends out good music and good comment - much better, in my view, than the racing that can be heard on the station that I believe usurped its role. I notice that next week I will be able to hear Gary Humphries' personal choice in music.

Mr Humphries: Well worth listening to.

MR WOOD: I will do that. It will be from 2.00 to 3.00 pm, but I am not sure on what day of the week it will be. For those in this Assembly who are interested in the arts there will be quite a range of discussion. There will be not just a 30-second grab but quite a detailed discussion of important matters of art and drama and what is happening in our Territory.

There will be a section on poetry, which pleases me, because I think that is a much neglected art form, certainly in the public arena. So next week, ladies and

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gentlemen, from 27 April to 6 May, on FM103.1 there will be some good listening.

Domestic Violence

MR STEVENSON (5.36): I did not have time to speak in the discussion on domestic violence, but I will do so now. I have never suffered violence or assault in the home but I was just assaulted in this Assembly particularly when the Leader of the Opposition stood up and said the things she did about domestic violence, knowing what I do about the causes of much domestic violence. Let me read some of the testimonies of the victims of crime. This is by Sharon. You might smile, but you should read the book because I sent it to you months ago. She said:

... John couldn't be without his pornographic material. He also increased his insistence that we participate in interracial and group sex ... John was physically abusing me by pulling my hair, slapping me, kicking me, stomping on my feet.

We talk about doing something about domestic violence, but one of the major causes is pornography in the home.

Mr Moore: On a point of order, Mr Speaker; it is reflecting on a motion that has already been carried.

MR SPEAKER: Thank you, Mr Moore, but I believe that in the adjournment debate it is proper.

MR STEVENSON: Another victim was Patricia, who said that on one occasion Paul, her husband, tied her to a bed and sodomised her. This occurred after she refused to be bound and tied, as the models appearing in some of his pornographic magazines had been.

Thirteen-year-old Sara was forced, by rape, into prostitution. At one time she was told to go to an apartment in New Jersey to meet some men. Afterwards she realised that the acts that she had been told to do at that time had been filmed and used in pornography. The only sex she knew, she says, was that which she was taught by the women who had been coerced into pornographic services.

Another woman, who spoke on behalf of Women Against Pornography and many, many organisations throughout America dedicated to ridding America of pornography, said:

Our fight against pornography is also a fight against the legacy of the 1970 report of the President's Commission on Obscenity and Pornography ... that pornography is harmless.

She said that the reason for its conclusion was simple: women were invisible to the commissioners.

Mr Berry: On a point of order, Mr Speaker; I draw your attention to standing order 52. It talks about reflection upon a vote. It is really up to Mr Stevenson to move a motion for the vote - - -

MR SPEAKER: You are debating the issue now.

Mr Berry: I am just reading it to you straight out of the book.

MR SPEAKER: I could not hear you when you first spoke.

Mr Berry: Would you like me to read it out again?

MR SPEAKER: Would you direct me to the standing order that you have mentioned.

Mr Berry: It is No. 52, which says that a member may not reflect upon any vote.

MR SPEAKER: Thank you for your observation. Please proceed, Mr Stevenson.

Mr Berry: Are you saying I am out of order?

MR SPEAKER: You are out of order. Please proceed, Mr Stevenson.

MR STEVENSON: They did not understand that pornography sexualises - - -

Mr Moore: On a point of order, Mr Speaker; I refer to standing order 62, irrelevance or tedious repetition.

MR SPEAKER: Thank you, but that is not relevant. Please proceed, Mr Stevenson.

MR STEVENSON: The woman said:

They didn't understand that pornography sexualises bigotry, that it promotes rape, battery, and incest, that it threatens all women's safety, that it kills our self-esteem, that it silences our voices, that it thwarts our potential, that it closes down our opportunities, that it circumscribes our lives.

She talks about the technological developments of cable television that bring it into the home and increase the problems in America incredibly. Soon we will have the same problem if we do not do something about it.

