



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

12 August 1992

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MADAM SPEAKER (Ms McRae) took the chair at 10.30 am and read the prayer.

DAILY PROGRAM

MADAM SPEAKER: Before the Assembly commences consideration of private members business, I point out to members a typographical error in the daily program. The matter of public importance submitted for discussion today should read, "The need to support a productive and viable building industry in the ACT".

TUBERCULOSIS (REPEAL) BILL 1992

MRS CARNELL (10.31): I present the Tuberculosis (Repeal) Bill 1992.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

This Bill provides for the repeal of the Tuberculosis Act 1950. The Tuberculosis Act is no longer necessary as it is a duplication of public health regulations in other places. In particular, we have the Public Health (Tuberculosis) Regulations and the recently amended Public Health (Infectious and Notifiable Diseases) Regulations, which cover many of the same areas as the TB Act. So there is little reason for the TB Act to remain on the statute books.

The Tuberculosis Act does have one provision not contained in other public health regulations. This is section 6. It relates to mass screening for tuberculosis. It gives the Minister power to require all persons over the age of 14 to submit to radiological examinations of their lungs. This is truly, and thankfully, out of date. During the year to June 1992 only 10 new cases of tuberculosis were notified in the ACT. So we are hardly in danger of a mass outbreak of tuberculosis, thanks to public health measures and the vaccination programs of past years.

The 1950 Tuberculosis Act was written at a time when we had not seen the fruits of a successful immunisation and public health screening program. I hope Mr Berry remembers how successful immunisation can be when he considers, in his budget deliberations, whether to fund a provision of haemophilia vaccine to protect ACT children from meningitis and other serious illnesses. TB has been so well controlled that the NHMRC has recommended that community-wide screening programs, such as chest X-rays and Mantoux testing, and the BCG vaccine are no longer indicated for the general population in Australia.

Mr Berry: It is all right on one hand and not on the other, though? You do not like the NHMRC's recommendations on the haemophiliacs.

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MRS CARNELL: Yes, I do. In summary, we no longer need a provision which allows the Minister to make a large percentage of the population submit to radiological examinations or Mantoux tests. Obviously we should not allow the statute books to get cluttered with old laws, out-of-date laws that are no longer needed and that are duplicated in other places. I therefore propose that we repeal the Tuberculosis Act 1950.

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

URBAN RENEWAL

MR LAMONT (10.35): I move:

That the Assembly note the importance of urban renewal for ensuring the future economic and environmental viability of public services in the Territory.

I have much pleasure this morning in addressing this issue. Madam Speaker, for many years we Canberrans have been involved in long and vigorous debate about the pros and cons of the size and location of Canberra's population. In recent times, however, in some circles this debate has taken on the characteristics more of a joust than of a debate. There seems to be a failure by those arguing for greater densities and those warning against them to recognise that we all share a great pride in our city. Are the past opinions available to us poles apart, or is there a way forward for Canberra's development which will solve our existing and future needs while retaining Canberra's unique way of life? We cannot ignore the fact that Canberra is not immune from the outcome of irresponsible decisions or from the retrograde mentality of not implementing the right ones.

Canberra has been growing over the years by way of extensive greenfield developments which have not taken into account the fact that the city's remaining land is limited and that the demographic characteristics of the population are continuously undergoing a process of change. As a result we are now facing several fronts which require remedial action. The first is a decline in average household size in some of the older urban areas due to the ageing of the population, lower birth rate, divorce or separation and increased longevity. This decline in population, which will continue over the next decade, is more pronounced in the inner suburbs of Canberra, where existing infrastructure still has the capacity to serve a larger number of people. In spite of having an annual growth rate of 3 per cent - the fastest in Australia - the districts of inner North Canberra and inner South Canberra currently have 62,000 residents, well short of even their current capacity of 100,000.

The second result of greenfield developments is the increasing cost to the ACT budget of new capital works and daily provision of services. The third and perhaps most important is the associated environmental cost, which cannot yet be totally envisaged but which is a base cost of the type of greenfield developments that we have had over recent years.

Madam Speaker, it is entirely up to us now to find a way of reversing this trend, which is already affecting the lives of people in Canberra. Of course, the options are simple. We can sit and do nothing, and continue developing the urban fringe, imposing at the same time further penalties on the ACT; we can stop greenfield developments and ignore the rest; or we can try to devise and implement an integrated solution aimed at correcting the current problems and at laying the foundations for a strategy which will maximise the use of the current infrastructure, considerably reduce capital and operating costs, and provide adequate protection to the environment. In addition to that, and at the same time, we can provide choice in the style of housing that is available to residents of Canberra.

Madam Speaker, we all know that this is not a new debate; these matters have been widely covered, as I said earlier. A number of studies have argued that the cost of low density fringe development has reached its break-even point and from now on the only viable course is to concentrate on developing existing areas. But the problem, Madam Speaker, does not stop here. We have now, as a consequence of implementing these policies over the years, a highly dispersed residential pattern which includes an ageing inner area population, as I have said; a car dependent city - a fact which has caused us to be branded with the dubious honour of having the second highest level of petrol consumption in Australia; and an excellent transport system, but one used by only a minority of our citizens.

It is very obvious, Madam Speaker, that at this pace we will be unable to play our part in helping Australia to reach the target of a 20 per cent reduction in greenhouse gases by the year 2005. In effect, at this rate we will actually be undermining Australia's commitment to the international treaty the Federal Government has signed. I do not have to remind members of the number of serious problems associated with this dependency - a high level of CO₂ emissions, noise pollution, accidents and, of course, the enormous amount of fossil fuel energy used.

I have already mentioned the economics of maintaining an urban infrastructure over such a large area, but I want to mention some of the problems associated with the overconsumption of fuel, such as the air pollution and its devastating effects on the health of our citizens over the medium and long terms. Allow me, Madam Speaker, to be a bit more specific. It is a well-known fact that the major part of the headworks for already planned greenfield developments is now in place. As a result we will not achieve much in savings in this sector if we slow down the rate of settlement over, say, the next five years. Of course, this applies only for capital costs associated with sewerage, drainage, water and electricity. But in the future we can and should attempt to increase the number of households within the existing urban area. You may be asking yourself why. One of the reasons is that the existing infrastructure was designed to accommodate, as I have already said, a population much larger than the one currently in place, and further increases in the utilisation of such infrastructure would not attract additional cost. The bottom line is not only to obtain a more efficient utilisation of public infrastructure but also to rearrange the interconnection of several variables which, by working independently, are unproductive and expensive.

It is important to note, Madam Speaker, that there is a substantial demand for quality medium density accommodation in the inner areas of Canberra. That style of accommodation can fit and meet the needs of the full range of socioeconomic groups existing within our city. We also know, Madam Speaker,

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that more than 50 per cent of jobs in Canberra are located in Civic and the subcentres of Belconnen, Woden, Fyshwick and Tuggeranong. The concentration of work in these areas is a major contribution to reduced travel demands, but the benefits from this concentrated employment are to some extent negated by Canberra's very dispersed residential layout. And it is through this particular layout that we come across a frustrating dichotomy. The subcentres that I mentioned a moment ago were designed to provide local self-sufficiency by minimising travel. While they fulfil this role in some respects, overall their effect has been the opposite of what was intended.

The message cannot be clearer, Madam Speaker. The original concept was fine, but it now appears that we may have gone too far for this stage of Canberra's development. The question now is: How can we remedy the situation and build on the good elements of our planning design for a more viable Civic community? Significantly, Madam Speaker, there are opportunities which are now at our disposal to correct the problems which exist. Canberra has reached the stage at which its transport activity is dominated by its low density; and there are no indications that this will change, as I have said, unless we do something about it.

Madam Speaker, while on this particular issue, I also point out that Canberrans enjoy a road provision which is high by national and international standards. Parking provision for Canberra is equally good. The end result of this combination is a city where the car dominates as a transport mode. In spite of the recent and slight improvement in public transport use, for which the Minister is to be congratulated, Canberra still remains highly automobile dependent. This transport pattern affects the centre of Canberra in terms of its activity, size and predominant role when compared to the subcentres. Madam Speaker, in a city such as Canberra, with a density of 14 or fewer people per hectare, this dependency appears to be out of control. There are a number of indicators, ranging from kilometres travelled per year to urban road length per head, which have placed Canberra at the top, or very close to it, of the list of the most car dependent cities in the world. It is also important to keep in mind that bus services to new suburbs are among the most unprofitable of ACTION's routes.

By pursuing an urban renewal strategy, we will increase the utilisation of services within the existing urban area instead of creating new services for new, greenfield suburbs. We know very well that this situation will remain unaltered or will get worse if we do not restrict fringe growth by developing a more compact, revitalised metropolitan area. It is almost certainly true that population increases in older inner residential areas are not likely, given the age profile of the residents. And it needs to be borne in mind that, had it not been for some kind of redevelopment already in those areas, the population decline we have seen would have been even more spectacular. We have been aware for quite some time that the answer lies with urban renewal, because the social and environmental costs of greenfield developments make them unacceptable as the course for the future. It is now necessary to implement viable programs aimed at increasing the number of occupants within existing inner urban areas.

Through the process of urban renewal, we will now have several options open to us: Firstly, the demolition of buildings and the construction of new dwellings; secondly, dual or multiple occupancy; thirdly, the conversion of buildings to residential use; and, fourthly, the subdivision of residential blocks. Madam Speaker, these alternatives, either individually or combined, will cater for the need for diversity in housing provision in inner suburbs and, as I have said,

cater for the differing requirements of differing socioeconomic groups within our community. We have to consider also that educational and health facilities were provided on the basis of the size and demographic characteristics of the population. Then we have to assume that the cost paid by the community now in these areas is very high.

In my view, Madam Speaker, the most significant issue, however, is related directly to the environment. In spite of specific Acts currently in place, future expansion alone will be at the expense, perhaps irreversibly, of native fauna and flora. In addition, there will be further noise, air and water pollution in those regions. The strategy we are proposing today is based on ecologically sustainable development, supported by the implementation of efficient patterns of urban settlement. We also know that environmental costs associated with this principle offer substantial savings when compared with the greenfield options. Madam Speaker, for a long time the people of Canberra have been told of the problems associated with the realities of metropolitan development. The list of "what if" scenarios is endless; and obstacles, either primary or otherwise, are linked to community attitudes and political reaction.

A few moments ago, Madam Speaker, I said that one option would be for us to do nothing. Of course, in reality, this is no option at all. Urban renewal is the only strategy which will ensure the future economic and environmental viability of the public services and infrastructure in the ACT. There is little question that any immediate cost, either social or economic, will be outweighed by the long-term benefits. I have no doubt that, in physical terms, Canberra has a considerable potential to proceed with the implementation of urban renewal strategies. The fact that the dwelling stock of central Canberra comprises large areas of older housing, private and government, backed up by a sound network of established infrastructure and services, makes this program, even on a considerable scale, feasible. I have no doubt either, Madam Speaker, that everybody in this Assembly will support the issue to the end, in spite of our differences, which I am sure will be differences of degree rather than of substance.

I also know that there are difficulties in the implementation of area-wide projects such as this one, but they will be outweighed by the capacity of the housing market to reach its own level. There is considerable scope, given appropriate redevelopment guidelines, to accommodate part of Canberra's population growth within the existing built-up area. These initiatives, if implemented, will bring a major boost to employment and retail activities in the short and long terms. But it has to be understood, Madam Speaker, that we are not proposing here a radical change to our lifestyle. I emphasise the point: What we are proposing here is not a radical change to our lifestyle. The urban renewal concept aims at providing some direction in a long and much needed process of changing the pattern of a city characterised, as I have said, by low density and car dependency. In other words, the program aims at achieving a more efficient use of urban land.

In a sense we cannot deny that we have always been aware of our reputation of being the largest and finest garden city in the world. We have to admit also that the original settlement pattern was much denser than the current one. As a direct consequence of the latter, we are now facing a number of economic, social and environmental issues which are challenging our prospects of adapting our development to the needs of a modern city. Not long ago we believed that we had a choice between a car oriented city and an urban renewal strategy.

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The choice, as I have said before, is no longer here. Instead we - and I mean all of us - have the responsibility of devising and implementing programs aimed at providing Canberra with alternative development patterns in line with the requirements of the twenty-first century. But, above all, I want you all to keep in mind that the uniqueness and beauty of our city will remain, and should remain, undiminished.

The fact that we need to generate a fresh concept of the benefits that flow from this strategy does not imply that our lifestyle will be, or needs to be, affected for the worse. I am more than confident that changes which would undermine the essential spirit of Canberra would receive little support from any popularly elected Assembly. I shall certainly be on my guard against changes of this sort. Madam Speaker, we cannot go on expanding forever; of that there can be no doubt. The social, economic and environmental costs have already become too great for us not to take stock and to revitalise that which we already possess.

Mr Kaine: Madam Speaker, his time has run out.

MADAM SPEAKER: Mr Kaine, do you have a point of order?

Mr Kaine: No. I am standing up to speak.

MADAM SPEAKER: Yes, your time has run out, Mr Lamont.

MR LAMONT: Madam Speaker, I thank the Leader of the Opposition for his courtesy in reminding me of the time. I had not been watching the clock.

MR Kaine (Leader of the Opposition) (10.50): I do not quite know what that was about, Madam Speaker - - -

MADAM SPEAKER: Never mind, Mr Kaine. You have the floor.

MR Kaine: The indicator that the time was up sounded. I think everybody in the Assembly heard it, except perhaps Mr Lamont.

Madam Speaker, the subject that Mr Lamont introduces today is an interesting one. It is an interesting one because the Labor Party suddenly seems to have been struck, as if by a bolt out of the blue, with the urgency of urban renewal. Many of us have been confronting this problem for a long time. It is not a new thought at all. The other interesting thing about this debate, Madam Speaker, is that it is Mr Lamont who introduces it, not the Minister, who one would have thought would have been interested in the subject. Perhaps what this demonstrates is that we have a breath of fresh air in the - - -

Mr Lamont: I am chair of the Planning Committee.

MR Kaine: But you are not the Minister. Surely the Minister is the person who should be here telling us about what the Labor Party's policy is for the planning and development of Canberra. I happen to be a member of the Planning Committee too; but that, to some degree, is irrelevant. I also happen to be the shadow Minister for this subject matter. But perhaps it is indicative that, with Mr Lamont here, there is now a breath of fresh air in the Labor Party and the Labor Party is prepared to confront the issue rather than trying to shove it under the carpet.

I am rather interested that Mr Lamont has been talking at some length about a strategy. If there is a strategy that the Labor Party has for confronting this issue, I am waiting with great interest for the Minister to put it on the table. The people out there, I am sure, are waiting with bated breath to hear it also. On what the Labor Party has said over the last few months on this issue, they have no strategy. They have blown with the wind. They have said what is expedient from day to day.

Only towards the end of last year did the Minister put on the table the draft Territory Plan, and it was greeted by the Government with great enthusiasm. They did not develop it; the Alliance Government did. But it was tabled by this Minister with great enthusiasm. That plan encompassed urban renewal and urban infill. But during the election campaign, because a few people got up and said, "We do not want urban infill in our neighbourhood", the Chief Minister withdrew from the Territory Plan all of the areas identified for urban infill - straight off the top of the head, with no debate, no discussion, no consideration of what other people's views were, no taking into account all of the work that had gone into developing the Territory Plan over a period of three years. Straight off the top of the head we throw out all of the concepts of urban infill in that Territory Plan.

The ink is hardly dry on the ballot-papers and suddenly the Labor Party discovers the concept of urban infill again - or urban renewal. We have heard different phrases. We have heard "urban infill"; we have heard "urban consolidation". Now we hear about "urban renewal". What is the difference? What do they mean when they talk about these things, and what is their strategy? Why do they not get on with developing the Territory Plan, which has been on the table now for months? I understand that there have been over 900 submissions to the Territory Planning Authority in connection with that, and they have been on the table for some months now. When is the Government going to tell us what they are going to do about them? Inherent in the draft Territory Plan is the concept of urban renewal, urban development, urban consolidation, urban infill - whatever you like to call it. But suddenly Mr Lamont comes along and redefines it. It is now urban consolidation - - -

Mr Lamont: No.

MR KAINE: Urban renewal; I am sorry. "Urban consolidation" is obviously passe, along with "urban infill" and the rest of the terms. Now we have "urban renewal". I would like to know what the Government's strategy is. I need go back to no more than two or three weeks ago, when the Chief Minister - again, not the Minister responsible - put out a lengthy statement that said, "We have asked the Commonwealth Government for \$13m" - or some such sum - "because we are going to completely redevelop North Canberra", at a total cost, we are told, of \$71m, \$72m or \$73m. Lord knows where the figure comes from.

When the Minister was asked only yesterday where the money is to come from, he said, "It is going to come from the private sector". I would submit that the Government has not asked the private sector one question about that. We do not even know, and I do not think the Government knows, what the constituent elements of the \$72m to \$73m program are. If the Government knows, why does it not put them on the table? What is included in this North Canberra urban renewal program, which I presume is what they now are going to call it? What are the boundaries of it? Where is development going to occur? Where is

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urban infill going to occur? Is the Chief Minister going to put back in the Territory Plan some of those "pink bits" that, during the election campaign, very expeditiously and expediently she took out? In putting them back in, is there going to be some consultation?

From what I have read, and neither the Minister nor the Chief Minister has told me anything about their \$70m-odd program - we are supposed to take them on faith, and so are the other 290,000-odd people out there supposed to take them on faith that this is a good project. But how do we know? Whom have they consulted? One question came up this morning. Are the two separate redevelopment projects in Dickson part of this grandiose plan or are they outside of it? Are they part of the \$71m, \$72m, \$73m or whatever the figure is? I am quite confounded, Madam Speaker. I do not know what the Government's intentions are. I do not think the Government know what their intentions are, but it is about time they started telling people where their taxes are going to go. If they are getting \$13m from the Commonwealth under the better cities program, how much of the ACT taxpayers' money is going to go into this? Why do you not come clean and tell us what you mean? Why do you not give Mr Lamont enough information so that when he gets up and prattles on about urban renewal he can actually tell us what your plan is? It is another one of your secret agendas. Do not tell anybody about it until after the event. It is unacceptable, Madam Speaker.

This sudden realisation on the part of this Government that we need to change our planning approach to Canberra is astounding. We have been talking about changing the planning approach to Canberra during the entire life of this Legislative Assembly. That is why we came up with a new set of planning legislation. It is why we developed a new draft Territory Plan. What has been done in the past is no longer appropriate. That was done under Commonwealth auspices. They built a city. They built it well; you cannot argue about that. But in the doing, when they transferred the responsibility to us, they left us with some major problems. Mr Lamont touched upon those problems - the fact that we have a widely dispersed city; the fact that we are too dependent on the automobile; the fact that we have more roads than anybody else, the capital cost of those roads had to be paid for, they have to be maintained, and presumably they are being used at the expense of our public transport system.

There is also the fact that up until now we have concentrated on three or four regional centres. Do we need those three or four regional centres? What is the future for Civic Centre? When are we going to define where Civic Centre fits into the total scheme of things and what we want it to look like in 30 years' time? There should be a subplan attached to the Territory Plan that deals with that. You can no longer confine it to the small area between the lake, the university, Braddon and Reid. As the population of the ACT grows - and it is going to continue to grow - so will Civic Centre grow. We can either make it grow in a planned way, so that it looks as we want it to look in 30 years' time, or let it grow on an ad hoc basis, which is the policy the Labor Party seems to be pursuing - "Do not let us have a plan. Let it just happen. If somebody wants to put a building up, sure, we will either approve it or disapprove it. If we need a new road somewhere, well, yes, we will either approve it or disapprove it. Let us not look at it in the scheme of a total plan for the ACT".

This notion that urban renewal, urban consolidation, urban infill is going to solve all our housing problems by increasing the density of our population is rubbish. The studies over a long period of time have indicated that, no matter how much urban infill, how much urban renewal, how much urban consolidation you do, you still cannot satisfy the normal demand for housing. I think the Minister will tell us, when he gets up to speak, that the annual demand for new houses is something of the order of 3,000 a year. I do not think the figures have changed since I was the Chief Minister and the Minister responsible.

Mr Wood: About 3,500.

MR KAINE: Okay. You cannot generate 3,000 to 3,500 blocks for new houses by urban infill. You can never do it. So the greenfields development has to go on as well. The infill can be only a supplement. There has to be some sort of revision of the plan over a period of years. Urban renewal is not going to solve our problem. It is not going to change the need for the road system. It is not going to change the dependence of people on the automobile in the foreseeable future. It is not going to suddenly turn the ACTION buses into a profit making enterprise with everybody in Canberra getting on the buses. I know that the Minister would like that. His objectives are commendable and we support him on that. Bus transport has to become more efficient as a system; but it is not going to happen overnight and it is not going to happen simply because we come back in 1992 or 1993 and say, "Gee whiz, we are going to have to do some urban renewal". That does not change one thing.

The fact is that Canberra has been built as a city with lots of open space. Our experience over the last year, even if we do not go back beyond that, demonstrates that the people of Canberra want it to remain that way. There is only a limited amount of filling in of open space that the population will tolerate. I submit that if you go to the people and put the proposition to them in a rational and logical way they will generally agree with it, but you cannot assume automatically that they will. So there is a certain amount of infill that can be put into effect, and I suppose we need to undertake a certain amount of urban renewal.

But I am rather fascinated with Mr Lamont saying that in some of our areas the houses are getting very old. In traditional terms there is not a single old house in Canberra. None of them have been here for more than about 50 years. There are some places in Australia where they value those old houses and they turn them into all sorts of interesting things. There has been a claim in recent years in Canberra that there are not enough old buildings that can be used for all sorts of things to give this city a different character from that it has now - that is, a public image of being fresh, shiny, new and glossy. Until we get some old buildings that change that image we are not going to be able to achieve any different perception of what Canberra is. Yet Mr Lamont seems to be saying to me that because Ainslie is getting a bit old and Braddon is getting a bit old we should go through with a bulldozer and knock everything down and build new buildings there. I do not buy that - not for a minute. If that is what he means by urban renewal, then it is not on. There has to be a plan; there has to be a reason; there has to be justification.

If Mr Lamont really wants to talk about urban renewal, let us look at the subject that he wants to keep on the backburner - the Kingston foreshores. That is an area of prime land that we could get on with and turn into some productive use, but for some reason which Mr Lamont has not explained he wants to keep that on

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the backburner. He does not want to discuss it just now. I do not know what he has got going, with whom, about what. He is the chairman of the Planning Committee, as he made the point a minute ago. But in the Planning Committee Mr Lamont does not want to discuss the Kingston foreshores. Why?

Let us talk about urban renewal; but let us talk about it in the areas where it is needed, not this airy-fairy conceptual stuff about knocking whole suburbs down and rebuilding them. That is not what we need and it would add nothing. If Mr Lamont implies that, because the demographics have changed in suburbs and there are not as many people living there now, we are going to tell elderly people, "Get on your bikes and move because we are going to knock all these houses down", the Government has another think coming. That has already happened. There has been a specific case in Kingston, which we can review, of a lady that was told to move out because they were going to knock the house down.

Mr Cornwell: That is right - while she was on holidays.

MR KAINE: Exactly. If that is the attitude of this Government and if that is what they mean by urban renewal, it is not going to happen, because nobody in this Assembly, other than they, would support it. The community certainly is not going to. So let us have some facts, Madam Speaker. Let us hear this Government tell us what their strategy is, over what timescale they intend to put it into effect, how they intend to put it into effect, what the elements of their program are, how the Civic, Belconnen, Woden, Tuggeranong and perhaps Gungahlin centres fit into the scheme of things? How are they going to force things to happen? Are they going to do a Ros Kelly and tell 800 public servants to pack up and get out of Civic and go some place else just because it is a good electoral play? Is that the way they are going to play it?

Mr Connolly: You are against more employment in Tuggeranong, are you?

MR KAINE: No, I am not; but, when a Federal Minister uses her position to arbitrarily direct 800 public servants to move, I am against that. People have to go there because they want to go there. If you regard planning as government directing people how to live their lives and where to live them, and where they are going to work and how they are going to get to work, and what they are going to do when they get there, then you are on the wrong tram, Mr Connolly. If we are really concerned about public transport, let us hear about your plans for a public transport system other than buses. We do not need this theoretical talk; we need a positive indication from this Government of what they intend to do.

MADAM SPEAKER: Your time has expired, Mr Kaine.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (11.05): I think I have the answer to Mr Kaine's problems. The answer is that he does not pay attention, and he does not follow the debate. Five minutes ago he spoke about the building better cities program and asked what we were going to do. I answered that question yesterday.

Mr Kaine: No, you did not. You avoided the question yesterday.

MR WOOD: I very carefully answered that question yesterday, and you simply did not attend to it. Your other comments here indicate that you are not switched on to this important debate. I do not think you would have made such outrageous statements if you had been attending more carefully to what the Government is saying. Let me reiterate what I said yesterday about the building better cities program and the proposal we have put to the Federal Government. Mr Kaine just said again, as he did in an earlier media statement, "Where is the money coming from?". We have sought \$13.7m from the Federal Government. Our own agencies - ACTEW, DELP and the Housing Trust - will provide money.

Mr Kaine: How much?

MR WOOD: Eleven million dollars.

Mr De Domenico: Is that the total from the three?

MR WOOD: From those.

Mr De Domenico: Have you got a breakdown?

MR WOOD: The bulk of the money, \$40m to \$50m, will come from the private sector. I said that yesterday.

Mr Kaine: And I ask you again: Have you asked them whether they are going to put it in?

MR WOOD: I made it very clear to you that we do not have any trouble - - -

Mr Kaine: And you will not answer that either.

MR WOOD: He has suddenly remembered that this was on the agenda yesterday. We would have no trouble at all in having the private sector come in with us on this proposal. But let us first get the approval from the Federal Government. Let us get that out of the way. Mr Kaine asks where our program is. It is on the public record that we have a policy of half greenfields development and half urban renewal. It is on the public record; it has been printed; it has been published; it has been said. There is nothing new about that, but he did not seem to know about it. In about February this year - I will find out precisely for you and give you the information - I released, as a matter of course, as has always happened, the land development program. That is the list of the land we propose to develop in the next year.

Mr Kaine: That was another election promise, was it?

MR WOOD: That was in February. I think it was after the election, Mr Kaine; but I will find out precisely for you. It was after the election. We listed the particular pieces of land that would be available to fill our present need of about 3,500 new housing starts every year. Since that time we have revised that policy to a half greenfields and half renewal proposal. In accordance with that, I am about to release a revision of that land development program, as we routinely do. We will be doing it particularly to advise the building industry so that they have confidence, they know what the future holds for them and they can do some preliminary planning on what they might like to bid for where they see new development going on.

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I will be releasing shortly a revised land development program which accommodates the policy we have established of half greenfields and half renewal. There is nothing new about that. That is the routine way that things have been done and will continue to be done. Mr Kaine on this occasion might pay some attention to that so that he is not caught short subsequently and does not find himself in a state of confusion. Mr Kaine made the outrageous statement that we are planning to bulldoze whole suburbs such as Ainslie. Nothing has been said that indicates that at all. Nothing at all that has been said should lead him to draw that conclusion.

Mr Kaine: Would you define urban renewal - what you mean by it?

MR WOOD: Urban renewal is very simple, if you had heard Mr Lamont. But, again, you are not in the listening mode. Urban renewal means that you should go out, for example, to North Canberra - the area generally north of this spot - and look at the shopping centres that are struggling to survive, look at the schools that are closing or struggling to survive with sufficient numbers, look at the underutilised bus services and all the infrastructure that is underutilised, and develop increased population densities to use that infrastructure properly.

Mr Kaine: You mean like West Belconnen?

MR WOOD: You raise the question of West Belconnen. The Kippax traders, as we know, are wanting something to revitalise their centre. That may happen, or it may not happen; but we are going through - - -

Mr Kaine: Under this Government it will not.

MR WOOD: You were talking yesterday, I think it was, about consultation. We are going through the proper planning processes on West Belconnen, on areas B and C.

Mr Kaine: Whom are you consulting with?

MR WOOD: It has been out there since the first Follett Government, Mr Kaine. It has gone through the whole process - - -

Mr Kaine: You have not done any consulting with the Kippax traders.

MR WOOD: There again, switch on to the debate and you might know what is happening. The people out there know what is happening, because they made hundreds of submissions about it. They know what is going on. During the election campaign I knew what was going on. But Mr Kaine, it seems, is the only one who does not know what is happening.

Mr Kaine: I know exactly what is going on. You have cancelled two-thirds of the West Belconnen development - and you talk about urban renewal.

MR WOOD: Because we were listening to people. There are still areas out there under planning consideration. By September I think we will be in a position to announce how that area might go. But I suggest to you that you switch on to the debate. You raised the question of the Kingston foreshore. It is not an area that is receiving no attention. A number of planning proposals concerning that area of the lake are under consideration and being worked through.

It is proper that we go through those processes. If you think that we can click our fingers and solve all the considerable problems with the present infrastructure of Kingston, you have not attended to the issue. It is a very complex issue. There is immense infrastructure there that cannot quickly, overnight, be turned into development. That simply cannot be done. The Kingston foreshore is going to be a major area of Canberra in the future, and we are not going to foul it up by rushing.

The final point I want to make is in response to not a comment that Mr Kaine featured today but one he made in a media statement recently to the effect that we have reversed our policy on the investigation areas, the "pink bits" in the draft Territory Plan. I think he said that the building better cities proposal we sent to the Federal Government somehow reneges on our former commitments. Again, this points to the fact that Mr Kaine does not understand the situation. Those investigation areas were simply that - investigation areas. Of themselves, they never changed anything. They simply flagged to the community what might happen some time down the track.

Mr De Domenico: Oh!

MR WOOD: Go and do a bit of work on it, Mr De Domenico. They simply flagged to the community what might happen down the track. As a result of what the community all over Canberra told us, we said that those investigation areas would go back to what they were and what they are now; that is, the land use for those areas stayed as it was. I will read out the clear indication that I gave to the community at the time. We made it quite clear what the situation was. This is from our policy document:

In the light of the comments to date, Labor has concluded that the Investigation Areas in the Draft Plan (or so-called 'pink bits') should be deleted, returning these areas to their previous land use. Any future proposals for changes to the land use of any area will be subject to a detailed and specific proposal about the proposed new land use of particular sites. Such proposals will then be subject to the environmental impact and public consultation requirements for changes to the Plan.

We stated very clearly, very precisely, what the situation was and what might happen in the future. (*Extension of time granted*) Those investigation areas reverted to their former use, whatever that use was - and there was a whole variety of uses. We very clearly said that proposals that emerge will go through the usual process of draft variation and change. Is there anything in this that says that they are immutable? There is nothing. We have simply gone back. We took off the flagging of what might happen and said, "Okay, don't worry about that. It is back to the old system".

Mr Moore: "No longer flagged; we will just do them one at a time".

MR WOOD: Well, that is it. I wrote something like 7,000 letters to people, telling them that proposals can now emerge in the routine way. They can emerge; obviously some will emerge. There is nothing hidden here, and if you do not understand the planning system, Mr Kaine, if you do not understand the processes - it is quite clear that you do not - do not make foolish remarks. If there are areas in North Canberra flagged in the building better cities program,

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we are entirely consistent with what we said here. There is nothing that we are doing that we did not indicate to the community would emerge or could emerge in the future. Your nonsense remarks are due merely to the fact that you do not understand the planning processes in this town and you endeavour to make political capital where none can be made. We have been quite open and up front in all that we have done.

I will not go on for too long, but let me tell you about these investigation areas. We went honestly to the community. We did not hide anything. We went out to the community - and you know the reaction - and said, "Look, maybe these are areas that we could look at in the future. Let us investigate them". But they were investigation areas.

Mr Kaine: And then you pulled them out because you got a bit of a reaction during the election campaign.

MR WOOD: But do you not understand? You do not understand what they were. They were to be investigated or they had the potential to be investigated. For anything to happen if any change were proposed, we would have to go through all the procedures, all the planning requirements, and you never - - -

Mr Kaine: Well, why didn't you let it, instead of truncating it?

MR WOOD: It was a simple indication that maybe they could be looked at. You still do not see the point. Those "pink bits", if they were to be advanced, needed to go through the whole planning procedure. We said at the time, and we say again, that restoring the former land use does not stop us from putting forward draft variations, as we did yesterday. Nobody jumped up and down about it when we put draft variations on the table yesterday. Obviously they have to continue, and they will continue. They will continue in North Canberra with the building better cities proposal if the Commonwealth comes across. I suggest to you, first of all, that you attend to the debate and, secondly, that you get on top of the planning processes in this town.

MS SZUTY (11.19): Madam Speaker, I have spoken before on the topic of urban renewal in the context of strategic planning, and I would like to state that, per se, I do not disagree with the concept. What I do have difficulty with is the idea that urban renewal is being promoted by the Government as an opportunity for development by increment, where certain areas are targeted for increased population density, and that this process is promoted as being essential for the economic survival of the ACT.

I hope that this Assembly will soon pass my motion on a reference to the Standing Committee on Planning, Development and Infrastructure on the development of a strategic plan for Canberra to the year 2020. In my speech opening the debate on that motion I commented on a plan that has been put forward by the Government to undertake urban renewal in the inner northern suburbs. I felt then, as I do now, that there is a need to reconcile that view of North Canberra to the vision that the wider community has for the future. I spent a lot of that speech commenting on this need for a strategic approach to development that is driven by a vision of the city and environs that Canberra sees as its future. It may well include extensive urban renewal, but it may not.

Discussion so far has centred on the financial gain to be made from such policies, but is this a valid argument in itself? Professor Patrick Troy recently wrote a paper he called "The New Feudalism", which looked at the various arguments put forward in favour of urban renewal. He attacked the idea that higher housing densities would lead to economies in infrastructure and land as ignoring the fact that recent research has shown that only a small proportion of urban land is used for residential purposes, and to achieve significant savings planners would have to contract services as well.

He also argues, and I feel it is a valid point, that higher population densities mean greater demands on water, sewerage and energy infrastructure, and that, while there are opportunity costs in renewing these services and at the same time increasing capacity, these are not great savings. Professor Troy also points out that in many inner urban areas schools and other facilities have been closed and resources diverted as the population mix of suburbs changes. This is particularly pertinent to the debate on urban infill in Canberra, as the inner northern suburbs which have been targeted for urban renewal have lost two schools in recent times and would perhaps require either new infrastructure or a review of the ACT's neighbourhood school concept and new transport arrangements to accommodate the increase in population. The claim that the road infrastructure is in place and would not incur extra cost is also questionable, given that by increasing the population in a private vehicle oriented city such as Canberra there would be a resultant increase in traffic and subsequent accelerated breakdown of the pavement surface.

Let me now turn to environmental considerations. Professor Troy - and I acknowledge my indebtedness to his paper - mentions environmental considerations in some detail. Firstly, he says that claims of reduced car usage because of closeness to existing public transport infrastructure are at best only half met by the models. His second point addresses the issue of household waste. Professor Troy points out that in the traditional home on a block - not a quarter acre, but more likely 700 square metres - more organic waste can be composted on site than in medium density dwellings. This is only one part of the process. People will not compost organic material unless there are ways to use the resultant compost. Balcony gardens and small patches of space do not lend themselves to the effort needed to compost materials and then use the end product.

The problem of increased pressure on stormwater channels is also pointed out, and Professor Troy says that the traditional house and land offer more opportunity for the reduction of run-off. With the increases in water charges, decreased allowances and higher excess water charges, this has been topical. While the measures outlined by Professor Troy may not be widely used at present, they argue the case that increased housing densities, while they may lower water consumption by restricting the garden area available per dwelling, will put added pressure on stormwater outlets.

Professor Troy also says that the increased density of housing reduces the density of trees, which in the inner Canberra suburbs would remove one of the major attractions of our environment. Trees are recognised as important in reducing the impact of greenhouse gases and should be encouraged to grow. Professor Troy argues that this can be best achieved in a traditional suburban garden. In addition, he points out that traditional housing needs less sound insulation, is generally less noise polluting and gives people more opportunities to use solar energy.

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I have already stated that I do not object per se to urban renewal. As I have often said in this Assembly and outside, the main and governing consideration should be: What do the people of Canberra want in terms of urban renewal? How can we make decisions about urban infill while the draft Territory Plan is still being considered? How do the people of Canberra view the idea of inner suburban renewal? Are those people who have paid high prices for land in these suburbs threatened by the proposal of higher population densities? What sort of residential mix will occur in these areas? What infrastructure costs are involved?

Madam Speaker, I would like to conclude my remarks with another observation. John Gilchrist observed in 1987 that there was at that time a serious breakdown in the planning and implementation strategies for Canberra's metropolitan growth. At that time he felt that Canberra was close to ceasing to be Australia's best planned city and would become just another city that failed because of a lack of will to implement its planning strategy. I feel very strongly that we need to develop that vision, that strategy, that will govern planning and provide a rationale for the Territory planning process. That requires some considered thinking by the community as to what it sees as the future of Canberra. Madam Speaker, I will support Mr Lamont's motion today, but I feel strongly that more needs to be done to fully consider the concept of urban renewal in the context of a strategic plan for the city of Canberra and the Territory.

MR MOORE (11.26): Madam Speaker, what politicians love - we have heard it often today - is to find a panacea for the ills that are afflicting society. Those of us who were fortunate enough to watch the *Four Corners* program on Monday night saw the attempts at achieving economic panaceas in Britain. