



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

3 May 1990

## Thursday, 3 May 1990

Legal Affairs - standing committee .....	1563
Social Policy - standing committee .....	1563
Legal Affairs - standing committee .....	1564
Social Policy - standing committee .....	1565
Planning, Development and Infrastructure - standing committee .....	1565
Day of next meeting .....	1566
Stamp Duties and Taxes (Amendment) Bill 1990 .....	1566
Supply Bill 1990-91 .....	1568
Housing Assistance (Amendment) Bill 1990 .....	1569
Pawnbrokers (Amendment) Bill 1990 .....	1582
Second-hand Dealers and Collectors (Amendment) Bill 1990 .....	1585
Truck (Amendment) Bill 1990 .....	1586
Education .....	1587
Questions without notice:	
ACT court system .....	1596
Driveway construction .....	1599
Law reform .....	1599
Workers compensation .....	1601
ACT court system .....	1602
Sports coordination .....	1604
ACT police force .....	1604
Mercury pollution .....	1606
ACT police force .....	1606
ACT police force .....	1607
ACT police force .....	1608
Gowrie Hostel .....	1609
Fire-extinguishers .....	1611
Ainslie transfer station .....	1611
Paper .....	1612
Privilege .....	1612
Conservation, Heritage and Environment - standing committee .....	1613
Education .....	1614
Redevelopment of the public hospital system and corporatisation of hospital services supply centre .....	1620
Privilege .....	1627
Executive business .....	1629
ACT greenhouse strategy .....	1630
Adjournment .....	1634
ACT greenhouse strategy .....	1634

**Thursday, 3 May 1990**

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

**LEGAL AFFAIRS - STANDING COMMITTEE**

**Inquiry**

**MR STEFANIAK**, by leave: Mr Speaker, I wish to inform the Assembly that the Standing Committee on Legal Affairs at its meeting on Wednesday, 2 May, resolved to inquire into and report on defamation law. The terms of reference when developed will be advised to the Assembly.

**SOCIAL POLICY - STANDING COMMITTEE**

**Alteration of Reporting Date**

**MR WOOD**, by leave: I move:

That paragraph (3) of the resolution referring the matter of fluoride in relation to public health to the Standing Committee on Social Policy for consideration and report be amended by omitting "by 31 May 1990" and substituting "by 29 November 1990".

Mr Speaker, I will make some comments about this since I realise that the committee is placing an onus on the Government and this parliament to make a decision one way or the other on the presence or otherwise of fluoride in our drinking water. With that in mind I think I should make some comment on why we have sought a deferral. We always sought to meet the deadline but we recognised that it would be difficult because of the great number of submissions that came in and the great amount of data to be observed. It was always going to be difficult, especially for people like me without a particular scientific background, to get on top of the material.

We had always anticipated that we would have the benefit of the report of a review committee of the National Health and Medical Research Council on the use of fluoride in the water. That council is, I believe, meeting this week. Normally at that meeting it would have taken on board the comments of the review process but it is not doing so because the NHMRC is waiting for an evaluation by the US national toxicology program of its recent study of chronic toxicity and carcinogenicity of sodium fluoride. The NHMRC is waiting for that and, of course, our committee is also waiting for that. We are not sure when that will be

3 May 1990

available. We believe it will be sometime in the next few months. As that will be an important part of our thinking, we do not wish to proceed until that has arrived.

In our consideration we wondered whether we should set a date to extend this report or to leave it open. There were arguments of some worth for and against on each side. In the end we agreed to set a new reporting date of 29 November, substantially on the grounds that we wanted to indicate to the parliament and to the community that we do have a commitment, we do have a deadline we wish to meet, but we are still in the hands of other reports. We hope to meet that deadline. The NHMRC meets ahead of that time and perhaps by that date the report from the US will have been received and evaluated locally. That is the background, and I hope that the Assembly will accept the explanation that has been given.

Question resolved in the affirmative.

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

#### **Inquiry**

**MR COLLAERY** (Attorney-General), by leave: Mr Speaker, in the early days of the Assembly we thought about creating a legal affairs committee. It is now established. I think it is an evolutionary thing that we should develop some procedures such as exist over in the other parliament so that there is some connection between this committee in terms of the references it takes on and any references that might be given by the Government to the law reform committee. In this particular case I draw the attention of the house to the Government's announcement on 20 March 1990 that the community law reform committee would be established.

In Hansard at page 553 there was a reference to the fact that defamation reform was a priority concern along with, for example, landlord and tenant reform. I understand that this reference that the committee may take on may overlap the intended operations of the law reform committee. In these early days of the interrelationship between the standing committee of this Assembly and the outside law reform committee, I believe it is incumbent on all parties to get some lines of communication going on these issues.

Mr Speaker, I welcome this reference by the committee. I trust that it will result in a reference to the broader and wider community based consultative committee of any concerns on defamation that particularly relate to activity in the Assembly, for example, or matters relating thereto. I do not think it is suggested that this reference is intended to take on the function that the Government has already announced in relation to a reference to the law reform committee.

**SOCIAL POLICY - STANDING COMMITTEE  
Paper**

**MR WOOD**, by leave: Mr Speaker, I present the following paper:

Social Policy - Standing Committee - fluoride inquiry - copy of letter from Mr B. Wood, chairperson, to Prof. A.J. McMichael, chairman, National Health and Medical Research Council Working Group on Effectiveness of Water Fluoridation, dated 30 April 1990.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE  
Report**

**MR JENSEN**, by leave: I move:

That:

- (1) If the Assembly is not sitting when the Standing Committee on Planning, Development and Infrastructure has completed its inquiry into the proposal to construct a fence at Stage '88 in Commonwealth Park the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation; and
- (2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Mr Speaker, the committee was requested by the Minister responsible for the arts to consider the issue of a fence for Stage '88. However, we were also advised by the Minister at the time that the funds that had been provided as part of the initial grant for Stage '88 during the bicentennial year had not been used and the money would be lost if a decision on the use to be made of these funds - either for a fence or for something else - was not made prior to the committee being able to report to the Assembly in the normal fashion.

This motion will allow the committee to report within the three-week initial period, as the period for submissions to the committee closes on 11 May and the committee is hoping to have its discussion and any possible public hearings on this matter completed as quickly as possible. This will then, as I have said, allow the committee to report prior to the next sittings so that the Minister will be in a position to make a decision one way or another.

Question resolved in the affirmative.

### **DAY OF NEXT MEETING**

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

That the Assembly, at its rising, adjourn until Tuesday, 29 May 1990, at 2.30 pm, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of members.

### **STAMP DUTIES AND TAXES (AMENDMENT) BILL 1990**

**MR DUBY** (Minister for Finance and Urban Services) (10.41): Mr Speaker, I present the Stamp Duties and Taxes (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Stamp Duties and Taxes Act 1987. The Stamp Duties and Taxes Act 1987 imposes stamp duty or tax in the ACT on a limited number of instruments and transactions relating to the conveyance of land, the transfer of marketable securities, the effecting of insurance and the transfer of motor vehicles. The proposed amendments, which give effect to budget proposals of the former Government, involve the introduction of both revenue raising and anti-avoidance provisions. However, one announced budget measure, namely stamp duty on the increase in the unimproved value of land following a change in lease purpose, has not been included at this time pending the Assembly's consideration of the Bills relating to lease administration in the ACT.

The revenue raising measures cover the taxing of sales of ACT businesses and altering the incidence of tax on motor vehicles sold by motor dealers from the purchaser to the dealer. These measures are expected to result in additional revenue of \$1.8m in 1990-91.

Under existing legislation, duty is payable only on the real property and chattels component transferred as part of a sale of business. The proposed amendments will extend this and impose duty on the entire consideration paid for the business or on the net value of the business, whichever is the higher. Because stamp duty is already imposed on the transfer of crown and other leases, shares and motor vehicles, the effect of these provisions is to impose duty on the remaining ACT business assets such as plant and equipment, stock in trade, business licences and goodwill, less the value of ACT liabilities assumed by the acquirer. This approach is unique to the ACT because in the States duty is imposed on the full value of assets without regard for liabilities. Subject to the above concession, this

will bring the ACT into line with the States and address the Commonwealth Grants Commission's findings, as outlined in its third report on the ACT, which named the lack of such a tax as one of the reasons for the ACT's below average revenue effort.

Mr Speaker, under current arrangements, stamp duty on the transfer of a motor vehicle is payable by the purchaser on the market value of the vehicle at the time of registration, which under the Motor Traffic Act 1936 should occur within 14 days of purchase. The practice in the ACT is for motor vehicle dealers to register new vehicles and pay the duty on behalf of the purchaser, while both the registration and the payment of duty on second-hand vehicles is left to the purchaser. There is evidence that revenue is being lost by purchasers understating vehicle values and for payment of the duty being deferred by delaying registration until the renewal date. The States and the Northern Territory have also experienced revenue losses caused by the understatement of values as occurs here.

Victoria has successfully overcome this problem by shifting the liability for payment of the tax from the purchaser to the motor dealer. The Bill provides for the adoption of this approach in the ACT for both new and used vehicle dealers. The question of "value" is also being addressed by imposing tax on market value or purchase price, whichever is the higher. This will bring the ACT into line with a majority of States and the Northern Territory.

In addition to the specific revenue raising measures already discussed, the Bill includes provisions which will clarify the basis on which tax on insurance is to apply. A majority of the States and the Northern Territory impose tax on insurance based on where the risk is located, and insurance companies have adopted this criterion for determining which State or Territory should receive the tax. The current ACT legislation does not make it clear whether the nexus for tax purposes is where risks are located or a more narrow approach based on premiums in the ACT. The proposed amendments will clarify the liability of insurance premiums for tax when the risk is located in the ACT, regardless of where the premium is paid. The insurance industry will welcome the clarification of this issue in line with the States and current industry practices.

Mr Speaker, the Bill also provides for the protection of the revenue base by the inclusion of certain anti-avoidance provisions. At present there is some question as to whether a liability to pay duty arises on an instrument which relates to property in the ACT but is executed and held outside the ACT. The proposed amendments will clarify this issue by requiring those instruments to be lodged with the commissioner for assessment within three months of execution. To avoid the possible situation of double duty being paid, the commissioner has been given the authority

3 May 1990

to provide, in appropriate circumstances, a credit up to the amount of ACT duty payable where duty has already been paid in another State or other Territory.

The Stamp Duties and Taxes Act will be further amended so that instruments which are not duly stamped are prevented from being admissible in a court of law, except in criminal proceedings or proceedings in relation to a tax matter. This is in line with the States and the Northern Territory.

In addition, the option of affixing adhesive stamps on the transfer of marketable securities and conveyances will be removed. With the replacement of stamp duty on cheques, bills of exchange and hire purchase agreements by financial institutions duty, the need for duty stamps has greatly diminished. It is also considered inappropriate that documents such as share transfers which can be worth millions of dollars can be stamped without assessment by the commissioner. The proposed amendments will ensure that all dutiable documents in future are lodged with the commissioner for assessment. Persons holding stocks of unused duty stamps will be given until 1 December 1990 to obtain a refund.

In conclusion, Mr Speaker, the proposed amendments will extend the ACT revenue base by the introduction of two new tax measures, improve administration of the Act by clarifying certain ambiguities, and further strengthen the anti-avoidance provisions of the ACT tax laws.

Mr Speaker, I now present the explanatory memorandum for the Bill.

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

### **SUPPLY BILL 1990-91**

**MR DUBY** (Minister for Finance and Urban Services) (10.49): Mr Speaker, I present the Supply Bill 1990-91. I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill is to authorise expenditure from the consolidated revenue fund after 1 July 1990. It is an interim Bill which will lapse upon the enactment of the Appropriation Bill 1990-91 which will be introduced to this Assembly with the 1990-91 budget for the Australian Capital Territory.

Supply Bills are the traditional means of continuing government services pending passage of the budget. The Bill authorises an amount of \$491,277,300 to be issued by the Treasurer from the consolidated revenue fund. This amount will be issued for the programs specified in the schedule to cover payments necessary for the continuing operation of government services.



The amounts for each program represent approximately five months' expenditure as it is expected that the Appropriation Bill will have come into force by the end of November. No provision has been made for new initiatives, as is the usual practice. These will be addressed in the formulation of the budget for 1990-91 and will be presented to this Assembly in that context.

Provision has been made within the estimates for new functions transferring from the Commonwealth to the ACT Government after 1 July 1990. These functions include policing, courts, Director of Public Prosecutions and audit.

A provision of \$10m has been included for the Treasurer's advance. This item can be used to advance moneys only for expenditure which is urgently required for the efficient administration of the Territory. Section 47 of the Audit Act 1989 prescribes the conditions for the use of this advance.

As was the case in 1989-90, the Supply Bill is set out in line with the current administrative arrangements and program structure. Within each program a distinction between recurrent and capital expenditure has been made to limit the application of the moneys appropriated. I now present the explanatory memorandum for the Bill.

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

### **HOUSING ASSISTANCE (AMENDMENT) BILL 1990**

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

That this Bill be agreed to in principle.

**MRS GRASSBY** (10.52): Mr Speaker, the Labor Party will support the Housing Assistance (Amendment) Bill, which will amend the Housing Assistance Act 1987 to provide that the definition of "the Housing Agreement" means the agreement between the Territory, the Commonwealth, the States and the Northern Territory.

But, Mr Speaker, let me ask this question of the Minister for Housing: when are you going to introduce some of your own legislation into this chamber? I am sure that members of this Assembly as well as members of the public are concerned with this Government's lack of ability to introduce its own policies.

In September 1989, as Minister for Housing and Urban Services, I addressed this Assembly on the outcome of the housing policy review. Let me quote part of that statement:

3 May 1990

I am pleased to announce that the ACT will become a full party to the Commonwealth-State housing agreement this year. This has been made possible by self-government. Once the negotiations for the new agreement are finalised, we will be introducing legislation to amend the ACT Housing Assistance Act to make it consistent with the new agreement.

Mr Speaker, this legislation before us today simply puts into effect what I announced last September. Why has it taken this Liberal Alliance Government six months to put into effect the policy which I announced last September? Let me suggest that they are incapable of making decisions and of working hard, as is required of a government.

What will the Commonwealth-State housing agreement mean for the ACT? It means that: all Commonwealth funds will be provided as grants; the ACT Government will need to match the funds to get all of the grants; more money will be directed towards rental housing for those on the lowest incomes; funds for special housing programs will increase; new home ownership policies will have to be put into place; and a joint ACT-Commonwealth housing plan will be announced each year.

But, most importantly for the residents of Housing Trust houses, it will prevent this conservative Government selling off the housing stock, as the Chief Minister threatened to do when he took office. It will also protect residents of the Northbourne Flats and other low income residents from the development plans of the Deputy Chief Minister. Under this agreement, all money raised from the sale of housing stock will have to be returned to the housing budget, thus preventing this conservative Government using the sale of housing stock as a revenue measure.

Mr Speaker, this Bill gives me the opportunity to reflect on the Minister's failure to take action in the housing area during his six months in government. Let me briefly outline for you some of the initiatives taken during the seven months of the Follett Labor Government.

Upon obtaining office I announced a review of the housing policy and promised that it would bring about real change. Let me reflect upon some of those initiatives that were introduced. We agreed to introduce a private sector rental housing trust, which this Government has not pursued. We introduced stamp duty exemptions for first home buyers. We introduced a mortgage relief scheme. We agreed to the introduction of a rental bond trust and a fidelity guarantee fund. This Government, because of its conservative Liberal influence, has not proceeded with either of these. We introduced the singles share accommodation scheme, for which Mr Collaery is now trying to take the credit. Of course, there is the redevelopment

of Melba Flats which the Government announced in July 1989. I know that recently Mr Collaery has tried to take the credit for this project as well. I can assure him that the residents of Melba Flats are well acquainted with the fact that it was the Follett Labor Government that made this very important decision.

Mr Speaker, the list of our achievements goes on. For example, we commenced a major project to replace the heating and hot-water supply to Currong Flats. We announced a commitment to increase the housing stock by 280 dwellings each year for the next four years to ensure that there was no significant increase in waiting times for public housing. This was in addition to the extra housing we provided for the relocation of the residents of Melba Flats.

We agreed to funding for an Ainslie Village redevelopment worker and a review of redevelopment of Ainslie Village. We agreed to increase the funds available for housing loans in order to maintain the number of households given assistance. And so the list goes on. We also took into account the number of homeless young people in Canberra and set up two houses with the help of the Belconnen Rotary Club and the Anglican Church, which was a new initiative for this type of thing in Canberra.

Mr Speaker, let me summarise what this legislation will mean to the ACT. It will mean a guaranteed level of funding by the Commonwealth of \$17m a year until 1992-93. I am glad to see the Government has put our commitment into place. Let me say that, to us, housing is a right for every citizen of the ACT. It is not a social issue nor should it be put in with it. Housing should have been kept with urban services as it is the right of every single citizen in the ACT to have housing, whether it be Housing Trust or private housing. We, as a government, were looking at ways of helping people even on very low incomes to achieve their own house, or a share of it. I would like to see a little bit more of this Government bringing something like that in, but otherwise we support the Bill.

**MR DUBY** (Minister for Finance and Urban Services) (10.59): Mr Speaker, it is pleasing to see the members on that side of the house supporting this Bill as it is a very important Bill. Before I comment on the provisions of this Bill I think that some of the comments made by Mrs Grassby deserve answering.

The fact is that Mrs Grassby is not alone in the pious feeling that housing is a right. It is the right of all citizens in this Territory to have proper, appropriate and affordable housing for them and their families, and this Government supports that concept absolutely. Never, I think, has it been denied by anyone here. It is typical of the statements made by those on that side of the house. They think that, if you say something often enough and long enough, people will eventually start to believe it. Frankly, I resent those sorts of comments.

3 May 1990

In addition, once again we noticed that Mrs Grassby was out there flying the old kite about the sale of Northbourne Flats at the supposed behest of the Deputy Chief Minister. I think it has been proven beyond doubt time and time again from statements made by this Government that never have there been any proposals for the sale of Northbourne Flats. Once again it is the old story: if you say something often enough and loudly enough, people are going to start to believe you. That is just not an acceptable situation. I think that the people of the ACT and those in the gallery are starting to understand the tactics adopted by those on that side of the house. If you are going to say a lie, say a lie that is big enough and people will eventually start to believe you.

**Mr Berry:** You closed the Ainslie Transfer Station. You closed it.

**MR DUBY:** Do not start with little white ones; start with big ones.

**Mr Berry:** Hector knows you closed it.

**MR DUBY:** I never denied I did it. In addition, we have got this furphy being floated, that the sale of government housing stock is somehow part of the Chief Minister's proposal; that there is going to be a fire sale of government housing. Never have I heard such a load of twaddle. In my understanding, the Chief Minister has never given any such commitment. Undoubtedly, what we will be doing - and I am sure I can speak for the Government on this - is looking at ways of getting public tenants to obtain access to their own homes so they can have the joy and responsibility of sharing in the great Australian dream of owning a little piece of Australiana. This is something which runs totally contrary to the philosophies of those opposite, who are totally opposed to the concept of private ownership. Having put those furphies to rest, I shall get on with commenting on the Bill.

Mr Speaker, I am pleased to see that this Commonwealth-State housing agreement has been accepted by all in this house. The 1989 Commonwealth-State housing agreement sets the stage for significant improvements in the future provision of public housing throughout Australia. It is significant that the ACT is now a formal party to this nationally coordinated development which is something that I think all of us will agree was long overdue.

The new Commonwealth-State housing agreement keeps much of the context of the prior agreement which was developed through extensive consultation between the States and the Commonwealth in 1983, 1984 and again in 1987. Key changes to the new agreement involve the strengthening of the principles which govern the delivery of housing assistance and a fundamental restructuring of the financing of public housing.

The principles governing the delivery of housing assistance have been expanded to reaffirm the eligibility of all client groups. Importantly, the eligibility of people requiring support to live independently in the community is explicitly recognised - something, I think, which is also long overdue. The principles now also reflect the need to provide assistance in a coordinated manner and are aimed at improving the quality and choice of housing assistance.

The establishment by the Alliance Government of the Housing and Community Services Bureau in the ACT will greatly assist the integration and coordination of housing and housing related services provided to the community. The agreement also commits States and Territories to the implementation of an independent appeals mechanism as well as encouraging national consistency of eligibility and rent setting principles. I am pleased to note that the ACT is leading all the States in the establishment of equitable appeal arrangements for public housing clients - something of which we can all be very proud.

With respect to the financial arrangements under the new Commonwealth-State housing agreement, the significant change is the conversion of Commonwealth loan funding to grants. There is now a requirement for States to match at least half of Commonwealth grant funding with State grant funding, with these new matching requirements being phased in over four years. Under the agreement the ACT is guaranteed to receive around \$18m in each of the three years following 1989-90 - a not insubstantial sum.

A study undertaken by the Commonwealth has indicated that there are advantages in investing in rental stock rather than providing assistance in the form of rental allowances. The new Commonwealth-State housing agreement therefore requires the creation of a rental capital account. All grant funds, Commonwealth and State, now go into this newly created rental capital account. This effectively upgrades the priority for public housing acquisitions and ends the practice of using grant funds for home ownership assistance. However, the new agreement gives considerable emphasis to expanding home ownership through the introduction of more innovative financing arrangements. In particular, shared ownership arrangements are now seen as an important innovation which will allow many low to moderate income households to move into home ownership rather than remaining as rental tenants. Of course, that goes contrary to the philosophy of those opposite. The Alliance Government's housing policy allows us to introduce a progressive equity participation scheme, and I know that the Housing Trust is working on the details of this scheme at the moment.

To boost home ownership assistance the agreement encourages the use of external or commercial funds by States for on-lending to borrowers. To facilitate this the Commonwealth has determined that such programs will not come under Loan

3 May 1990

Council limits, thereby increasing a State's capacity to attract external funds. Capital indexed loans, low start loans, second mortgage lending, shared ownership schemes and rental purchase arrangements are all acceptable uses of home purchase assistance funds.

The Commonwealth-State housing agreement also emphasises the need to ensure that the special housing needs of all client groups are targeted. A number of specific purpose housing programs require a portion of the Commonwealth grants to be spent on particular needs groups. For example, under the rental housing assistance for pensioners scheme States and Territories are allocated Commonwealth funds on the basis of the number of pensioners in receipt of rent assistance as provided by the Commonwealth Department of Social Security. Funds are used under this program in broadly the same way as general rental assistance funds but targeting pensioners and social benefit recipients.

Under the mortgage and rent relief scheme short-term assistance is provided towards mortgage and rent payments for those experiencing extreme financial difficulty in meeting their mortgage and rent commitments. I think it is worth commenting that that can be a boon to people who find themselves in short-term need, particularly those who are in the process of purchasing their own home. I often wonder how many people in the public are aware that that particular facility is available. I know it has been under-utilised in the past and I know that the Housing Trust will be publicising it so that people can take advantage of those funds and not be finding themselves in cases of extreme hardship.

The crisis accommodation program provides capital funding for supported accommodation and short-term emergency accommodation. Funds are used to build, to buy, to lease, to renovate or to convert dwellings. Dwellings can be managed by the housing authority or by community groups. The supported accommodation assistance program - commonly known as SAAP - while not part of the Commonwealth-State housing agreement complements the crisis accommodation program by providing funds for a support service. The crisis accommodation program provides for dwellings to be used by crisis accommodation services such as youth and women's refuges, and shelters for homeless men, as well as longer-term transitional supported accommodation.

Finally, the local government and community housing program is designed to encourage community groups to provide housing and to facilitate greater tenant management of such dwellings. It also aims to attract non-government funds and other resources into the program. An important feature of the new Commonwealth-State housing agreement is a requirement for each State and Territory, in partnership with the Commonwealth, to implement a broad planning process for housing assistance. A plan, jointly approved by both the State and the Commonwealth Ministers, must be

prepared each year to provide information on a whole range of issues. They include the aims and principles; an overview of the local housing situation; an indication of housing needs in the community; planning processes to be adopted to meet those needs; resources available; priorities that are going to be pursued; outputs expected and targets agreed upon; the monitoring processes to be employed to ensure that assistance is going to those who genuinely and really do need it; and future directions.

Under the new agreement a joint officers group, comprising officers from the Commonwealth and the State or Territory housing authority, has responsibility for the development of that plan. The joint officers group is responsible for developing the framework for the plan and recommending the plan to Ministers. The joint officers group is also responsible for consulting with organisations relevant to the delivery of public housing assistance in relation to the development of the Commonwealth-State plan.

I understand that this planning process is well advanced in the ACT and I congratulate the Minister for that. Consultations have already been held with a wide variety of community representatives. The feedback that I am getting from community groups is that consultation is in place and is progressing very well. Once again, I congratulate the Minister for that.

In concluding, I would like to re-emphasise the primary principle of the Commonwealth-State housing agreement, which is to ensure that every person has access to secure, adequate and appropriate housing at a price within his or her capacity to pay, by seeking, firstly, to alleviate housing related poverty and, secondly, to ensure that housing assistance is as far as possible delivered equitably to persons resident in different forms of housing tenure.

I have no doubt that our membership of the Commonwealth-State housing agreement will have considerable long-lasting benefits for the ACT community. I endorse the Bill wholeheartedly as those principles that I have enunciated represent the very principles that this Government is acting upon and will always act upon, contrary to the catcalls from the other side of the house. Mr Speaker, I endorse the Bill.

**MR COLLAERY** (Minister for Housing and Community Services) (11.12), in reply: Mr Deputy Speaker, I thank Mrs Grassby for the endorsement she gave to the Bill. I do not suppose she had much choice in that regard. I do not thank her for her churlish comments about the fact that we were claiming the credit for things that she had done. If she had cared to be at Kaleen recently when I opened the Careforce house, or if she had been present the weekend before when I gave another house to the Anglican Careforce Group at Macquarie, she would have heard me say, at both of those, that the credit and the initiative for these matters lay with Mrs Ellnor Grassby. I said that to the gathering.

3 May 1990

**Ms Follett:** You should have invited her to hear it.

**Mrs Grassby:** You should have invited me then.

**MR DEPUTY SPEAKER:** Order!

**MR COLLAERY:** Mr Deputy Speaker, they still cannot accept that point. They have to catcall and make out they were not invited somewhere.

**Mrs Grassby:** I was not invited to any of them.

**MR COLLAERY:** If you were not, Mrs Grassby, I will ensure that you are in future. To my knowledge, you were invited to the Kaleen one at least.

**Mrs Grassby:** I was not.

**MR COLLAERY:** All right; I stand corrected. Nevertheless, Mrs Grassby, I have gone to these functions time and time again, as members opposite know, and I have given credit where it is due. One thing that makes a difference on the floor of this Assembly is that most of you never reciprocate. You never give any credit where it is due and you take advantage of every possible technicality to score a personalised point on any issue you can find. I made what I think were some very generous comments about Mrs Grassby last Sunday in the presence of a fairly large gathering, and I think some of my other colleagues were present.

**Mrs Grassby:** It would be nice if you got invited though, would it not, when you started it?

**MR COLLAERY:** Mrs Grassby, if you were not invited, I will ensure you are in future, but at least give us the credit.

Mrs Grassby referred to the Melba Flats development. That truly is a success in the ACT. Very few governments in Australia have managed to move so many public housing tenants so smoothly with so little reaction. Having lived for seven years myself above Woolloomooloo in Victoria Street, I well recall the agonies of the moves of public housing tenants in the 'Loo in certain earlier years. I think great credit goes to the Commissioner for Housing, the bureau and its staff for what has been achieved at Melba and, equally, credit to Mrs Grassby for supporting those officials in their endeavours. Certainly, we have to thank the trust for putting in a tenant advocate to ensure a smooth and fair relocation of tenants. I can report to the house that that redevelopment, which is to proceed over a two- to three-year period, has now reached the position where stages 1 and 2 are vacated, a perimeter fence has been erected and demolition is expected to commence next month.



Mrs Grassby asked why we, the Alliance Government, had delayed the Commonwealth-State housing agreement. Let the record show that the ACT could not enter into the agreement until the Commonwealth passed its legislation, which did not happen until February this year. I recall a completely mendacious press release shortly after we took government - I believe it was from Mrs Grassby - saying that we had failed to sign the agreement, when we could not because it was not an instrument of law that we could sign. Trevor Kaine and I were the first two government Ministers, to my knowledge, in this country to sign it. How is that? Right?

Now, the Alliance housing policy also commits - - -

**Mr Berry:** On a point of order, Mr Deputy Speaker; I think the interpretation of "mendacious" has been raised in this place before and members were asked to withdraw a reference to other members in relation to that word. The same accusation has just been made by Mr Collaery against Mrs Grassby and I would ask him to withdraw it.

**MR COLLAERY:** I certainly withdraw it. I stand corrected. I believed it had been let through. I put the word "misleading".

**MR DEPUTY SPEAKER:** I think it might have been the first time but I think it was used again and it was then withdrawn.

**MR COLLAERY:** I was under the impression that it had entered the language of the Assembly. Mr Deputy Speaker, the Government is committed to establishing a rental bond trust, and that is being developed by the Consumer Affairs Bureau in the context of wider tenancy law reform which I will bring to the attention of the house in due course.

The work of the housing policy review is continuing. Staff have been working on better integrating housing issues of the Burdekin report with community service programs under the bureau. As many of the community groups know, there have been significant initiatives under the SAAP proposals, for instance. We have developed an assault on homelessness. We increased the funding to the youth sector in that homeless area by 20 or more per cent as soon as we came to government - as soon as we came to government - and let the record show that.

The Chief Minister contemporaneously promised a review of aged persons housing. That review is nearing completion too. As my colleague Mr Duby has said, the progressive equity participation scheme which is in our policy to implement will proceed as quickly as possible. I am also working on a ministerial statement for the next session of the Assembly which will set the agenda for the Government's housing policy for the next two years. There are a few other points, Mrs Grassby. You did not implement the singles share accommodation scheme. The first three tenancies were signed yesterday.

3 May 1990

Now, Mr Deputy Speaker, I want to make some general comments that respond to the ideological mindset of the Opposition. I remind members of the house what the Federal Minister for Community Services and Health, the Hon. Neal Blewett, said in the House of Representatives when he gave the second reading speech on the Commonwealth Housing Assistance Bill 1989. He said that the one reason why the CSHA was being reintroduced, as it were, was that States had been using commercial borrowings to meet their matching requirement, and the resulting debt servicing obligation, combined with a growing rental rebate bill, had been eroding their capacity to fund new public housing.

Let the amount of borrowing that was proposed by the former Chief Minister be recalled. Let us recall the borrowing level that was proposed in the initial budget foray, the tentative one, the one that went out to be debated at large in confusion and in a series of indignation meetings. A few of us understood it earlier on. The fact is that large borrowings have an impact on the poor and those who seek housing. They reflect right back through the budgetary process. We see again the type of contradiction that Labor governments now represent in this country, and that contradiction is that a lot of their policies impact on the poor. We see so many of Federal Labor's initiatives impacting on the poor. Thank God they have an Alliance Government in this Territory at the moment!

Let me give another example. Brian Burdekin, in his excellent report, made a recommendation about measures to increase private sector accommodation, a matter quite relevant to this issue at hand. He recommended, amongst other things, that at all levels of government, as a matter of urgency, we should identify and remove disincentives to the provision of appropriate and affordable rental and boarding house accommodation, particularly for young people. There should be measures to encourage such provisions. The ACT Alliance Government is deeply concerned that the proposed sale of the Gowrie Hostel by the Federal Labor Government is in direct breach of the Brian Burdekin recommendation.

Now, really, you have had a good week this week in the Ainslie tip, but the long-term record will show that the side-valve Labor outfit in the ACT is no better than its Federal Hawke counterpart on those issues.

**Ms Follett:** What was that?

**MR COLLAERY:** The Leader of the Opposition wants to know what version of Labor she represents in this Territory. I call it the side-valve Labor Party.

**Ms Follett:** The which?

**MR COLLAERY:** The side-valve one. It is about 1954 - - -

**Mr Kaine:** It is the poor relation.

**MR COLLAERY:** Yes; born in a Morris and rushing over the precipice. Mr Speaker, the problem that Mrs Grassby introduced to this debate was that she thought she would make it a point scoring exercise, as we constantly see across this house. I ask why that member could not have stood up and handsomely and generously said, "Look, you are in government and we are in opposition and we will work together on this because it is for the common good of the homeless and the cry and plea for housing in the Territory". But no, you have to go and score some cheap ideological points. You are getting a response now. The fact is, as the fireman opposite knows, you are going to get done like a dinner in every area of social justice and equity in the Territory right through the time that I am in government.

**Mrs Grassby:** What a joke, mate!

**MR COLLAERY:** You will see. Mr Deputy Speaker, have you ever been to a sideshow? Have you seen those mouths that go like that and you throw white balls into them? Every time we get them going like this, I am reminded of it.

**Mrs Grassby:** Mr Deputy Speaker, I claim to have been misrepresented as usual. Mr Collaery cannot tell the truth.

**MR COLLAERY:** At the end of the speech, Mr Deputy Speaker.

**MR DEPUTY SPEAKER:** At the end of the debate, Mrs Grassby.

**Mr Berry:** He digresses.

**MR DEPUTY SPEAKER:** Stick to the point on both sides, thank you.

**MR COLLAERY:** I apologise, Mr Deputy Speaker.

**MR DEPUTY SPEAKER:** It is not just you, Mr Collaery. Please continue.

**Ms Follett:** Well, he is the only one on his feet.

**MR DEPUTY SPEAKER:** There were quite a few interjections, Ms Follett. Continue.

**MR COLLAERY:** Thank you, Mr Deputy Speaker, for your protection. The problems opposite really do represent a sideshow. You have had a good sideshow this week and I am not going to let the opportunity go to say that the debate today again typifies your point scoring exercises. If you are really concerned about a few issues in the community and want to help, particularly on matters like the Ainslie tip, the Northbourne Flats and all those matters, our doors are open. Why not come and see us in a collegiate sense and say, "Listen, we are very concerned about this. Our

3 May 1990

constituents are writing to us". I have had a couple of letters about housing issues from the Leader of the Opposition. I have passed them on quickly to the Housing Trust and asked for these matters to be looked at. They are important issues, and I attend to them.

You thought you would make a good win on the Ainslie tip and lock us totally out of being able to do anything about it politically, did you not? You did that, and indeed I was faced with taking my officers up to the Northbourne Flats - - -

**Mr Berry:** I wish you were in charge of the Ainslie tip because you would have backed off on that, too; that would have been all right.

**MR COLLAERY:** If I were in charge of the Ainslie tip I would be recycling a few animate objects, I can assure you. Do not tempt me to choose them right now.

Mr Deputy Speaker, we saw here today their sort of shallow commitment to the real interests of the disadvantaged in society. Why did Mrs Grassby not take the opportunity to give a good commitment by Labor to the Burdekin report on housing? Why did this member not decide to commit her Labor Party for the long period, the millennia, that it will be in opposition to assisting us in a joint effort to attend to the serious concerns of public housing in the ACT? No, you did not want to take the opportunity.

What have we heard from you about the Gowrie Hostel closure? What word did you say to help us? If you had come in and had a go at your Federal colleagues, the ACT ratepayer would not now be faced with the legal costs of these proceedings. You know what legal proceedings cost. They might cost as much as your Ainslie tip.

**Members** interjected.

**MR DEPUTY SPEAKER:** Order! Come on, we have got about five people talking at once.

**MR COLLAERY:** We had to sit quietly while you did some points during the week. It hurts, does it not, when we reverse it? We will be very, very careful in future. You will not get a chance. We will proceed with our housing policy initiatives resolutely. We will make the hard decisions and we will look after housing matters such as the funds I have recently given to the Havelock House committee - \$135,000 to do up the hall of residence and to improve that novel and unique structure quite close to the city. I tell you, Mr Deputy Speaker, they are thanking us, not that Opposition on the other side of the house. Those groups know, and increasingly know, to whom to come to ask for assistance. They are doing that. You are making a little bit of running on the Griffin Centre because you know, and you knew when you were in government, that you cannot give 10-year leases in a city zone. No government in this country can give a 10-year lease.

**Mrs Grassby:** Well, you cannot. Your big business friends would not let you do that.

**MR COLLAERY:** It prevents a whole range of planning options. Mr Deputy Speaker, they talk about big business. There is more big business in ALP Inc. in this country than there is ever likely to be in an Alliance Government of our nature.

We have stolen the ground from under you. We have got the social justice program, the social equity program, that you will never get because your whole party has gone astray.

**Mr Berry:** On a point of order; there is a bit of digression again. I suppose I could just discuss this point of order until his time runs out anyway, so it is irrelevant.

**MR DEPUTY SPEAKER:** I think Mr Collaery had finished.

**MRS GRASSBY:** I claim to have been misrepresented. As usual, Mr Collaery does not read anything. I do not think he is able to. I have the press release that he referred to in my hands and I would like to read exactly what was said:

Although the ACT has not yet signed the agreement it will be - - -

**MR DEPUTY SPEAKER:** I am stopping you there, Mrs Grassby; you are making a personal explanation.

**MRS GRASSBY:** Well, this is the part where I was misrepresented. I did not say that you were not going to sign it. I said, "It will be backdated to 1 July 1989, therefore any funds arising from the sale of public housing will have to be reinvested into public housing" - nothing about you not signing it. I would like to table that, Mr Deputy Speaker.

**MR DEPUTY SPEAKER:** You need to seek leave.

**MRS GRASSBY:** I seek leave to table the following paper:

Privatisation of public housing - media release by Mrs Grassby, dated 20 December 1989.

Leave granted.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

3 May 1990

## **PAWNBROKERS (AMENDMENT) BILL 1990**

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

That this Bill be agreed to in principle.

**MS FOLLETT** (Leader of the Opposition) (11.29): Mr Deputy Speaker, the Opposition will not be opposing the Pawnbrokers (Amendment) Bill. It is not a controversial Bill, as far as I am able to make out. It merely regulates the trade and business of pawnbroking. It requires pawnbrokers to be licensed, it requires them to keep records of pledges and pledged articles, and it also adds to the protection of owners of articles which have been pledged. It is a Bill that we can support, and I do not think I need to spend any great time on it except to indicate that we do have some amendments to the penalty provisions contained in the Bill. They will be moved at the appropriate time.

**MR DUBY** (Minister for Finance and Urban Services) (11.30): Mr Deputy Speaker, the Government welcomes the support given to this Bill by the Opposition. I have been advised that it has no objection to the amendments. The amendments, as proposed, seem fair and reasonable and we will support those amendments as put up by the Opposition. Accordingly, we welcome that support and look forward to the Bill being passed.

**MR COLLAERY** (Attorney-General) (11.31): May I have the indulgence of the Chair for a moment, Mr Deputy Speaker. I take it that there are no further speakers on the Bill.

**MR DEPUTY SPEAKER**: I take it there are no further speakers. There are some amendments.

**MR COLLAERY**: Yes. I understand those amendments have been circulated. The Government supports those amendments. They have been received at short notice, and I thank my Law Office for quickly consulting on the issues that the increases in penalties raise. Of course, an issue always associated with penalties, as my colleague Mr Connolly knows, is that there is a legislative drafting procedure of compatibility across other pieces of legislation. I think it is probably timely to say that it is a useful addition to the program, put forward by Mr Connolly, and it points the way towards further reforms needed in the area of penalty upgrading and revision in the Territory.

The real basis to the Bill before the house is the fact that the Senate Standing Committee on Regulations and Ordinances wrote, as far back as 18 September 1985, to Lionel Bowen, the then Attorney-General, and expressed a number of concerns about the need to remove strict liability provisions appearing in ACT legislation and in

particular in this piece of legislation. The Government thanks the Opposition for its support on this matter.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

The Bill.

**MR CONNOLLY** (11.33), by leave: Mr Deputy Speaker, I move:

Clause 4, page 2, line 9, omit "\$20", substitute "\$200".  
Clause 5, page 2, line 19, omit "\$20", substitute "\$200".  
Clause 7, page 2, line 28, omit "\$20", substitute "\$200".  
Clause 8, page 2, line 32, omit "\$20", substitute "\$200".  
Clause 9, page 2, line 38, omit "\$20", substitute "\$200".  
Clause 10, page 3, line 9, omit "\$20", substitute "\$200".  
Clause 11, page 3, lines 14 and 19, omit "\$20", substitute "\$200".  
Clause 33, omit "\$20", substitute "\$200".

Mr Deputy Speaker, this Bill and the following two Bills on the agenda for this morning are all part of the process of cleaning out the stables of ACT law. In this Territory we inherited a lot of old New South Wales laws which, in many cases, contain provisions which, while appropriate in the horse-and-buggy era when the early process of consumer protection law reform was under way, are quite inappropriate for a variety of reasons for this Territory in 1990.

As the Attorney-General mentioned, the purpose of the Pawnbrokers (Amendment) Bill has been to upgrade the original New South Wales legislation to make it consistent with modern legal practice and to take into account the criticisms made of the Bill in the New South Wales Act in its original form by the Senate committee.

In examining these Bills, which we generally support, the Opposition noted that the penalties, in many cases, stood at \$20. The reason they are \$20 is that the penalty originally was ten quid. When the Bills were introduced in New South Wales in the early part of the century this may have been a significant and substantial deterrent. In 1990 it amounts nearly to a licence to break the law.

The amendments attempt to provide a more realistic scale of penalties. In speaking to these amendments before the

3 May 1990

Assembly I take this opportunity to draw to the Government's attention the appropriateness in this Territory of adopting a legislative device - which the Commonwealth is now adopting and which, I understand, is being adopted in some other States of Australia - of imposing monetary penalties by way of penalty units which apply throughout the legislation of that particular jurisdiction. One Act makes provision for periodic amendment of the monetary level of the penalty in the penalty units.

The task of so reforming the law in the ACT would require a once and for all examination of monetary penalty provisions in the range of ACT legislation. That is a process that could perhaps be brought to the attention of this Assembly's Committee on Legal Affairs. That may be a subject to be looked into by that committee. Once you have done that, once you have been through all these monetary penalties and you get the relativities right, you do not then have to be coming back constantly and upgrading the penalty units.

It is a problem in both the State and Federal parliaments that a particular item of legislation may be topical and so it is upgraded but another piece of legislation may be left at the bottom of the statute book and not looked at for years, and the penalty, when you come to examine it, turns out to be quite inappropriate. This legislative device in imposing penalty units would bring the ACT into line with the most modern jurisdiction in Australia in this area. Over the long term it would save this Assembly much fairly trivial work in regularly re-examining penalty units. I commend the amendments to the house.

**MR DEPUTY SPEAKER:** Mr Connolly, the other point you raised might be something our Legal Affairs Committee might like to take on board.

**MR COLLAERY** (Attorney-General) (11.37): I did not intend to respond to this. I should indicate to the Assembly that the amendments we are agreeing to will create some anomalies. I will be obliged to bring forward an appropriate supplementary amending Bill because in some instances, through amending these penalty arrangements, we are going to have a higher penalty for a subsidiary offence than for a major one in the main body of the Act. I think this should be on the record in case the point is taken publicly. We will move to bring in a supplementary amendment Bill to bring it up to date. For example, the Act provides for a penalty of \$40. What we are doing is providing for a higher penalty for a carrying-on offence.

The question of doing our penalty reviews on the run arises in this morning's debate. I think we are committed now to these amendments. We will allow them through and we will have to bring in fairly quickly some additional supplementary amendments to overcome the anomalies we are going to produce at this stage. I do not know whether we



should not adjourn this one for a short period so that my law officers can speak with Mr Connolly and determine whether he wants to move some other amendments as well.

**MR DEPUTY SPEAKER:** I think we would need someone else to move that adjournment.

**MR KAINE** (Chief Minister) (11.39): Mr Deputy Speaker, the Attorney-General raises a very important point. While I understand the motives for Mr Connolly bringing the amendments forward and while we all support them, I doubt whether it would be in the interests of this Assembly or the community to go further and create the kinds of anomalies that the Attorney-General has outlined. I would move that the debate on this matter be adjourned until the question of the anomalies is resolved.

**Ms Follett:** For how long?

**MR KAINE:** Until the matter is resolved - that is what I moved - until the matter of the anomalies is resolved.

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

#### **SECOND-HAND DEALERS AND COLLECTORS (AMENDMENT) BILL 1990**

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

That this Bill be agreed to in principle.

**MS FOLLETT** (Leader of the Opposition) (11.43): Mr Speaker, again I indicate that we will not be opposing this Bill. It is again a cleaning up exercise, looking at the Second-hand Dealers and Collectors Act and requiring that the dealers be licensed. This Bill is something that we support. I would expect though that, as we are proposing to move amendments dealing with the penalty provisions, the same difficulties would apply to this Bill as would apply to the previous one. Am I correct in that?

**MR DEPUTY SPEAKER:** I believe so, Ms Follett.

**MS FOLLETT:** If that is the case - - -

**Mr Collaery:** We can agree in principle, I take it, Mr Deputy Speaker.

**MR DEPUTY SPEAKER:** Yes, we can certainly do that, Mr Collaery.

**Mr Collaery:** And we will adjourn it until this afternoon.

**MR DEPUTY SPEAKER:** I take it the same problem applies as with the other Bill.

3 May 1990

**Mr Collaery:** We will complete the in principle debate, I take it, Mr Deputy Speaker.

**MR DEPUTY SPEAKER:** I do not see any problem with that.

**MS FOLLETT:** Well, we support the Bill in principle.

**MR COLLAERY** (Attorney-General) (11.42): I respond, unless there is another speaker to the in principle debate. I welcome the agreement by the Opposition and I assume that there will be a mover to adjourn this.

**MR DEPUTY SPEAKER:** Perhaps if Ms Follett could complete her comments in principle we could get to that stage.

**MS FOLLETT:** I have, and so has Mr Collaery.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clause 1 (Short title)

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

### **TRUCK (AMENDMENT) BILL 1990**

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

That this Bill be agreed to in principle.

**MS FOLLETT** (Leader of the Opposition) (11.43): Again, Mr Deputy Speaker, I indicate that we support this Bill in principle. It is actually quite an important piece of legislation, in that it requires that people who are working be paid wages and not actually be paid in goods. It is quite an important piece of legislation although it appears somewhat archaic at first glance.

Again it is a matter of tidying up in order to meet with the views of the Senate Standing Committee on Regulations and Ordinances on this matter. We will support the legislation, but we have circulated some proposed amendments and I suspect that we need to deal with this Bill in the way as we have dealt with the previous two.

**MR COLLAERY** (Attorney-General) (11.44): I thank the Leader of the Opposition for her support for the Bill and indicate that we support the proposed amendment to be moved by Mr Connolly. I anticipate that he will adjourn the matter so that we can rationalise a couple of aspects in relation to that.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clause 1 (Short title)

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

### **EDUCATION Ministerial Statement**

Debate resumed from 21 March 1990, on motion by **Mr Humphries**:

That the Assembly takes note of the following paper:  
Education - Ministerial statement, 21 March 1990.

**MR WOOD** (11.45): At the outset I must say that I face something of a conceptual problem. When I look at schools I see children, I see programs, I see activities. But, judging from comments that have been made recently, when the Government looks at schools it sees buildings and grounds, it see assets, it sees something to be sold.

When I look at schools I see the learning that goes on in them. I trust that I can impart some of my concepts to the Government, especially at this important stage when the future of so many schools and so much learning in this Territory is threatened. I am sorry the Minister is not here. I voted with others here to give him leave of absence. He is where he should be, and I do not question that at all, but I wish he were here, because later I will have some specific questions to ask him.

The paper that he proposed, which we now debate, said it was concerned with a number of issues and with objectives for 1990. It does raise a number of issues - important issues on their own, but not central to the quality of education, not a significant part of the debate going on in the community.

As to objectives for 1990, there were few indeed. I found it a surprising statement. It was the Minister's first statement on education in this Assembly, but it was not a landmark paper. He did not take the opportunity to express the Government's wide view of policies or of philosophies. He did not have to, of course, but I thought it would have been more appropriate to do so, especially in view of the fact that while he was reading that paper there were vital

3 May 1990

discussions going on within the Government - rather too quietly within the Government - about the future of so many of those places of learning.

I would have thought it much more sensible, much more appropriate, for the Minister to make reference to these more vital issues of the day. He did not do so, but I will in this debate. This debate may be the only consultation that we are allowed. The Minister has said that there will be no consultation on school closures. He has gone on to say he will consult on the criteria to be used for school closures, and on those alone.

He is making a mistake. Let us look at some of the things that have happened in the last six or seven years. There have been proposals for school closures before. I do not argue against that. Demographic changes mean that schools do have to close from time to time. But if there had been no public debate in the past Deakin High School would be closed, and the sense in retaining Deakin is now evident. If there had not been that public debate no doubt the Government would have kept the neighbouring Woden Valley High School open and faced the problems of that. The community was able to show, and subsequent events have proved, the value of keeping Deakin High School open.

Narrabundah College was another that would have closed had there been no public debate. Scullin Primary School is another example. So there are cases for public debate. There are numbers of schools that have been on the margin for closing but public debate and time have shown the wisdom of keeping them open. When Mr Humphries reads this, as I hope he will, he will realise that he must have that public debate.

Let us look at his criteria that have so far been indicated. There are just two. He has spoken about 10,000 to 20,000 vacant places, a changing figure. He has also spoken about costs. I think we can dispense with the vacant places figure of 13,000 because it is a nonsense figure. It was chosen because it appeared more dramatic than any other figure. I think it has been shifted around so often that it no longer has any credibility. I am very happy to discuss figures about excess space. I have been involved in office positions in that sort of discussion. Let us talk about excess school rooms. That is the only sensible way to go. It makes more sense, it is understandable and it is much more meaningful. Let us forget this other nonsense figure that has been raised.

The second point that he raised was that of cost. Let us face it - I suppose there is a cost to education, a cost to the learning. I think that cost is warranted. The Minister made the statement recently that the closure of five schools a little while ago saved about \$1m - \$200,000 a school. They were primary schools. I will not argue about that figure. I think it sounds about right. It confirms what I was saying earlier, that you do not really

save a great deal of money by closing schools. If we closed 20 schools, the mid point between 15 and 25, we would save \$4m. It is a very high price for closing all those places of learning - \$200,000 a school; that is what we are looking at.

What value do you place on a school? Two hundred thousand dollars. Think of what that school means. It is in a suburb. The way our city is designed, suburbs are generally isolated by busy roads. Think of the children who travel to that school. Think of the spirit that develops around that school. Think of all the things that work together to make a school. I probably cannot explain to you the spirit that builds up around a school within a community. I probably cannot tell you how important that is or what a fundamental part of a school's ethos that becomes. That is especially the case in Canberra. The way our suburbs were designed means that they are rather more isolated than is the general case in Australia. There is a cohesion and a loyalty, a respect and a tradition which builds within that suburb.

Mr Humphries has said that quality of education does not depend on how close you are to a school. I believe he is quite wrong. I believe this is why we have this conceptual problem of what is a school. It does depend on how close the school is because the school is an important part in binding that community.

I want to spell out some of the criteria that I want him to consider, on only one aspect, some of the criteria that help make a school work, some of the factors for excellence. There is a whole range of other criteria that I will not have time to mention today. Let us call the first factor "school and community spirit". It is not an indefinable thing; it is something that you can see and feel when you work in or around a school.

Let us talk about a second factor - tradition. Canberra is not an old city; some of our suburbs are very new, even where schools are targeted for closure. Tradition in our community, in our young schools, is nevertheless very important. When you work in a school, you know what your aims are, you develop your philosophies with the community, and it works. You have a tradition developing very rapidly.

What about access? It is important that children have access to education and access in the other sense of being close to you. Most of our children travel to the school closest to them. That is especially the case with primary school age children and particularly the case with preschool children.

What about quality? We aim for variation in this community. Not all schools are the same. They all have their differences and that is what we encourage. Along with that we encourage quality with different emphases in

3 May 1990

all schools. What about morale? What do you do when you have children, teachers and parents in a top school? What do you do with that? You sell it off for \$200,000. That is a further critical factor, one that Mr Humphries will have to consider and one that all people on that side of the house will have to consider. People have put their hearts, their hands, their efforts into a school and you cannot transfer that somewhere else. It simply does not happen.

Let us look at a typical school in Canberra. Let us take a school that is threatened with closure, probably a primary school with about 200 children in it. Its numbers are down from what it was planned to hold in the first place and there are neighbouring schools around, across the busier roads that separate our suburbs. Look at that school.

The children arrive eagerly at school each day, keen to get there, anxious to talk to their mates and to their teachers, looking forward to the program. If that program is one of high quality, is well planned and is turning out soundly educated children, as all the data indicate; if the school has enthusiastic and professional teachers and particularly if it is making our children inquisitive and keen to learn more; and if it has strong community support, would you close that school? Is \$200,000 the value of that school? That is the price that has been put on it; that is the worth of it. Ponder on that. Surely we are not going to make a decision to close a school like that for the sake of \$200,000. That is the question I want to ask.

**Ms Maher:** The cost is ongoing.

**MR WOOD:** But that is the marginal factor. It is obvious that this Government is looking at financial aspects. It wants to save money. Not only that, it wants to make money because part of the Government's aim is to look at the capital assets of this Territory. Schools are going to be closed, and I am not sure whether the prime reason is to save money or to make money by selling off. Let me say that there are circumstances when it is proper to do that - I will not argue about that - but we are talking about 15 to 25 schools. I do not think that we have had any real justification for that and there will not be any consultation about it.

I did have some questions I wanted to ask Mr Humphries. I will read them into the Hansard and he may then make some comment. I mix with people who are fairly well informed and I hear a range of options that are being presented to the Government, of which the Government is very likely aware. I simply say at this stage that these are options that have been presented to me and that may be coming up for consideration. I would have hoped Mr Humphries could have said "yes" or "no" to these questions today; he will have to do it another time.

Will the Government be asked to consider reducing the length of schooling from 13 years to 12 years? Our children here go to school for 13 years. Will there be an option to reduce that to 12 years? Will there be an option to change secondary college hours from the present 9 o'clock to 4 o'clock to 8 o'clock to 6 o'clock, thus extending the school day in colleges and thereby concentrating enrolments and allowing a college on each side of the town to close.

**Mr Jensen:** It is an 8.30 start at Erindale.

**MR WOOD:** It varies. But let us ask the question: is that college day going to be expanded from seven hours to 10 hours to allow one college to close? I would like to know whether that option is being considered because I think the community wants the chance to comment. Is there an option coming up to increase class sizes? Is it proposed to close all special classes in primary schools? And with that is there an option to reduce severely special school services?

Is there a proposal for the closure and clustering of preschools? Finally - and I do not think this is serious; I think it was a proposal off the top of Mr Humphries' head - is there a proposal to make school fees compulsory? These are matters that I hear around the place. I believe they are reliable. (Extension of time granted)

There are other options that I have not brought forward because I have not verified them enough. But in due course - sooner rather than later - I hope that Mr Humphries will comment on those so that we can exclude some of them. As we are not going to get a debate from the Government, we have to run it ourselves, to feed this information back to the Government as to what may be acceptable and what is not acceptable.

There are other matters. If the Government is considering cutting into the education budget, it might give us some notice. What does it intend to do about environmental education? Will it cut the Birrigai school or close it entirely?

**Mr Jensen:** Read the policy, Bill.

**MR WOOD:** "Read the policy" - that suggests we are not doing so. Well, I thank the backbenchers or half backbenchers opposite - whatever the term may be.

**Mr Jensen:** Read the environment policy.

**MR WOOD:** Thank you. Mr Jensen says, "Read the environment policy". I appreciate that. Will the Government cut the reading recovery classes or the access that children have to reading recovery? Will it cut the numbers of teachers' aids in special schools?

**Mr Kaine:** No; those are your policies, not ours.

3 May 1990

**MR WOOD:** Let us have some of this out in the open so that we can know what is coming. I do not agree at all with the Government's proposal that we will walk in here one day and discover what is happening.

**Mr Kaine:** What discussion did your Government have before you took a teacher from Birrigai and closed a couple of ESL classes? Where was the public discussion then?

**MR WOOD:** I think that this is an appropriate time to make these points. I did not just raise them  
- - -

**MR DEPUTY SPEAKER:** Order! There is a lot of cross-talk here. Members seem to be having a personal debate.

**MR WOOD:** Mr Deputy Speaker, I stress that I did not raise those matters just out of the blue. I picked those very carefully because I knew they were areas that had been targeted before. I was quite careful to raise those and I am now quite careful to note that, as a result of discussions, changes were made to original proposals; they were modified. Members of the Government should bear that in mind. I was quite grateful for their interjections.

But let me also say that, when the ALP prepared its budget last year and when it made reductions in education expenditure, it realised that there was no scope for any further significant reductions. Of course, we have to consider the education budget and continue to examine it. But we realised that the quality of education would be severely harmed if any further severe reductions were made. That is our policy today.

People in the ACT value their schools. They have fought hard over many years to establish a truly excellent system. The Government would be wrong if it ignored the facts of history, if it did not know something about the community's expression of support for its education system. I can tell you that that community will continue to assert its intention to retain the high-quality system of education that we are very proud of. The people will see that the Government does nothing that will damage that system; let me assure you of that.

**DR KINLOCH (12.04):** First of all I note that Mr Humphries is sorry that he cannot be here today, as Mr Wood has indicated. We had expected this debate to be on yesterday but it has come up today. Mr Humphries is at a meeting of education Ministers - including Mr Dawkins - in Melbourne. Indeed, we were discussing this matter yesterday on the way to Erindale College, when the Assembly was discussing the Ainslie tip.

I am sure that many of the questions that Mr Wood has addressed to Mr Humphries will in due time be answered by him. I will certainly deal with some of these points now. I welcome Mr Wood's concern for the quality of education.



He and I have been on the hustings together and I know that he comes to the debate with the experience of a whole career in education. I welcome that. We join with him in his concern for education. There is just as much concern for the quality of public and private education on this side of the house as on his side of the house. I also want to say that I disagree with Mr Wood's assertion that there is no scope for future consolidations, amalgamations, cuts, whatever you want to call them. That scope is very large indeed, and I will come to that later.

I want to make the question of consultation my main subject this morning and I want to answer Mr Wood's points on that. I will come back to that in a minute, but first of all I would like to deal with the question of whether the figures that he raises are nonsense. Yesterday I spoke about my druthers in the hospital scene. Of course we would all like the best hospital in the world on Acton Peninsula, but we have not got the money. Of course we would all like to enlarge the schools budget, have smaller classes, more teachers, better status, more computers and more libraries. We want all those things; of course we do. However, having seen the realities, I have no doubt at all that we are not in a position to afford them and, furthermore, I believe very strongly indeed that, given some of the amalgamations, reconstructions and reorganisations that are ahead, we will come out with a better system altogether.

I now wish to turn to that so-called "nonsense figure" of 13,533. I will explain again how that was arrived at and will comment on my own view of that figure. There is no doubt that the Department of Education has done a careful job in taking some 1981 figures of total capacity, then some revised figures of 1988 and coming up with a figure that reflects the total largest possible capacity of 168 schools. I have all the figures here. Some of these undercapacities are quite startling, especially in the primary school area. Under that 13,533 we have 7,472 surplus places. That is a real number; it is not a nonsense number. It is the number that the Chief Minister used some time back and that Mr Humphries used. I have some criticism of that number and I take the criticism partly from a minute of the Department of Education itself, which says:

The figures currently being used for school capacities and surplus places are based on formulas developed in 1981 and revised in 1988. It will probably be necessary, as part of the planning process, to revisit these and allow schools where relevant to put a case for revision of current capacity figures.

That indeed is what I meant when I said that, if you went from school to school - and there are 168 of them - and looked not at the total possible capacity in 1981 or the revised capacity in 1988 but at what the school board, the P and C or the teachers said, then I think you would find this kind of answer.

3 May 1990

Let me pick a non-existent mock school - let us call it Gungahlin College - built in 1993, with a capacity of 1,200 students. Taking every classroom, every space, that 1,200 would represent the maximum possible number of students in the school. However, between 1993 and 2003 that school could have an enlarged laser computer facility where you could only have 10 students in a classroom which had previously accommodated 26, or perhaps the school could produce a hospitality course with a large kitchen area and hospitality centre - one of the E courses - where again you could have only 10 or 15 in a classroom.

By 2003 the number of students might be down from 1,200 to 800 and the board of that school might say that part of the reason for that was that the school was being used differently. We would then compute that, not at whatever the previous capacity might be but at the lower figure. That has been happening throughout the system. The Department of Education recognises that, but for planning purposes it has been a useful exercise to begin with the largest possible capacity surplus - 13,533. What is it actually - 9,000, 10,000, 11,000? It is very hard to give a realistic figure until there has been consultation.

I come to the total recurrent savings. Mr Wood quite properly requested some of these figures directly from the Department of Education. I would stress that the figures totalling \$1.17m represent total annual recurrent savings. Please do not mistake this for the value of the buildings or the value of the property. That \$1.1m for five schools - Woden Valley, Downer, Fisher, Page and Pearce primaries - is total annual recurrent savings, which is quite a different matter. I do not doubt that there will be very considerable savings in restructuring in the two years ahead.

I liked very much Mr Wood's criteria. A whole range of criteria for public consultation is now being issued by the Department of Education to all 168 schools and to all people concerned. Included in the criteria are some of the factors that Mr Wood has already mentioned - school and community spirit, access and so forth. The criterion is not simply whether a building is underused. Where it is, its possible value in that total community and related matters are now being looked at.

I want to beware of quoting any names. I have been to many, many schools over the last four months. Let me quote school X and school Y, both primary schools, both within a kilometre of each other and both operating at half capacity. Those schools are nearby, so there is not a problem with parents getting their children to one school or the other, depending on which one is technically closed.

What you can have here is an amalgamation of those two schools. If you fill up the larger and better of the schools, you do not in any way harm the educational process

and you do not increase the class sizes. You amalgamate the staffs. You therefore have a larger range of staff, and in many ways you have not only saved on costs but you have also improved the quality of education in those two schools. That is the process that I am sure will be undertaken and is now being undertaken on a very careful time scale by the Department of Education in consultation with others.

I now come to the very important matter of consultation that Mr Wood has raised. As it happens, tonight from 6 o'clock onwards there will be a meeting of the ministerial consultative committee. This will be the third meeting of that committee, which I chair, and that committee consists of representatives of P and Cs, boards, the Teachers Federation, public servants and others, all of whom are vitally concerned with the matter of school amalgamation - school consolidation. I want to assure Mr Wood that consultation has already been taking place. It is certainly taking place within the actual structure of the Department of Education, both in the regional offices and in individual schools. Again, I use as an illustration schools X and Y. These are real schools but I do not want to name them. (Extension of time granted)

The two boards and the two P and Cs of the schools are meeting conjointly because they realise that they cannot continue as they are - both of them half empty. They are trying to create some kind of consultative, cooperative endeavour from the grass roots - that is, from the P and C and from the community itself. The criteria for this issue will be announced this week or early next week and then there will be an opportunity throughout the public arena for discussion of them. I believe that that consultation will be carefully done. I certainly hope it will be and I will be watching it.

Like Mr Wood, I am well aware of the importance of the schools. It has been a tremendous experience over the past four months to visit many schools. I must have been to 20 or 25 schools by now, often on visits of two hours or two and a half hours. It has been the most interesting matter that I have been involved with since January. I am very impressed.

However, I am also in some cases depressed. Again, I am not going to mention specific schools. In some cases the schools have exactly what Mr Wood has described - school spirit, tradition, thriving activities and tiptop staff. In other cases, by the very fact of the demographic change that has brought about their low numbers, the teachers and the people involved with the school are aware of the problems they are facing and that does have an effect on them. I do hope that part of this consolidation process, properly, usefully and quickly done, with consultation, will produce in those schools a better temper and a better morale. We are not aiming merely for cost saving. I think that would be quite a secondary consideration. Just to

3 May 1990

play a numbers game is not satisfactory at all, and I would argue very strongly for an overall look at the school system to make sure it is better.

I would like to take high schools as a special example. This is the area on which I have been concentrating over the last three months. Although I have visited colleges and preschools - institutions at both ends of the scale - and primary schools, it has been high schools in which I have been particularly interested. Why? Because as our college system has done so well and has a national reputation, so there have been some spin-off problems relating to high schools. The Department of Education is especially turning its attention to that, as indeed is the Alliance Government. Certainly I am. Looking at schools such as Holder, Lyneham, Campbell and Telopea, I am well aware of the tremendous merits of them. We have to build on the merits of those schools.

Mr Wood raised a lot of questions, many of which I recognise as the kinds of rumours that are going around the system. I will conclude on this note. One of the most extraordinary, extravagant rumours is that the Alliance Government is about to close 51 preschools. I do not know where that rumour came from. It is absolutely extraordinary.

**Mr Wood:** I did not raise it.

**DR KINLOCH:** No, Bill, I know you did not. We first heard the rumour last week, and both Mr Humphries and I have denied it. Similarly, Mr Wood raised eight or nine other matters. I do not propose to go through them all now. Rumours of them have already been drawn to my attention. I want to be just as alert about those as Mr Wood. I want to be sure that we do not increase class sizes; that class sizes are maintained at a proper level. I want to be sure that special education is maintained, as is environmental education, which is already in our policy. I hope we can deal with those at another time.

I very much welcome the ministerial statement, the debate in which Mr Wood has already begun to participate and the chance to defend - indeed, not only defend but also promote - the process which we are about to engage in in bringing our schools up to better, more efficient levels than at present.

**Sitting suspended from 12.20 to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **ACT Court System**

**MS FOLLETT:** My question, which is directed to the Chief Minister, concerns recent announcements about court

restructuring. I refer Mr Kaine to his answer to a question from Mr Connolly on 1 May 1990. Does he still retain full confidence in his deputy, given the state of confusion that now exists because of his deputy's ineptitude over court restructuring?

**MR Kaine:** I always admire the members of the Opposition, Mr Speaker, for the sting that they put into their questions. They do not seem to be able to ask a straight question. There is always an implication of some lack of character or competence or something in the questions that they ask.

**Ms Follett:** Just answer the question.

**MR Kaine:** You asked the question. Let me answer it. Mr Speaker, of course the Attorney-General retains my confidence. The Attorney-General properly proposed for public discussion, comment and input the question that when the transition of the courts to the ACT Government takes place later this year they should be restructured. What he had in mind was a different system of courts below the level of the Supreme Court so that there would be, as I understand it, a series of jurisdictions which would take matters of particular concern in various categories, and this would replace the system of magistrates and the Magistrates Court.

The proposal was, in my view, a reasonable one because it was aimed at providing a court system that could handle the workload that exists, that could recognise the importance of the various jurisdictions - - -

**Mr Berry:** On a point of order, Mr Speaker - - -

**Mr Collaery:** You don't like the answer now.

**Mr Berry::** It is not answering the question. I will just run through the points of the question. What action has been - - -

**MR SPEAKER:** Order! Chief Minister, do you require the question to be put again?

**MR Kaine:** Who asked this question, Mr Speaker?

**MR SPEAKER:** Please proceed, Chief Minister.

**Mr Berry:** It is a point, but just stick to the question that was asked.

**MR Kaine:** I am answering the question.

**Mr Jensen:** Are you taking over the Speaker's role, Mr Berry?

**MR Kaine:** He is also taking over the role of the Leader of the Opposition, who apparently cannot ask her own questions. He has to take over asking the questions.

3 May 1990

**MR SPEAKER:** Order! Please get to the question.

**MR KAINE:** I am simply trying to outline, Mr Speaker, for the edification of the Leader of the Opposition and for Mr Berry who clearly does not understand what I am trying to say or does not want to hear it, the proposal put forward by the Attorney-General, as I understand it. It was, in my view, a very sensible proposal to allow the courts to be restructured in such a way - - -

**Ms Follett:** On a point of order, Mr Speaker; the question was: does the Chief Minister retain confidence in his deputy? It was not: what was the proposal? Under standing order 118 he must be required to stick to the subject of the question.

**MR SPEAKER:** Please proceed.

**MR KAINE:** Mr Speaker, I have already said that, yes, the Attorney-General retains my confidence - - -

**Ms Follett:** That is all I needed to know.

**MR KAINE:** And I am explaining why that is so. The clear implication of the question was that there was some reason why he should not retain my confidence. If the question was genuine and they really want an answer to it, they should be prepared to hear why my confidence in the Attorney-General continues. But, of course, they would not want to hear that because, amongst other things, it would show up the fact that for seven months they did nothing about the courts. They did nothing to prepare for the transition. They were prepared to accept the system as it currently exists. The fact that it was failing this community, it could not handle the workload and there was grave concern within the legal system as to the present operations of the court system did not matter.

**Mr Berry:** The question of relevance arises again, Mr Speaker.

**MR SPEAKER:** Yes, I uphold your objection there, Mr Berry. Please get to the point, Chief Minister.

**MR KAINE:** Mr Speaker, I think I have just about made the point that Mr Collaery, in his capacity of Attorney-General, was honestly and genuinely attacking the question of producing a court system that would work in the interests of this community. Since that was his objective - and he has been headed off at the pass for reasons that have nothing to do - - -

**Mr Berry:** Mr Speaker, again I raise standing order 118. He said five minutes ago that he had confidence in the Attorney-General. He should have sat down.

**MR SPEAKER:** Thank you for your observation, Mr Berry. Please proceed, Chief Minister.

**Mr Berry:** Do I get a ruling on the - - -

**MR SPEAKER:** Yes; you are out of order, Mr Berry. I thought it was understood; I am sorry.

**MR KAINE:** The Attorney-General put forward a proposal which was open to public debate, and that is why public comment has been made on it. There are some people who disagree, and for that reason Mr Collaery has agreed to take the matter under further advisement. It is a very reasonable, very logical course of action - open consultation, which you always talk about but which you criticise when we actually propose it. In view of that, Mr Speaker, of course the Attorney-General retains my confidence. In fact, I am very happy with what he has been doing and I think he is to be congratulated on it.

### **Driveway Construction**

**MR JENSEN:** Mr Speaker, my question is addressed to the Minister for Finance and Urban Services. I am sure he is aware of the backlog that there was in the past in the construction of driveways, especially in Tuggeranong as that is a developing area of Canberra. Can the Minister advise what action, if any, has been taken to redress this problem?

**MR DUBY:** I thank Mr Jensen for the question. Yes, I was aware that there was an enormous backlog in the construction of driveways in the Tuggeranong area when we came to office. I am pleased to be able to report that since we have been in office and addressed the situation we have now corrected that. Between August last year and March this year, 1,273 driveways were constructed, and when we came into office there was a backlog of 634 driveways, as well as new applications. They have all been cleared. Requests for conforming driveways are now executed within six weeks of a certificate of occupancy being issued. I might add that all work has been carried out using private contractors.

### **Law Reform**

**MR CONNOLLY:** Mr Speaker, I address this question to the Attorney-General. What action has been taken to implement his announcement that an ACT law reform committee will be established? Have any members been appointed to this committee or is this just another good idea that has not been followed up?

3 May 1990

**MR COLLAERY:** I very much welcome Mr Connolly's question. It is historic, in case persons have not noted it. This is the first question in how many months?

**Mr Kaine:** Nearly six months.

**MR COLLAERY:** It is the first time in six months that I have been asked a question on the portfolio areas that I administer. I am delighted to receive this question.

**Mr Moore:** I asked you a question about corruption.

**MR COLLAERY:** I referred to the Opposition but, Mr Speaker, I do not regard Mr Moore as Opposition.

**MR SPEAKER:** Order! Please get to the point.

**MR COLLAERY:** Mr Speaker, yes, on 25 March, if my memory serves me correctly, I announced to the Assembly the intention to form a law reform commission. I can indicate to the house that it will be different, and I trust that it will not get the same treatment as it got for being different in the last few days. It will be different in that once again - and I will use the words that I used when I said that I wanted to look at court reform - it is a subject that will arouse a great deal of professional and community interest, and I will ensure that the proposals to be put forward to create that reform structure will receive the widest possible exposure for public discussion. That is a quote from the announcement that I made on 19 April about court reform.

The proposal is, briefly, that the committee comprise not simply lawyers. I will be proposing to my Cabinet colleagues that it comprise, for example, a representative of the ACT Council of Social Service. Approaches are in train to a variety of parties, including CARD, just to get our political and ideological balances right. I will not go through and enumerate all the parties. I believe that Mr Connolly will be quite interested in the model that I propose for a law reform committee. It is different from the lawyer-bound ones.

I welcome comment on the proposal. I will take him into my confidence on the proposed appointees, if he wishes, and we will discuss that. I asked my Law Office yesterday whether we have yet finalised the invitations. Ms Follett laughs. She is not interested; it is a joke. Mr Speaker, I have approached the involvement in politics that I have at the moment seriously, not from some immature basis. Ms Follett should listen to this matter. It is extremely important because this law reform committee will comprise, so far as I am concerned, a group of perhaps 10 or 11 representatives of the community - - -

**Mr Berry:** You're still guessing.



**MR COLLAERY:** Mr Speaker, I can quite easily produce, when the day is at end, the documents and table something and prove that I am not guessing and that work is afoot to see that the community is properly represented on it. I thank Mr Connolly again for the question, and I would welcome a supplementary question.

**MR CONNOLLY:** By way of a supplementary question, I take it that the short answer is no; that, despite the announcement some six weeks ago that this will be established, no-one has been appointed.

**MR COLLAERY:** Mr Speaker, I hope that Mr Connolly has a long and distinguished career in the law and politics and that, when and if he becomes Attorney in this Territory and gets the challenge of moving the law along, he will understand that six weeks is not long in the law and not very long at all when you are forming a law reform committee in this Territory. Nevertheless, I welcome his impatience on the issue and I will brief him on it.

### **Workers Compensation**

**MR STEFANIAK:** My question is directed to the Minister for Finance and Urban Services. What does the Government intend to do to assist ACT workers who will be affected by the collapse of the National Employers Mutual Insurance Company?

**MR DUBY:** Thank you for the question, Mr Stefaniak. Members may be aware that there is an insurance company called the National Employers Mutual Insurance Company which has been writing workers compensation insurance for many years. It was a British based firm and has recently gone into liquidation. Some concern has been expressed about the plight of ACT workers who may have been covered by that organisation. People will be pleased to know that the National Employers Mutual Insurance Company has not written workers compensation business in the ACT for about five years. However, it is known that a number of claims involving that company are still to be finalised.

I understand that a provisional liquidator was appointed on 1 May in the New South Wales Supreme Court to take control of the affairs of the company. My labour division is liaising with the litigator so that claimants in the Territory are not disadvantaged. Mr Speaker, it is expected that adequate funds will be available from a special fund established for such contingencies following the failure of another workers compensation insurer in 1980, to allow payments to continue with a minimum of disruption. I guess the bottom line in the answer is that ACT workers will not be disadvantaged because of the failure of this workers compensation insurance company.

3 May 1990

**MR SPEAKER:** Before the next question I would like to advise members of the opposition that the Chief Minister will take questions on behalf of Mr Humphries.

### **ACT Court System**

**MR WOOD:** I direct a question to the Attorney-General. Will he impose a realistic timetable for the ACT law reform committee's reference on the future structure of the ACT courts? Surely the Attorney is not serious in suggesting that we must wait until 1995 to see court restructuring.

**MR COLLAERY:** I thank Mr Wood for the question. Looking at interstate experience of court restructuring proposals and the time that was spent in bringing those forward, and even looking at the length of time that decisions on whether to proceed with committal structures would take in New South Wales, I formed the view that if we go to an all-out Law Reform Commission reference and involve the Australian Law Reform Commission in it there would be at least, in my view, five years' work in the matter. That is my personal view, and I inform the house that that is purely a personal view.

I am currently considering what options we have to better the situation of the magistracy. The very real pressure on this Government and any future government will be the Magistrates Court. As Mr Wood knows, 95 per cent of justice is dispensed in the Magistrates Court of the Territory. It has been chronically overworked.

There are a whole number of structural issues. For example, it is years since New South Wales developed common pleading forms and common documentary forms between court structures, but still in the ACT the profession files numerous pieces of paper in different jurisdictions. They have the same filing forms in the Supreme Court, District Court and so on in New South Wales. They are major administrative procedural issues to be faced in any law reform process. It is not a question of a structure of a court; it is a question of the procedures, the practice directions and all those other matters. Massive tomes of documents have to be gone through. It is a very complex affair.

My view is that I will take considered advice on how we should proceed on court reform in the ACT in the future. It is only a few days since the proposal that we have a public consultative process was knocked on the head, regrettably, with the support of the Labor Party in this Territory. It was my very great hope, as the writing shows, that we have a public consultative process.

Mr Speaker, I draw the attention of all in the house to our media release of 19 April 1990 which said:

I will ensure Mr Curtis' paper receives the widest possible exposure for public discussion.

I had indicated privately, on several occasions, that I could not see us doing anything - - -

**Mr Berry:** What has this got to do with the question?

**Mrs Grassby:** What a waffler. He has waffled on for the last five minutes.

**MR COLLAERY:** You are letting me go on. I am happy to talk.

**Mrs Grassby:** Of course, you are having a good time. You are not answering the questions.

**MR COLLAERY:** I have not had any questions for six months. I cannot restrain myself.

**Mrs Grassby:** The point is that you do not get any more.

**MR SPEAKER:** Order! Mrs Grassby, Mr Wood asked the question. It is up to him if he feels he is not getting the answer.

**MR WOOD:** I ask a supplementary question, Mr Speaker. It may be difficult to keep it on track. I think the Minister is shell-shocked after the last few days. It is my understanding that he referred this to the ACT law reform committee, a body he seems to be working on. He is talking about the Australian Law Reform Commission. I do not know whether he is quite aware of which side he is on. He might clarify it, if possible.

**MR COLLAERY:** There is a jurisdictional problem. We are taking, by force of law under the self-government Act, the Magistrates Court and the legal profession on 1 July 1992.

**Mr Kaine:** 1990.

**MR COLLAERY:** 1 July 1990. But the Supreme Court is to come over - they are laughing. How childish!

**Mr Wood:** You said "1992" somewhere else.

**MR COLLAERY:** The Supreme Court is coming over, at the latest, on 1 July 1992. Until that date, it is hardly proper for our ACT law reform committee to bring forward recommendations without effective liaison and consultation with any other law reform bodies which may be interested in those topics. That is all I am saying to Mr Wood. If he wants to know whether I am shell-shocked, who would not be to get one like that? Who would deny it? I think the word I used was "staggered".

### **Sports Coordination**

**MRS NOLAN:** Mr Speaker, my question is addressed to the Minister for Housing and Community Services on a matter related to sport. Is he aware that a meeting of representatives of all ACT sports, called by ACT Sport, is to be held at Sports House next Tuesday? Will he be attending that meeting?

**MR COLLAERY:** I thank Mrs Nolan for the question. Mr Speaker, a meeting of representatives of all ACT sports, called by ACT Sport, is to be held at Sports House on Tuesday, 8 May, at 7.30 pm. I understand that the aim of the meeting is to seek to coordinate all the sporting organisations in the ACT into a unified body to liaise effectively with government, sponsors and the ACT Administration in such areas as sponsorship, funding, promotion and general questions of determining sporting priorities in the ACT. That may help us also with grants applications.

Hopefully this meeting will lead not to the type of destructive rumourmongering that comes from some sectors of this Assembly but to streamlining and improvement in the contact between the sporting community, government and potential sponsors.

I have had informed discussions with Dr Roberts of Sports House and ACT Sport. I am very interested in a number of recommendations and suggestions that he is making about these restructuring proposals - ignored during seven months of Labor government - so that sport can get its right agenda in the ACT. Mr Stefaniak will be attending that meeting and will be reporting to the Alliance Government on the outcomes.

### **ACT Police Force**

**MR MOORE:** Mr Speaker, my question is directed to the Chief Minister as Treasurer. Mr Kaine, given that the police force costs are estimated at about \$42m a year to run and considering that this amount makes such a large dent in the Government coffers, can the Chief Minister advise the Assembly whether options other than contracting the Australian Federal Police from 1 July 1990 have been considered, or is it a foregone conclusion since "final financial arrangements are almost complete" and that the ACT must have - as your Attorney General has described it and I quote from a transcript of the ABC special report last night - "the AFP or the AFP"?

**MR KAINE:** Let me address, firstly, Mr Speaker, the question of the \$42m. That is not going to make any dent in the ACT budget because when the police transfer to our responsibility and our control on 1 July the Commonwealth will transfer at the same time, as an increment to the

funding provided currently for the ACT, a sum equivalent to the annual cost of running the Australian Federal Police. That has currently been assessed as something in the order of \$42m, and of course our budget will be incremented to cover that cost. It is not expected that we take on the policing function and absorb that in the existing budget that we have, so we would not be financially disadvantaged in taking responsibility for the police.

On the second part of the question, which I guess was the main thrust of it, as to whether we have the AFP or the AFP, the bottom line answer to the question is yes, it is the AFP or the AFP. The Government has considered in general terms whether there were any other practical options to going by this route. We even considered such questions as whether there was some police force that we could contract other than the Australian Federal Police. We very quickly assessed that, while it might be desirable in the interests of the community to do away with the services of the Australian Federal Police on 1 July and attempt to set up our own police force, for example, as an alternative, it simply was impractical. It could not be done in the time and would have meant having to reproduce and replicate a lot of the facilities that are currently available.

In the time available it does resolve itself down to a question in the immediate future of accepting the services of the Australian Federal Police on some sort of suitable and acceptable contractual arrangement. So the negotiations with the Commonwealth over the last two or three months have been confined to that question, to get the best contractual arrangement so that the Australian Federal Police can continue to provide services to us.

That is not to say that in the longer term there may not be further consideration of that question. When we get our budget in order and the new mini-economy of the ACT has settled down, it may well be that we will want to raise the question again of re-creating the old community police force that we used to have, which was an excellent police force and which it may be possible for us to re-create in the longer term.

**MR MOORE:** I ask a supplementary question. Considering, Chief Minister, that you have said that this other possibility may well exist, is it reasonable then to assume that the contract which is being forged at the moment will have a short-term date - say, a three-year or five-year contract, something along those lines - so that this can be reconsidered?

**MR KAINE:** The discussions so far have been, generally speaking, at the officer level. We have not yet got to the point of discussions at the political level. I do not know whether that question has been brought up, but I will certainly make sure that the question is introduced into the negotiations and that we do not enter into a contract that is not time limited.

### **Mercury Pollution**

**MS MAHER:** My question is directed to the Minister for Finance and Urban Services and it refers to an article in Tuesday's Canberra Times, which reported that mercury is entering Lake Burley Griffin as a result of the crushing and disposal of old streetlight globes by ACTEW. Can the Minister say whether this is true or not?

**MR DUBY:** Thank you, Ms Maher, for the question. I am happy to be able to report that the article was incorrect. The practice of crushing streetlight globes and disposing of them at the Kingston depot, I believe, no longer takes place. As a matter of fact, Mr Speaker, I am happy to be able to report that it has not occurred during this Government's stewardship of ACTEW. It did occur, of course, while the previous Government was in control of ACTEW.

The simple fact is that ACTEW no longer disposes of those light globes by crushing them at its Kingston depot. The globes are now disposed of as commercial waste. When that crushing was occurring there were trace amounts of mercury present in vaporous form in some streetlights. It is estimated that in the order of 17 grams of mercury per annum were discharging into the stormwater system, and thence into Lake Burley Griffin. ACT Electricity and Water is currently investigating the most appropriate way of disposing of these lamps naturally rather than crushing them, as that is a hazard to the environment, but I am pleased to report that the practice no longer exists.

### **ACT Police Force**

**MR STEVENSON:** My question is to the Chief Minister, Mr Kaine. Has the ACT Government accepted the sum of \$42m-odd for the Australian Federal Police force as taken, or are we doing a separate analysis?

**MR KAINE:** The answer to the question in broad terms, Mr Speaker, is no, we have not yet accepted the \$42m as being the final figure. There has always been some question about the accuracy of the costings done by the Australian Federal Police. This is no reflection on the police. It goes back to the early days of the Grants Commission inquiries where their accounting system was not set up in such a manner as to separate out the cost of running the ACT division of the Federal Police as opposed to the total Australian Federal Police system.

I am quite sure that over the years they have refined their accounting system and the \$42m would be much more accurate today, and I will accept it as being much more accurate

than I would have done five years ago. But we have enough reason to suppose that there is a little bit of flexibility and elasticity in that figure to be pursuing detailed discussions on how that figure is compiled and whether it is a figure that we can accept without reservation when the transfer occurs.

**MR STEVENSON:** I ask a supplementary question. Once a figure has been agreed upon, would it be wise to have any latitude in case that does not actually turn out to be the case?

**MR KAINE:** Yes, of course it would, but we have to remember that there are two sides to this negotiating table. We would certainly want to keep the negotiations open for future years in case it is established in the first year of operation that that figure was not accurate. Of course, it could work to our advantage or it could work to our disadvantage, but we would prefer to have an opportunity to re-evaluate that figure after perhaps the first year of operation. That depends on whether the Commonwealth is prepared to enter into a contract that gives us that degree of flexibility, which it may see as being detrimental to its interests in the long term, but certainly we would want to negotiate the ability to keep that figure under discussion.

### **ACT Police Force**

**MR BERRY:** My question is directed to Mr Bernard Collaery, the Deputy Chief Minister. What meetings has he had with the Federal Minister for Justice over the transfer of police to the ACT and what scheduled meetings were cancelled because of the election?

**MR COLLAERY:** I thank Mr Berry for the question, another historic event. Mr Speaker, the procedures devised by the former Chief Minister were that there be an officers working group and a steering committee. That structure that Rosemary Follett put into place I allowed to continue because it seemed appropriate. Indeed, I was instructed yesterday by my advisers, in the presence of the Assistant Commissioner of the AFP, that there was some delay during the election period. I did not ask him for any details, but I understand that - - -

**Ms Follett:** What meetings have you had with Senator Tate?

**MR COLLAERY:** I will take that aspect on notice and advise the Assembly.

**Mr Berry:** Well, you would know whether you had a meeting.

**MR COLLAERY:** As far as I know, our joint officers have agreed, as the former Chief Minister arranged it, that that steering committee would, as I said in the house yesterday,

3 May 1990

prepare a final report to both Ministers. Both Ministers would then consider the final report from the negotiating team. It is a standard way of doing inter-governmental negotiations - - -

**Mr Berry:** A standard way of misleading people.

**MR COLLAERY:** Mr Speaker, it is a standard way of doing negotiating positions, and that will continue. If the member wishes to know what meetings were cancelled, if any were, I will find out for his information.

**MR BERRY:** I ask a supplementary question. We know, for example, that Ms Follett met twice with Senator Tate during her period of office on this matter.

**Mr Kaine:** That is because they are mates; it had nothing to do with the police force.

**MR BERRY:** Well, you have not got any, so you will be right. Given that you have never met with Senator Tate to discuss the issue, how can you claim to be in control of the transfer, for heaven's sake?

**MR COLLAERY:** I thank Mr Berry for the supplementary question. As I said earlier, there are established inter-governmental negotiating teams. I had expected that we might meet Senator Tate at one of the ministerial meetings that I attended interstate recently. That did not come about. I believe there was another occasion when I was scheduled to meet Senator Tate - - -

**Mr Berry:** You are truly unbelievable, Bernard.

**MR COLLAERY:** The fact of the matter is that I am going to abide by those arrangements that were put into place and - - -

**Members** interjected.

**MR COLLAERY:** Mr Speaker, this is some kind of point scoring exercise. It has no basis in fact.

### **ACT Police Force**

**MRS GRASSBY:** My question is to Mr Collaery. I wonder whether he can give us a straight answer on this one. I refer Mr Collaery to his comment that, after being transferred, the ACT police will still be employed under the two Acts. Is the Minister unaware that the police will be employed under only one Act, the Federal Act, and that the ACT contract will be with the AFP, not with individual police?

**MR COLLAERY:** I thank Mrs Grassby for the question. The first thing was that she imputed words to me where I said



they would both be employed under, I presume, the Public Service Act and the Australian Federal Police Act. As yesterday's Hansard will reveal, I indicated to the Assembly that one of the questions facing the negotiating team was to decide whether to have a single employing piece of legislation under one Act. Far from suggesting they would be employed under two, I indicated that civilians and the police should be brought under one Act. Further, Mr Speaker, I want to read to the Assembly section 8 of the Australian Federal Police Act 1979. It says, quite explicitly:

The functions of the Australian Federal Police are -

- (a) the provision of police services in relation to the Australian Capital Territory ...

Clearly, the choice is between the AFP and the AFP because Federal law says the functions of the AFP are the provision of police services in relation to the ACT, and no law or contract we make can overrule that at this stage. It may well be that the outcome of negotiating matters, as is known to my colleague the Chief Minister, will be that there is an amendment to that, but no report has come forward from the working group yet indicating a position on the question of whether there will be a unified piece of legislation or a separate piece of legislation.

**MRS GRASSBY:** I ask a supplementary question. Obviously Mr Collaery does not know anything about it. It has already been done under a parliamentary Act. Are you using this as an excuse to do nothing? Maybe we should table it so he knows something about his portfolio. Obviously he knows nothing about it.

**MR COLLAERY:** Mr Speaker, clearly there is a decision to be taken by our Government as to how we conduct the civilian support, if there is to be any, to the Australian Federal Police in its operations if we finalise discussions in the ACT. The Federal Government has established a legislative charter for the Australian Federal Police, and that is one of the aspects of the negotiations at the moment.

**Mrs Grassby:** Just another excuse to do nothing.

**MR COLLAERY:** The legislation that Mrs Grassby is referring to is part of the general documentary background to the negotiations.

### **Gowrie Hostel**

**MR STEFANIAK:** My question is to the Chief Minister. Chief Minister, what action has the Government taken in connection with the Commonwealth's proposed sale of the Gowrie Hostel.

**MR KAINE:** Mr Speaker, that question is a topical one because members will recall that that property had been advertised for auction next Saturday, I think. There was a great deal of public concern about the fact that the Commonwealth was advertising for public sale a property that it had retained presumably on the basis that it required it for its own needs and, having decided that it did not need it, then intended to proceed to sell the property on the commercial market.

There were some very significant questions about that, Mr Speaker, that had to do not only with the question of whether the Commonwealth ought to be offering that property for sale publicly but with what were the consequential effects of it. For example, if that were sold by the Commonwealth and remained a piece of national land, as it has currently been classified, would the ACT Government ever have been able to collect rates in connection with any commercial operation carried on on that site? Just what was the status of the ACT Government in relation to that property? Would the National Capital Planning Authority continue to exercise the sole planning rights over what the land could be used for?

There were many, many issues that went way beyond the question of whether the Commonwealth really should be selling the property off. So the ACT Government recognised that there was not only an immediate problem, a problem of definition of whether the ACT (Planning and Land Management) Act of 1988 really permitted the Commonwealth to retain and then sell that property - that was the immediate question - but there were some much longer-term questions that needed to be addressed.

With those questions in mind and working specifically in the interests of this community which this Government represents, we sought to have the Government change its view. I wrote to Mr West, the Minister for Administrative Services, and I wrote to Ros Kelly in her capacity not only as a Minister in the Commonwealth Parliament but also as the member for Canberra, and sought their intervention to have the Commonwealth change its approach on this property and at least enter into some discussions with this Government before it went ahead. All of those requests were either rejected or ignored, and I should note that my request to Ros Kelly simply has not been answered.

Since it is a hostel for generally accommodating young people and at relatively low cost, it is a matter of some concern that, if it is sold by the Commonwealth, we lose the facility to house the young people who can be accommodated there, and it has accommodation for something like 500 people. So we resolved that, in order to clarify the issue, we would take steps to take out an interim injunction to prevent the Commonwealth selling that property. We went to the court with a request for such an injunction, and on 27 April the Commonwealth consented to

an order of the ACT Supreme Court which effectively restrains the sale of the site to allow further discussions to continue. Those discussions will continue. Hopefully they will result in the Commonwealth deciding that its actions were inappropriate and wrong and the question will no longer arise, but the outcome of those negotiations will have to be awaited.

### **Fire-extinguishers**

**MS FOLLETT:** My question is to Mr Kaine as the Minister for the environment and I refer Mr Kaine to page 7 of his report Developing an ACT Strategy to Respond to the Greenhouse Effects. Mr Kaine, I note that the ACT Government is replacing its fire-extinguishers with those not containing ozone depleting substances. My question is: what arrangements have been made to ensure that the existing extinguishers are disposed of in a way which does not damage the ozone layer and are not resold for use as fire-extinguishers?

**MR KAINE:** Mr Speaker, I am not an expert on the disposal of material which is harmful but I can assure the Leader of the Opposition that, once those fire-extinguishers have been replaced with more appropriate ones, the Government will ensure that they are properly disposed of in such a way that they do not present a hazard to the environment. Naturally we will have to take advice from experts in this matter who can advise me on how best to do that.

Mr Speaker, I request that further questions be placed on the notice paper.

### **Ainslie Transfer Station**

**MR DUBY:** Speaking yesterday, Mrs Grassby asked a question in relation to the Ainslie Transfer Station. She asked me to tell the Assembly the amount of waste delivered to the Ainslie Transfer Station; the proportion of recycling carried out there compared to the other tips in Canberra; the number of individual visits to the transfer station per week; and the number of trips from the transfer station required to remove the waste per week.

My answer to the member's question is as follows: on average, 240 tonnes of waste were delivered to the Ainslie Transfer Station per week, giving an estimated 12,500 tonnes per annum. The average varied, of course, from week to week. Approximately 16.5 tonnes of paper and 3.6 tonnes of glass were collected at the transfer station each week. For paper and glass, these amounts are similar to that collected through Belconnen tip and roughly two-thirds of the amount collected through the Mugga Lane tip. Details on volumes of aluminium cans and PET plastics have not been

3 May 1990

kept but, I think it should be pointed out, were negligible. In other words, there was hardly any recycling of those items.

It is estimated that there were approximately 2,500 individual visits to the transfer station per week, and monitoring by my department indicates that approximately 24 trips per week were required to deliver waste to the Belconnen tip.

### **PAPER**

**MR DUBY:** Pursuant to section 20(1) of the Noise Control Act 1988, I table for the information of members the following paper:

Noise Control Act - Noise Control Manual, dated February 1990.

### **PRIVILEGE**

**MR SPEAKER:** Yesterday Mr Jensen gave written notice of a possible breach of privilege concerning the possible disclosure by a member of the Standing Committee on Conservation, Heritage and Environment, Mr Moore, of the proceedings of a meeting that the committee conducted on Thursday, 26 April. The incident referred to was a radio interview given on Friday, 27 April, by Mr Moore. Mr Jensen attached a transcript of part of the interview to his letter.

Under the provisions of standing order 71 I must determine whether or not the matter merits precedence over other business. If, in my opinion, the matter does merit precedence, I must inform the Assembly of the decision, and the member who raised the matter may then move a motion without notice forthwith to refer the matter to the Standing Committee on Administration and Procedures. Assembly standing order No. 241 provides:

The evidence taken by any committee and documents presented to and proceedings and reports of the committee shall be strictly confidential and shall not be published or divulged by any member of the committee or by any other person, until the report of the committee has been presented to the Assembly: Provided always that the publication or divulging of any evidence, documents, proceedings or report confidentially to any person or persons by the committee or by any member of the committee for the execution of any clerical work or printing, or to the Speaker, a Member, or, if it be necessary, in the course of their duties, to the Clerk or other officers of the Assembly, shall

not be deemed to be a breach of this standing order.

Under section 24 of the Australian Capital Territory (Self-Government) Act the Assembly and its members and committees have the same powers, including privileges and immunities, as those for the time being held by the House of Representatives and its members and committees.

The unauthorised publication of private deliberations of a committee before their presentation to the House of Representatives has been pursued as matters of contempt.

I must point out that, as Speaker, I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly; I can only judge whether the matter merits precedence.

Having considered transcripts provided and Mr Jensen's notice, I am prepared to allow precedence to a motion to refer the matter to the Standing Committee on Administration and Procedures. However, as this is the first advice the Assembly has had of this matter, members may wish to consider the matter for a short time, and I am prepared to allow precedence to a motion later in today's proceedings.

I will table the following papers:

Privilege - Possible disclosure of proceedings of the Standing Committee on Conservation, Heritage and Environment - Letter from Mr Norm Jensen, MLA, to Mr Speaker, dated 2 May 1990, together with a copy of an extract from the transcript of 2CN morning show, 27 April 1990.

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

**DR KINLOCH**, by leave: Mr Speaker, I wish to make a statement concerning proceedings of the Standing Committee on Conservation, Heritage and Environment. I am sure my three colleagues join me in thanking Miss Karin Malmberg for her excellent work in connection with this matter.

I wish to make an explanation concerning a recent statement by me about a meeting of the Standing Committee on Conservation, Heritage and Environment. On Tuesday, 1 May, I was asked a question by Mr Wood in which he asked me to advise the Assembly on any resolution passed by the Conservation, Heritage and Environment Committee dealing with the Government's decision to close the Ainslie Transfer Station. In response to that question I stated that no resolution was carried.

This morning the committee met to consider the minutes of that meeting. As I stated to the Assembly on Tuesday, one

3 May 1990

member of the committee was not present at that meeting. My recollection of that meeting differs from that of the other two members of the committee who were present. My recollection remains unchanged.

However, at the meeting held this morning, which all four members attended, the minutes were confirmed by two votes to one. The member who did not attend the meeting under discussion did not vote on the motion to confirm the minutes as he had no direct knowledge of proceedings.

The minutes, confirmed this morning, show that the resolution referred to in recent days was agreed to by the committee. The resolution was:

- (1) That this committee call on the Minister for Urban Services to retain the Ainslie Transfer Station;
- (2) That any moves to close the transfer station be preceded by:
  1. full public discussion;
  2. consideration of all environmental concerns;
  3. a publicly available cost-benefit analysis.

I hope that this clarifies the matter and that public discussion will now cease, leaving any future discussion on this as a matter for the committee.

### **EDUCATION** **Ministerial Statement**

Debate resumed.

**MR KAINE** (Chief Minister) (3.19): Mr Speaker, if no member of the Opposition wishes to speak at this time, there are a few things in connection with this paper that I would like to say. Mr Humphries in his statement on education, which we are debating, has outlined the Government's approach to this critical subject. He spoke of the Government's fundamental objective: essentially the maintenance of the standards of excellence based on opportunity and choice. He noted that "the continuing excellence of the public school system is vital to the future of Canberra".

I think those things need to be restated, Mr Speaker, because in some of the debates so far there has been some suggestion that the Government is merely determined to break down the quality of our education system. Nothing is further from the truth. I repeat that our fundamental objective is the maintenance of standards of excellence based on opportunity and choice.

Mr Humphries spoke of the Government's intention to move to greater school autonomy through school based management

arrangements. I believe this is something that the community has long called for; that they should have far greater involvement and a far greater say in the way their schools are run. It is a point that Mr Wood talked about and I think that it is consistent with the Government's approach to education.

Mr Humphries advised us that, in the interests of the maintenance and indeed improvement of the quality of education, continuing reviews are progressing at the preschool level, the primary level and the secondary level. In other words, we do not regard it as a static subject. It is a very dynamic one, and we are constantly reviewing where the system is at each of those three levels and to see how we can better define the system and deliver a better standard of education.

Mr Humphries spoke of the need for change in the system, in the continuing search for excellence, to take place within the context of the major financial adjustments that we must make, particularly over the next two years or so. I believe that those are not incompatible objectives. You can change and change for the better, and you can do it at less cost, which is the dilemma that we have been set.

Mr Speaker, over the last few weeks I have had discussions with senior management of the Education Department and also with representatives of the Teachers Federation. With respect to the departmental officers, I have to say that I am most impressed with their innovative approach to the major problems which emerge from the need for change in this dynamic system. My impression is that they are at the forefront of national thinking on educational change. They outlined to me the kinds of changes that are being confronted by education systems all over Australia. They demonstrated an awareness of the problems and they demonstrated that they had devised or were devising solutions to some of these current problems which in a dynamic system constantly come up for consideration. They are not thinking in terms of last year or last decade or last century; they are talking in terms of the next decade. I believe that they are very innovative, they are very sensitive to the needs of the education system for which they are responsible, and they have no hesitation in putting forward their ideas to Government.

I have every confidence that those officers, under the policy guidance of this Government, will ensure the management of the necessary change in the education system to achieve a more efficient system, delivering better educational opportunities at a considerably reduced cost to the taxpayer over the next few years.

Similarly, the Teachers Federation representatives have shown themselves to be responsible people who are prepared to be involved in the decision making processes with the Government. At the same time we recognise that they have a duty to represent the interests of their members, and we in the Government respect that duty.

3 May 1990

I agree with Mr Wood that our education system is about people. It is not about buildings; it is not about facilities; it is about people. It is about preparing our children to enter the work force so they can earn themselves a living and to become good citizens. But excellence in education and conservation of community resources are not incompatible. Consolidation of resources into a lesser number of buildings does not need to be detrimental to the standard of education. Mr Wood is quite right: the buildings themselves are not intrinsic to educational standards. It is the people who are in those buildings that count, whether they be students or whether they be teachers or whether they be support staff. I believe that this Government is quite sensitive to that and recognises it fully.

There was some discussion about the 13,000 vacant places. It is not a nonsense figure; it is an actual figure. I have some sympathy with Mr Wood, who said that it might be better if it were converted into terms of classrooms. That is a fair proposition, but I do not think that is very difficult to do. My understanding is that the average classroom size in the ACT schools runs at around 26 people. Divide 26 into 13,000 and you come up with the number of classrooms that we have over and above the need and over and above the requirement.

I accept Dr Kinloch's proposition that the figures might be a bit rubbery, but they are rubbery around a figure of 13,500 places, not rubbery around a figure of 9,000 or 8,000 or 10,000. The 13,500 has been developed by the Education Department as a fairly accurate statement of its perceptions along the lines that Dr Kinloch described of how much surplus accommodation there is in our school system today.

I am not going to go out there and count them. I am not going to argue with the officers. I have already said that our officers are sensitive to the needs of education; they are well aware of the problem; they are on top of it. I do not believe that they see it in their interests to make up a figure. I do not have to go and count every vacant place in our schools. If they tell me that for planning purposes there are something like 13,500 vacant seats in our schools, I accept that. I think that the members opposite should do them the credit of accepting that they have integrity, too.

So we are talking about 13,500 places, give or take a few; or 13,500 divided by 26, giving the number of classrooms. I have not got my pocket calculator so I cannot work out on the spur of the moment just how many classrooms that is. I have no objection to pursuing the debate, as Mr Wood has done, on the question of how many classrooms we are talking about, but it does not matter. The bottom line is that there is a very large surplus of accommodation in our school systems that we do not need and that we cannot afford, and so we have to do something to rationalise that.



Mr Speaker, we as a community simply must face up to the need to provide quality education for our children at considerably less cost than is currently being incurred. That is a fact. Part of that process of producing quality education at less cost can be by closing those schools experiencing reduction in student numbers because of the changing demography of our student population. There is no merit, in my belief, in having a school in the centre of a number of suburbs where there are insufficient children to fill it. The logical thing is to close that school and put your teaching, resource material and students into some other school where the job can be done better.

That leaves that school open for other purposes. It might be for another community purpose. It might be that we can lease it and get some revenue from it and retain it against some future need; or it might be that the assessment in the final analysis is that the school is really beyond need and we get rid of it.

Mr Speaker, I agree that there are values intrinsic to a school or a system that should be retained. Mr Wood is quite right. We will retain those intrinsic values wherever it is humanly possible to do so. I believe that the climate for change is such that we can take on that need to change. There is an acceptance of it. All interests in the matter are agreed that we must change, that we must save some money. I believe that, with cooperation between all parties, we can achieve a better education system at less cost, which is what we must of necessity do anyway.

**MR JENSEN (3.29):** Mr Speaker, once again we have heard a reasoned and excellent speech on this issue by Mr Wood, and I do not believe that there is any member in this house who does not acknowledge Mr Wood's interest and experience in this area. It is good, Mr Speaker, to see this sort of debate taking place in this house rather than some of the more invective statements and misleading comments in relation to the Government's position. I can assure Mr Wood that I support the concept that schools are more than just grounds and school buildings. In fact, these only provide the location for the education of our children to take place, as the Chief Minister has already indicated. However, while they do provide the location for our educators to get the message across to their students, it is important not only that they are in the right place but that they provide the right sort of environment for our children to receive their education. I believe that is important, and these are the sorts of issues that should have been examined the last time that we in this town had to make decisions about school closures - decisions taken at the time by a previous Federal Labor administration.

At that time, I was a community representative on the P and C council of a college and attended meetings where the concepts that were being put forward at the time were

clearly inappropriate and inadequate for this type of activity. They were based on a managerial-style decision making process, which in these sorts of circumstances is quite inappropriate. There is much more to decisions than just drawing circles on a map based on the location of the school, then using the resulting circles as a starting point for the closure of schools. That was the reason why there was so much community outrage and concern at the time.

While the community that I represented on the council was not directly threatened by these bureaucratic-style decisions, we saw that the criteria that were being used at that time were clearly inappropriate for this sort of exercise. I am pleased that the lessons of that past process have been well and truly learnt by the bureaucrats within the administration of the education system. That was the reason why the changes that Mr Wood referred to took place; that was the reason why decisions were reversed in that area - because the criteria that were being used to identify the schools for closure were developed without any community consultation. It was a managerial-type solution to the problem. As Mr Wood has acknowledged, the criteria will be open to public consultation. As my colleague Dr Kinloch has already said, the interim council which he chaired has already looked at the start of this process.

**Mr Wood:** Were you around when Deakin High School was proposed for closure?

**MR JENSEN:** I think, Mr Wood - through you, Mr Speaker - if that was at the time when all the other closures took place around the ACT, closures on the north side, yes, that was the case. And that Mr Wood, as I have already indicated, was probably why that decision was changed, on the basis that the criteria were not adequate. It is not good enough to put lines and circles on a map. There is more to it than that. Issues such as getting people to and from school and busy roads were not taken into account. They were the sorts of issues that the people at the time looked at and those changes were made accordingly.

I am sure that the process that has been established and set in place by the Minister will provide ample opportunity for the community to be involved in the development of the criteria. I understand that some months ago in certain areas some schools even started to get together to ensure that, if amalgamations were required, they would be in a position to amalgamate with a minimum of fuss as soon as the decision was taken.

That shows that people out there in the community realise that there is some surplus capacity in our schools in the ACT and that they understand the requirements and that something has to be done. It is good to see the community in this area taking those sorts of initiatives to develop these areas because they have an interest in their schools and the future education of the children.

I commend the thrust of Mr Humphries' statement on education. Despite the rhetoric that has been flying around Canberra for the last few weeks vilifying Mr Humphries and the Alliance Government, it is pleasing to note that our Minister values the quality of our education system. In fact, in his statement he said, "The Government has no intention of weakening the first-class system the city now has". Mr Speaker, I and my colleagues in the Alliance Government are also committed to that philosophy. I am sure that you will find, as time develops, that that will be the case.

In this reorganisation of the education system we seek to ensure that the slack is taken up but also that education facilities, particularly with regard to curriculum development and the programs that can be run in schools, are available and are properly implemented to the best of the system's ability. Our schools, particularly our primary schools with the very small numbers that we have in our system, are clearly not able to provide that sort of service. So what we are providing is an opportunity to reorganise and refacilitate the education of the children of the ACT.

We are well aware that Commonwealth governments, both Liberal and Labor, over the years have allowed a system to develop in this town that is clearly very difficult for a new self-governing body to afford. As I go about the community, they are the sorts of messages that are coming across to me. The people out there understand that there is some room for change in the system. They acknowledge that there will be a requirement for some changes in the structure of the education system. They are not silly, Mr Speaker, and I am sure the members opposite know that as well.

Despite the hype and hypocrisy which have been evident in the media recently, that same form of rationalisation and budget cutting must take place, as schooling accounts for some 24 per cent of recurrent expenditure. It is unfortunately inevitable that the school system must bear some of this burden.

In spite of these unpleasant financial constraints, I wish to support the initiatives and concern raised by the Minister in his statement. Of particular interest to me are the issues of community participation and school based management. The fact that parents, teachers and students are encouraged to be fully involved in the determination of education programs and services can only be of benefit to the quality of education offered to our children.

However, I offer one word of caution. It is important to remember that the parents' involvement in this type of community and school based operation is voluntary; they have a limited amount of time. I am sure that when these programs are considered the members of the bureaucracy and the Minister will take this factor into account.

3 May 1990

As part of this community involvement in education I would like to commend to this house a program that has been trialled in high schools here in the ACT as well as interstate. I refer to the Christian option program. I believe it to be desirable that the young people of Canberra should have the opportunity to learn about the central aspect of human history. Christian option aims to contribute to the development of students' beliefs and values by assisting them to understand Christian perspectives as part of the study of further religions. (Extension of time granted)

While compulsory religious education is inappropriate in our state schools, the fact that a large proportion of our young people are growing up with little understanding of ethics, value systems and traditional beliefs should make us stop and think. This is one way in which the members of the community can make an important contribution to the development of the youth of Canberra.

**Mr Berry:** That is rubbish!

**MR JENSEN:** Mr Berry says it is rubbish. Well, that is very interesting. I am sure that there are a lot of people out there in the community who think the exact opposite - that the sorts of comments that I have just made about the need for the development of ethics, value systems and traditional beliefs should be part of the total, overall education of our children.

Government decision making is all about balancing - balancing budgets, balancing competing requirements from different groups, be they preschools or colleges, children with special needs or those with special gifts, or balancing the legitimate concerns of parents and teachers with the necessity to run a tight ship.

Mr Speaker, I think that in the future, as this Government's education development progresses in the ACT, we will find that those sorts of arguments and assessments will be clearly put to the people of the ACT and that the people of the ACT will accept the strong commitment on the part of the Alliance Government to the education of the children of the ACT, who are the future of the ACT as well as the future of Australia.

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

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

Debate resumed from 27 March 1990, on motion by Mr Humphries:

That the Assembly takes note of the following paper:

Redevelopment of the public hospital system and corporatisation of hospital services supply centre - Ministerial statement, 27 March 1990.

**DR KINLOCH (3.42):** I appreciate the opportunity to speak now because I am due at the doctor's at 4.15, so it is very appropriate to be speaking on health at the moment. I began some discussions the other day on the budget matter, our open government and our budget planning, by talking about druthers and what one would like and what one can have - what one can have under the conditions left to us by the Commonwealth Government and what we can go ahead with under present economic conditions. I am in no doubt that what has been concluded and what Mr Humphries has led us to is an excellent scheme.

I want to begin by talking about the need for redevelopment of the principal hospital. The Government is committed to developing a high-quality public hospital system at a cost the community can afford. At the moment there are currently three main public hospitals in the ACT, all providing high-standard services, and even the Royal Canberra Hospital will remain open for the remainder of this year.

Ever since Calvary Public Hospital opened in 1979 there has been hospital bed capacity largely unused, and expensive facilities have been lying idle. I have had the experience in recent months of seeing a great deal of Calvary Hospital. It is a splendid facility, a Rolls Royce hospital in some ways in its technical equipment and what it has to offer in its building. So much of it is lying idle and we must deal with that.

There is also a scarce supply of hospital specialists, who currently have to provide their services from three different hospital sites, and the whole system is relatively inefficient. This means that there are occasions when patients with multiple symptoms, those who are severely ill, may not always have good access to particular specialists. This Government, medical practitioners and health professionals alike believe that by bringing together all major specialties on one site there will be a significant improvement in the quality of care, including increased opportunities for peer review, research and education.

There are many people with great attachment to one or other hospital and it is sad that we do not have the facilities to keep them all going; no-one is altogether happy about that. But there is not any doubt that money would be more effectively spent in the Woden Valley Hospital than elsewhere at the present time.

I would now like to move on to the Government's commitment in this matter. As part of its commitment to improving the

3 May 1990

quality of our public hospital system this Government, in difficult economic conditions, is prepared to commit a major sum of capital expenditure, around \$154m, to upgrading the hospital system, this development including the establishment of a principal hospital on the Woden Valley site.

This bringing together of the major specialties involves transferring services from Royal Canberra Hospital to Woden Valley. Once this has taken place the economies of scale involved in providing the small number of remaining hospital beds on the Acton Peninsula will be excessively inefficient.

I pause there to reflect on the Acton Peninsula. This new proposal does not mean that in the twenty-first century there will not be the possibility of doing many things on the Acton Peninsula as our population grows - and may it grow - and indeed that would be true of our education system as well. I was particularly happy with Mr Humphries' scheme and the Alliance Government's scheme that preserves the Acton Peninsula for the future. It is not to be carved up holus-bolus for any kind of activity. It is to be preserved as an important site, and there are some excellent things happening there.

This Government has therefore determined that the Acton Peninsula will be maintained for use by other health services and that public hospital services will be provided in the ACT by a principal hospital at Woden Valley which will provide for all the community needs of people in south Canberra and also offer a higher level of specialties for all the people of Canberra. Calvary will provide for the majority of the needs of people in north Canberra.

As part of the redevelopment, the Government is committed to providing a birthing centre facility, hospice facilities and a convalescent centre. Again, parenthetically, those of us on the Social Policy Committee are particularly happy about two of those three matters that arose out of the ageing report. There was a fervent hope and wish for the hospice facility. It was a very active and committed group who were behind that and we should have it in our city. Clearly there was not any doubt that the convalescent centre would not only be good in itself - and what a wonderful site the Acton Peninsula would be for a new convalescent hospital - but that it was an effective economic activity as related to a larger hospital organisation.

The Alliance Government will also seek funding from the Commonwealth for child-care to be placed conveniently to the Woden Valley and Calvary sites and to be maintained on the Acton Peninsula. At Woden a 24-hour child-care service will be sought. All this redevelopment will also involve the provision of a 24-hour mental health crisis service at Woden. These decisions about the redevelopment of the hospital system cost significantly less than the options

supported by the previous Government and will produce a much better result in terms of quality of service.

I turn to private hospital development and bed numbers. These decisions recognise that by the year 2000, with our growing and ageing population - and I am very aware of that comment - the number of public hospital beds required in the ACT will reach 1,000 from the current level of 900. I urge all members to look at that demographic curve of the people over 60 moving up to 65 onwards.

There will also be a requirement for an increase in private hospital beds. Currently, 13 per cent of the hospital beds in the ACT are provided in private hospitals. This percentage is significantly higher elsewhere in Australia. Victoria's percentage is around 30 per cent and in New South Wales it is around 25 per cent. (Quorum formed)

According to the most recent census data available from the Australian Bureau of Statistics, around 53 per cent of people in the ACT carry private health insurance. This is higher than the Australian average of 47 per cent. Having a high proportion of privately health insured people and the lowest proportion of private hospital beds has meant that a high volume of the usage of public hospital beds has been provided to private patients. The public hospital system does not recover the full cost of treating private patients.

The Alliance Government has therefore decided that it will approve the development of a new 150-bed private hospital in north Canberra to bring private hospital beds up to around 25 per cent. This decision will increase the choice of facilities for those who are privately insured. So, in order to provide the highest quality health care for the people of Canberra as soon as possible, the Government will be moving quickly to implement its decisions.

**MR STEFANIAK** (3.51): I think that the hospital decision taken by this Government is one of the most significant decisions taken by the Assembly in the short 11 months it has existed. Because it is such a major decision - and I think a lot of people thought there would be a huge hue and cry about it - it is interesting that the reaction has been surprisingly restrained and sensible and a lot of the criticism somewhat mute. Indeed, that is typical when one considers that this question has been around for a long time.

Perhaps the people of Canberra realise that with self-government we have to economise, we have to get value for our limited dollars. They also perhaps realise that there is a need to progress. Things cannot stay exactly the same as they were in 1940 or 1950, 1960, 1980 or 1990. There has to be change. Indeed, I am amazed that members of the Opposition accuse members on this side of the house of being conservatives on this issue. It is they who are being conservatives. It is they who do not want to change at all and who cannot see the need for change.

3 May 1990

The simple fact of the matter is that we have to economise, especially on major items of expenditure. We have to provide the best possible facilities in the best way and the most cost-effective way. I think Mr Humphries should be commended for his very detailed efforts and study of what is indeed best for the Canberra community in terms of health care, what will provide the best health services at the best cost considering all available options. What he has come up with as a result of a lot of consultation, a lot of effort and a lot of work, which goes back over a number of years, is a blueprint to take us into the twenty-first century.

I can understand the emotion in some circles in Canberra in relation to Royal Canberra Hospital. Royal Canberra Hospital has been with us for a number of years. That building was put up in the forties. It must have been, because I was born there in 1952. However, we have to move on to bigger and better things. It is an old building. It is to be utilised for health facilities, as Mr Humphries has indicated. It is not going to become a 40-storey casino, as some in the Labor Party might have the community believe. As I think Dr Kinloch indicated, there are problems with fire standards and asbestos. It is certainly the oldest of our hospitals, and one has to look at what is best for health in Canberra.

We have three current hospitals. We have Woden Valley, which is ideally suited close to the geographical centre of Canberra. Indeed, the Phillip area is very close to the geographical centre of Canberra, and Woden Valley therefore is ideally placed to become our principal hospital. The hospital was built in the 1970s. We also, of course, have Calvary Hospital which it is proposed will be upgraded. Indeed that magnificent and indeed most recent of our hospitals with its very good facilities is rather underutilised at present. Perhaps it is unfortunate that Calvary Hospital was not built somewhere near Giralang or Kaleen. That would have probably been much more efficient when we look at Gungahlin which is going to come on stream. But, when we are talking about two hospitals in the ACT, Calvary and Woden Valley are quite well suited and situated.

I am delighted - and indeed a number of people in the community have contacted me about this - that the Royal Canberra Hospital will remain as a health facility. Indeed, this Government is committed to providing a birthing centre facility there, a hospice facility - and we all know how much those would cost, but we do have a great facility there already which can be utilised for that - and a convalescent centre. That is, indeed, a very good use for this building.

There are various costs involved in upgrading our health system, and it does have to be upgraded and it will be upgraded. Mr Humphries has indicated that the cost of this



is about \$154m, and that is one of the cheaper costs when one considers all the options.

I have spoken also to a number of doctors, and indeed the general consensus of opinion was that in reality it was better to have Woden as our principal hospital. When one took into account all the factors - including the costs, the state of the buildings, the facilities, and the location of those hospitals - when it all panned out, Woden was preferable as the principal hospital.

So I commend the public hospital redevelopment program outlined by Mr Humphries. It was a hard decision, as was the recent debate we engaged in in relation to closure of schools, but again we must progress. Times do change, things do not stay static. It is up to this Assembly to take these decisions which may seem hard at the time but which are ultimately in the best interests of the Canberra people, as will be evident in the years to come.

**MR COLLAERY** (Minister for Housing and Community Services) (4.00): Mr Speaker, this is an important and vital topic in the political history of the ACT as well as in the medical history of the ACT. Much has been said on the importance of the Government decisions taken, and I endorse the comments made. (Quorum formed)

In the short time now left to me in this debate I wish to put a number of matters on the record. The redevelopment of the public hospital system will see the preservation of the Acton Peninsula and the implementation of a holistic and community based health system which will be to the advantage of the overwhelming majority of ACT residents. I am happy to concede that, if one draws circles and examines distances to and from hospitals, there is a pocket of ACT residents who are geographically closer to the Royal Canberra Hospital site. Those few thousands of people, very important people, are of course part of the wider ACT community. It is of considerable regret - Mr Speaker, I am finding it difficult to speak. I have got five minutes left of the normal speaking order and I have hardly been able to address the issue.

**MR SPEAKER:** Order! Please caucus in a softer voice, Mr Moore. Please proceed, Mr Collaery.

**MR COLLAERY:** Mr Moore is caucusing with his Labor colleagues and I am trying to concentrate on a speech.

**Mr Moore:** I rise on a point of order, Mr Speaker. It was very close to a personal attack.

**MR COLLAERY:** Mr Moore believes it is an insult to be caucusing with Labor. That is very interesting.

**Mr Moore:** It is the word "caucusing", Mr Speaker. It has certain ramifications about it. Though Labor people find it acceptable, it is not a word that I use.

3 May 1990

**MR SPEAKER:** Order! Mr Moore, you are debating the issue.

**MR COLLAERY:** It does not stop him having meetings with them at various hours of the day, Mr Speaker.

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

**MR COLLAERY:** Mr Speaker, we know that the Opposition are eager to leave. They have got a party on shortly and they are keen to adjourn.

**Mrs Grassby:** I did not know about it.

**MR COLLAERY:** They have got a party. They are proposing to form a party, I understand. They have not got it together yet.

The very important issue that the redevelopment of the hospital system debate brings on is whether politicians should make decisions to the advantage of the majority of the citizens, whether they should pursue policies that advantage the majority. Certainly there have been some agonies for me, as the leader of the Residents Rally, in decision making on the redevelopment of the public hospital system.

As my colleague Dr Kinloch has said, many meetings, many anxious and testing discussions and inquiries - confrontations almost - with officials, private contracting advisers and the like led me to conclude, on the best available advice to this Government, that the vast expenditure that would be required to redevelop the Royal Canberra Hospital meant that other services in this community, particularly in areas that the Residents Rally holds dear, such as the welfare sector and education, might suffer if that level of expenditure were launched upon to preserve a three-hospital system in the ACT.

I took steps to get Mr Humphries to bring in the private medical specialists and others so we could hear all points of view. I am still very much indebted - and I wish this to be recorded in Hansard - to Dr Vance for advancing the contrary view which we saw again in the Canberra Times this week.

There are hard decisions to make, and those decisions have been made by the Residents Rally for the good of all Canberrans, not for our short-term electoral gain which, I am sure, was certainly not advantaged by this decision. It is a question of courage; it is a question of community politics and being able to make decisions free of over-focused and narrow political perspectives - decisions on the best available advice for the community.

Out of that came the implementation of other Rally policies, including the establishment of a birthing centre - a matter in which we had taken considerable

interest and which was a Rally election commitment. As well, the Residents Rally policy on this issue said very clearly that a Rally administration would preserve the Royal Canberra Hospital site. But, of course, this is not a Residents Rally administration. However, we have secured the implementation of the second limb of our policy, which was the recognition that the Acton Peninsula was a site for nursing and convalescent care and a site that must be preserved not only for the ACT community but also for the nation.

Time will tell. The community's acceptance of this very difficult and unpleasant decision will be seen in history as a courageous stand. We all remember that Winston Churchill was thrown out of office in 1945 and his courageous stand went unrecognised. One hopes that the ACT community will be mature enough to realise that decisions have been taken in the best interests of the people. Mr Berry and other Opposition spokespersons may laugh at the task of making difficult decisions. Well, one day, in the far distant future, several elections away, some of them may get a hand in government. We know that Mr Berry could not take the hard decisions, and the record shows that. He is an equivocator. We did not equivocate; we were keen to take on that issue.

The corporatisation of hospital services is not equivalent to privatisation. The Trades and Labour Council has been invited to participate in that matter. It is no different from proposals, for example, to run the Commonwealth Government Aircraft Factories, Qantas, and so on. There is no ideological bent about that; it is to deliver better services in a cooperative style with all elements affected - users, workers and government.

Mr Speaker, I commend the proposals put forward by my colleague Mr Humphries. These were difficult decisions. We trust that this Opposition will accept the finality of the decision and will move to support the provision of better hospital care in the ACT.

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

## **PRIVILEGE**

### **Reference to Standing Committee on Administration and Procedures**

**MR JENSEN** (4.07): Mr Speaker, in accordance with your ruling before, I move:

That the matter of the possible unauthorised disclosure of the private deliberations of the Standing Committee on Conservation, Heritage and Environment be referred to the Administration and Procedures Committee as a matter relating to the privilege of the Assembly.

3 May 1990

I believe this matter is of such importance that it should be referred to the Administration and Procedures Committee for consideration. In these early days of the Assembly, I believe it is appropriate that any possibility that a member has breached parliamentary privilege be fully investigated and the issue put to rest. This will ensure that the appropriate procedures are established as soon as any potential problem arises. It is for this reason that I have brought the matter to your attention, Mr Speaker, to seek your ruling in accordance with standing order 71.

It was my view, on hearing the recording of the interview and reading the transcript of that interview later, that a breach had taken place. I hope that, in the interests of the future conduct of the affairs of this Assembly and its members, this motion will have bipartisan support. However, one factor I should raise is that I am a member of the committee that will consider this problem if this motion is carried today. As I have raised this issue, it will be inappropriate for me to participate in deliberations of that committee when it considers that matter. I commend the motion to the house.

**MR BERRY** (4.09): Mr Speaker, the referral of any matter to the privileges committee, of course, is a serious matter. The Australian Labor Party was first notified of this reference to you this afternoon and, because of the seriousness of it, I think that these sorts of matters warrant close attention.

We thank you, Mr Speaker, for the short period to consider the matter before you made your decision in relation to the precedence of it but, as this is the first such privilege referral to the committee, the Labor Party seeks further time so that we can be satisfied, within our own minds at least, that this step is not being taken lightly, is not of a frivolous nature and is not as a result of a dispute within a political party or between former friends in relation to matters that really are not under consideration by this Assembly. I think that Government members should also take the same view, that those sorts of considerations ought not be part of the decision making process which leads to a matter of privilege being referred to the committee.

Our preliminary view, Mr Speaker, is not to oppose referral, but the notice was short and because the principle of referring privilege matters is very serious we are not yet convinced that this is the sort of matter that should find its way to the committee.

At first glimpse of the issue, I think there could be accusations that it is rather petty and we would want to be convinced that we were doing this Assembly a service in supporting it. Again we see the sorts of issues which I raised earlier emerging from Mr Collaery. The sort of anxiety which is behind this issue is more about a dispute

with former friends in the Residents Rally than anything else. We still seek further time to consider this matter, but as a matter of principle we do not oppose referral to the privileges committee. We think that the matter should be held over in some way until such time as we are able to look at it more closely.

**MR SPEAKER:** Do you wish to move an amendment to the motion?

**MR BERRY:** Is it proper for me to do that?

**MR SPEAKER:** Yes, and you can also just move that the debate be adjourned.

**MR BERRY:** Mr Speaker, there is one other issue that I might raise from House of Representatives Practice in relation to the issue which might be helpful to you and to other members of the house. On page 722 of House of Representatives Practice, under the heading of raising a matter of determination of a prima facie case, it talks about how the Speaker should reach his decision in relation to the matter of precedence. According to the book, the giving of precedence is dependent on two important conditions: that the Speaker is of the opinion that a prima facie case of breach of privilege has been made out, and that the matter has been raised at the earliest opportunity.

Mr Speaker, I will not question your judgment in relation to the prima facie case - that is a matter for you to decide - but, in relation to the matter being raised at the earliest opportunity, I point out that it has been around for some time. I think it is quite clear and a matter of record that this matter has not been raised at the earliest opportunity.

**Ms Follett:** It could have been raised yesterday.

**MR BERRY:** Yes, it could have been raised yesterday. The referral is beginning to look petty and like a joke and I think there needs to be some careful consideration of it. I would be looking to the Government for support for a deferral of this issue by way of an adjournment of consideration of the matter to a later time and perhaps some discussion with the members of the Assembly.

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

### **EXECUTIVE BUSINESS**

**MR COLLAERY** (Attorney-General) (4.16), by leave: It was recorded in Hansard this morning that we would bring forward in this Assembly proposed amendments to the Pawnbrokers (Amendment) Bill 1990, the Second-hand Dealers and Collectors (Amendment) Bill 1990 and the Truck (Amendment) Bill 1990, which were presented this morning. The

3 May 1990

amendments proposed initially by Mr Connolly are taking on some degree of increasing complexity and it is apparent to the Law Office and to me, as Attorney-General, that it may be prudent not to proceed with the proposed amendments put forward by Mr Connolly.

The proposed amendments appear to be incomplete and agreement has been reached that the matter stay out of the list at this stage until a full set of amendments has been drawn by the Law Office in agreement with the parties in this house.

**MR CONNOLLY** (4.18), by leave: I would support the Attorney-General's proposal that those matters be adjourned. Although this morning we thought that the law officers might be able to fix the matter up fairly promptly, on further examination it does seem better that the Law Office has some time to get it right in one hit rather than proceeding this afternoon with the amendments as they presently stand. They have been somewhat improved by the law officers, but in my discussion with the Attorney we were both of the view that it would be better to adjourn this matter to another day so that we can do it properly in one go.

### **ACT GREENHOUSE STRATEGY Ministerial Statement**

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

That the Assembly takes note of the following papers:  
ACT Greenhouse strategy - Ministerial statement, 26 April 1990;  
Developing an ACT Strategy to Respond to the Greenhouse Effect.

**MS FOLLETT** (Leader of the Opposition) (4.19): The Labor Party welcomes the statement made by Mr Kaine last Thursday. Global warming and climate changes as a result of the enhanced greenhouse effect have substantial implications for every government and indeed for every individual on this planet. While global temperature is expected to rise between 1.5 and 4.5 degrees Celsius by the year 2030, the CSIRO predicts that the Australian temperature will rise by between two and four degrees Celsius. The greatest warming will occur in the south of our continent and we may expect that southern Australia will have drier winters with more intense rainfall overall. It is possible that wind speeds will also change. Each of these factors carries clear implications for our everyday lives, for social infrastructure and for the planet's ecosystem.

The Labor Party accepts the Chief Minister's statement that he will shortly be publishing an overall Government

environment strategy. We also accept that the consultation paper on the greenhouse effect is designed to promote debate at the local level and that initiatives proposed in the document are, in many cases, at a preliminary stage.

In the light of these points, I will resist the temptation to criticise the paper for the lack of specific initiatives. I do, however, place the Government on notice that we will be monitoring this area and will make specific proposals if it appears that the Government is not following through with action. I hope that, in talking about some more detailed points today, I will be making constructive suggestions which will contribute to an eventual ACT plan of action.

There is, however, Mr Speaker, one matter which we should not allow to pass. In his statement, Mr Kaine correctly pointed out that waste management and recycling are an important part of the greenhouse response. He said that the Government would carefully consider the recommendations on waste management in the Conservation, Heritage and Environment Committee's report, and it must be said that the Government decision to close the Ainslie Transfer Station in the face of contrary recommendations from that committee is a fairly bad start. Indeed, it is a very bad start. I have said so in this place before and I will continue to say so.

The Labor Party endorses the five-part strategy which Mr Kaine has outlined, and I would like to take this opportunity to go through each of those five areas to make some comments and perhaps some particular proposals. The first part of that strategy is to take action to limit the greenhouse effect and its impact by reducing emissions of greenhouse gases. Though quite clearly the ACT is an insignificant contributor in world terms, we are obliged to play our part and I would like that to think that we may contribute to setting standards or developing new approaches.

The Government's statement promises specific action to phase out chlorofluorocarbons, consistent with national guidelines. However, it does not promise specific actions to control the other greenhouse gases, notably carbon dioxide and methane, which together contribute some 63 per cent of the Australian greenhouse gas problem. The carbon dioxide sources which we must tackle in the ACT include motor vehicles and wood burning fires. I recognise that some actions - for example, to control emissions from domestic fires - may be politically unpalatable. I would therefore like to assure the Government that the Labor Party will support action in this area. Wood fires not only have greenhouse implications but they also contribute to significant local air pollution during winter.

The clearest problem with motor vehicles is the use of private cars. I urge the Government to be mindful of the environmental implications of public transport. We must

ensure that our public transport system minimises the use of private vehicles. Let me suggest also that the ACT should initiate a review through the appropriate national forums of motor vehicle emission standards, and I would like to suggest that that review include the possibility of reviewing standards for older vehicles.

We should also be conscious that most domestic, industrial and commercial energy use depends upon fossil fuels which produce carbon dioxide. Just as housing and other buildings must meet various design and construction standards, I believe that we must now move to control their energy efficiency. The heating, ventilation and air-conditioning systems of buildings could be subject to efficiency standards and the design of new buildings, both domestic and commercial, could also be subject to design standards.

In addition to the several areas of energy conservation mentioned in Mr Kaine's paper, I would like to propose that the Government consider some other suggestions. First, I believe that we should move through the appropriate national body to introduce standards for the maximum acceptable consumption of energy by domestic appliances. I believe that we should regulate the use of lighting, whether in office buildings or commercial premises. Nothing is more wasteful than night-time lighting which far exceeds security requirements when there is nobody around. We should also be looking at energy consumption standards in industry, and we should not forget levels of natural gas consumption in the Territory.

The other significant greenhouse gas is methane. The organic matter in household waste creates significant quantities of methane when it decomposes in landfill sites. Given that the ACT has only two major landfill sites, I believe that we should take a lead in exploring the control and use of methane produced by domestic wastes. With proper planning, methane can be recovered from landfill sites and used as a fuel which will replace some fossil fuels. Similar scope also exists for methane production and capturing from sewage treatment plants, although the economics may not be as encouraging there as they are on landfill sites.

The second part to Mr Kaine's strategy was planning and research to adapt to future climate change. Several areas where I believe we will need to plan are not mentioned in the Government's document. For example, one climate change impact is likely to be a reduction in the winter rainfalls and droughts of increased frequency and severity. These factors, together with the expected overall increase in average temperatures will have profound implications for the ACT's water supply requirements. While Mr Kaine has mentioned the need for water conservation measures - and I support that - I believe that the Government must also produce a plan which tackles water supply questions.



A related problem stems from the fact that climate change will probably involve increased frequency and levels of flooding. A recent revision of predicted maximum rainfall levels for the ACT already makes the spillways on our dams inadequate. It is now clear that there may be even greater long-term problems.

Mr Speaker, the greenhouse effect may also have implications for our public health system. Medical conditions arising from increased temperatures and associated higher humidity will add to increased risks of infectious diseases spread by insects, with enhanced breeding conditions.

Urban infrastructure, such as drainage systems, the sewerage system, and electricity and gas supplies, may be affected by increased storm frequency and intensity. The planning of new suburbs and the capacity of the existing infrastructure to cope in the future must both be examined.

The third element of the strategy, that of community education, is a vital one. It would, of course, be appropriate to deal with greenhouse issues as part of overall environmental education. I hope that we will see some specific proposals for action from the Government when it releases its major environment statement.

The fourth element of the Government's strategy concentrates on coordination with other governments and on the need for research. Our federal system of government gives many coordination mechanisms and also allows for the sharing of information. I do not believe, however, that we should only look elsewhere for information about the greenhouse problem and solutions.

I have already mentioned two areas - namely, methane from landfill and control of wood fires - where I believe we could take a lead. From a research point of view, of course, we will never want to challenge the CSIRO or the Bureau of Meteorology who are already world leaders in the field, but one small initiative I think we could take in the ACT is to conduct an audit of greenhouse gas production. I know that the current environment Minister is incredibly keen on audits. Here is another proposal - an audit of greenhouse gas production.

I believe that such an audit would be a very useful exercise to establish precisely what contribution this Territory makes to the problem. This would allow us to tackle the problem with an exact knowledge of what we are dealing with at our local level. Any small input that we can make to research of this kind will be valuable because most research is, of course, being conducted in the northern hemisphere, where conditions are quite different.

I am pleased to see that the final element of the strategy, involving coordination within the ACT, has been kicked off with the production of the discussion paper. In

3 May 1990

conclusion, I would like to again commend the Government for producing the discussion paper and to say that I hope it will examine my suggestions. The Labor Party will keep pursuing greenhouse implications and strategies. We will pursue these matters and ensure the Government does take appropriate action.

Debate interrupted.

### **ADJOURNMENT**

**MR SPEAKER:** Order! It being close to 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.

### **ACT GREENHOUSE STRATEGY Ministerial Statement**

Debate resumed.

**MR JENSEN** (4.29): Mr Speaker, the greenhouse effect is potentially the most serious environmental problem confronting the world, although I know there are some people out there who suggest that that is not the case. However, I think the general consensus at the moment is that it is a major problem.

Even on the off-chance that that is not the case, the sorts of strategies that are being proposed to counter the greenhouse effect on the world will, in fact, provide benefits to the world community, regardless of the circumstances. One could say that, if the proposals coming forward based on suggestions of the greenhouse effect are fully implemented, they will provide major benefits for the community. I would suggest that the strategy that has been produced by the Government as a discussion paper, as the Leader of the Opposition quite clearly suggests, is most appropriate in that area.

I am not sure, Mr Speaker, but I got the impression that during her speech the Leader of the Opposition made a comment about CFCs being the only greenhouse gas.

**Ms Follett:** No, I did not.

**MR JENSEN:** No? All right; I am pleased to hear that and I will not follow up that point because, if one reads the paper, one realises that is clearly not the case. This

major environmental problem to which I have referred relates to the significant changes to climate and sea levels and how these are likely to impact on Australia - particularly as much of the population is concentrated on the eastern seaboard. Ms Follett has already made some comments about the effect that that could have on the ACT.

If we go back to the prehistory of Australia we note that there were times when there was much more dry land available for people to move about on, but that is another story. That is another problem in relation to the past history of this continent. However, the changes will affect Canberra through flood patterns and increases in extremes of temperature. They may also create indirect pressures on this Territory if there is an inward migration from coastal areas. In other words, there will be much the same sorts of pressures as those that happened to the pre-contact people of Australia when the rising seas forced them to leave the coastal plains and move inland; the sorts of pressures that were caused amongst the various Aboriginal tribes of this continent at the time. Those are the sorts of pressures that we are talking about - in a different form, but there is a similar relationship.

The Alliance Government believes it is essential that there be informed community debate on such a major environmental issue. Community input is an integral part of the Government's decision making on important issues. On issues such as the environment, government can only do so much to alter people's behaviour and lifestyle. Ultimately, the community - as individuals, households and businesses - has to change its own priorities. The more the community understands the problem, the more it is able to contribute to its solution. That is what the issue is really about - the effect on the environment of certain human activities.

In the latest issue of Choice magazine, which was delivered to my door yesterday, there is a very good report on saving energy in your home. This, as we know, has a major effect on the greenhouse gases. For example, carbon dioxide is emitted from different energy sources. If we use gas to heat our homes or do our cooking we produce only 46 grams of carbon dioxide per megajoule of gas used, as opposed to coal-fired electricity which produces 231 grams. There is a major difference. As we know, the electricity for the ACT now comes from the New South Wales grid. We used to have a certain amount of electricity from the Snowy Mountains hydro-electric scheme. My understanding is that that electricity now goes into the grid and we draw from that in general. Therefore, by using electricity to heat our homes we are in fact contributing quite markedly to the greenhouse effect.

The interesting point is that, while the population of Australia is very small, the country is very small and we contribute less than one per cent to the overall effect of greenhouse gases on the environment, that figure is quite

3 May 1990

considerably more than that contributed by other countries of the world. In fact I understand that the contribution to the greenhouse effect per Australian is at least 200 times more than it is per person in places like China and India. Therefore, it is important that we, in Australia, play our part in reducing the greenhouse gases.

Another area that we should look at is the electricity that is required to process the things that we use - for example, the water that we use. Every time we flush the toilet it has to go into the Molonglo treatment plant. The more water we push down into the Molonglo treatment plant, the more processing has to take place and the more electricity has to be used. Therefore, it is up to us to reduce our use of water. If we reduce the amount of water we use - and this is another plus, if you like - we find that in time, as Amory Lovins has said, it will mean that we do not have to construct as many dams.

For example, Mr Speaker, let me just give you some indication as to what might be required in Sydney. In 1965 the people of Sydney were using 455 litres of water per person per day. By 1995 this figure is expected to rise to 645 litres per day. That use of water not only requires processing to enable it to be made fit for human consumption but it also involves moving it backwards and forwards and constructing dams so that it can be stored and provided.

We need to develop innovative responses to allow us to maintain and enhance our lifestyle and a viable economy while being environmentally responsible, and of course recycling is a major issue in that. It was interesting that the Leader of the Opposition should bring up the matter of the Ainslie Transfer Station in relation to recycling. I suggest that as a result of the closure of the Ainslie tip there will be an increase in the amount of recycling that goes on in the north Canberra area. I think it has already been clearly demonstrated in another debate in this place that the majority of the material that was taken away from the Ainslie tip was not being recycled at all.

**Mr Berry:** That is not relevant. You are supposed to be talking about greenhouse gases.

**MR JENSEN:** Mr Berry is talking about relevance. Mr Speaker, I suggest that anything to do with energy reduction is relevant in relation to the greenhouse effect. In fact, the recycling proposals that we are talking about will enable the people of Ainslie to drive less distance to do their recycling and their normal rubbish will then be taken in the biweekly collection that we have at the moment.

**Mr Moore:** In big bins, adding to the greenhouse effect.

**MR JENSEN:** That is yet to be seen.

**MR SPEAKER:** Order!

**MR JENSEN:** I am sorry, Mr Speaker; I should be addressing my remarks through you and not being put off by the ravings of the rabble opposite. I believe that there is a high level of community consensus about these issues and the Government must take the opportunity to work with the community to implement its environmental strategy. The strategy proposed in the consultation paper involves actions to limit the greenhouse effect, planning and research to help us adapt to future climate change, coordinating and monitoring of research in other States and internationally, community education and awareness of action, which is part of the environment policy of the Alliance Government, and coordination within the ACT Government on implementing evaluation and reporting. That sort of coordination is currently taking place at the moment. The Government has a group of senior public - - -

**Mr Berry:** I rise on a point of order, Mr Speaker. I draw your attention to the fact that the Chief Minister is reading a newspaper. Shame!

**Mr Kaine:** I am not reading a newspaper, Mr Speaker. I am reading an article by Bill Stefaniak, MLA, that has to do with waste management in the ACT.

**MR SPEAKER:** Regardless of the content of the article, Mr Kaine, I have made a previous ruling that newspapers should not be read in the house.

**MR JENSEN:** Clearly, some of these matters are easier to implement than others. (Extension of time granted)

We will be introducing legislation to phase out chlorofluorocarbons. While CFCs contribute to the depletion of the ozone layer, they are also a greenhouse gas, as I am sure the Leader of the Opposition is fully aware. In Canberra we are very aware of the environmental problems caused by burning fossil fuels. I have already alluded to some of those issues. The level of visible pollution in winter as the result of burning off, wood fires, stoves and vehicle emissions is quite obvious and I am pleased to hear that there would be bipartisan support for any attempts by the Government to increase emission standards for wood burning fires in the ACT. I am pleased about that and I think that it is important plus. I am sure my colleague Mr DUBY will take that on board in the near future.

Reduction in energy uses is one way of overcoming pollution. Use of public transport or car pools with work mates is recommended. In fact, Mr DUBY has, as we all know, provided an opportunity for people to be given free parking when they come into this city, as long as there are more than three in the car. I think that is a positive response and I hope that the people of the ACT make full

3 May 1990

use of that. If they do, I am sure Mr Duby will provide additional spaces for them because clearly that is in the interests of the community and the environment.

We will also have to look seriously at the need for regulations to control emissions from solid fuel burning appliances. Less obviously, but just as importantly, we can address national energy conservation objectives better by better siting of houses and the proper installation and use of energy-efficient appliances. It might interest people to know something about energy-efficient appliances. Once again I refer to the very good article in Choice magazine, which I would commend to all members of the Assembly. On page 19 of the May 1990 edition we are told that there are several brands of new-generation fluorescent lamps which are more expensive but which have a much longer life. They also reduce the amount of energy that is being used.

Mr Amory Lovins, who is considered to be one of the Western world's most influential energy thinkers and who has given presentations to environment Ministers around Australia - I was fortunate to be present at one of those meetings - has outlined the savings that can be made in commercial buildings and the costs associated with these.

On page 20 of the Choice article there is a reference to testing small freezers. It has been found that the difference in energy consumption between the most efficient and the least efficient is dramatic - 370 kilowatt hours per year for a five-star rating compared with 720 kilowatt hours per year for a one-star rating. That is the sort of concept that the Alliance Government has included in its environment policy: to have those sorts of appliances made available to the people of the ACT. These sorts of concepts are examples of how academics and businesses are responding to the need for solutions to environmental problems.

I am confident that there will be new technologies developed to further reduce energy consumption. In fact, Mr Lovins has also said that it would be probably cheaper in the long run for organisations such as ACTEW, for example, to give away free long-life globes, because that would then save the amount of electricity that it would have to provide to the people of the ACT.

**Ms Follett:** We will vote for that. You put it up, we will vote for it.

**MR JENSEN:** That is very interesting, Mr Speaker. Other major priorities which we need to implement in the ACT are water conservation and soil conservation programs - - -

**Mr Berry:** Does Mr Duby agree with that?

**MR JENSEN:** Mr Duby was present at the time those issues were raised. Such programs will ensure that the expected

climate changes do not lead to further soil erosion and downstream pollution and salinisation. In conclusion, the greenhouse consultation paper provides an excellent opportunity for us to work together to develop ways of minimising this global problem.

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

**Assembly adjourned at 4.46 pm until Tuesday, 29 May 1990, at 2.30 pm**