I can see that the members of the Labor Party are not at all interested in this. There are very few things that I find appalling, but I find this absolutely appalling that members of the Labor Party would make fun of such a thing.

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Mr Berry: On a point of order; I refer to standing order 265, Mr Speaker. I think he has finished anyway. It does not matter.

MR SPEAKER: I would like to answer your point of order before we go on.

Mr Berry: I withdraw it.

Amnesty International

MR COLLAERY (Attorney-General) (5.41): Since we will not meet again until Monday evening, I rise to record in Hansard, for historical purposes, thanks to Gary Humphries' staff for taking on the task of establishing a parliamentary group of Amnesty International within the ACT Legislative Assembly. Mr Speaker, representatives of the national office and local representatives of Amnesty will be present on Monday evening next to discuss with interested members and staff of the Assembly options for establishing a group. As all members are aware, Amnesty is a Nobel Prize winning human rights organisation which works on behalf of prisoners of conscience and against torture and capital punishment.

I am delighted that Stephen Wade of Gary Humphries' office has found the energy to put this together. I believe that he has built very usefully on the interest that many members of the Assembly have shown in getting this chapter established. I trust that the staff of the Assembly can join also with us in getting a strong and positive ACT parliamentary based Amnesty movement going because we live in a very informed Territory, close to the national Parliament and the diplomatic community, and we are informed enough to have effective involvement in all those issues which may affect the ACT, God forbid, but which certainly affect Australia and the Pacific rim countries. It is only a few days since a parliamentarian from the Solomon Islands was introduced in our Assembly.

I believe that this will work towards the exemplary nature of good government and will also assist, interestingly, in establishing closer bonds between members and the excellent and hardworking staff of the Assembly.

Question resolved in the affirmative.

Assembly adjourned at 5.43 pm until Tuesday, 1 May 1990, at 2.30 pm

ANSWERS TO QUESTIONS

**MINISTER FOR FINANCE AND URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

Mowers - Noise Emissions

QUESTION NO. 111

(Asked 28 March 1990)

Mr Berry: To ask the Minister for Finance and Urban Services -
In respect of the Departments recently purchased Hustler 250 1K grass mower -

- (1) What were the noise emissions of the mowers evaluated.
- (2) If the quietest machine wasnot purchased, why not.
- (3) Did the specification for the tenderers set out any grass catching requirements. .
- (4) Did the purchased machine perform to the standards in all respects.
- (5) Were there any recommendations opposed to the mower eventually purchased.
- (6) Where the purchased mower does not perform all elements of the task for which it was purchased, will a replacement be purchased and what will the cost to the A.C.T. Taxpayer if this occurs.
- (7) Will the work for which the mower is intended be handed over to contractors because of the unacceptable performance by the new mower or the failure of this equipment to meet reasonable industrial relations requirements.
- (8) What was the cost of the mower purchased.
- (9) What was the cost of the other machine tested.

Mr Duty: The answer to the members question is as follows:

- (1) (a) Walker McHugh 79 dab
(b) Hustler 251K 77.6 dab
- (2) Both machines meet the maximum noise level standards set by the Australian Environment Council of 80 dab at 7.5 metres radius from the machine and 1.5 meters from ground level.
- (3) Yes, the grass catching requirement specified was:
 - (a) A minimum catcher volume of 230 litres.
 - (b). Demonstrated efficient grass pick up capability.
- (4) The purchased machine complied with all requirements. The same type of machine was successfully field retailed by the user area for 14 days prior to final purchase decision.

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- (5) No. The final purchase was supported by the City Parks Area Supervisor and by Engineering Services Unit. The evaluation was based on field trials of both machines offered.
- (6) The purchased machine performs all elements of the task for which it was purchased., It is envisaged that this machine will perform the required task for a minimum of five years.
- (7) AM. The mower complies with reasonable industrial relation requirements.
- (8) \$10,000.00
- (9) \$10,973.60

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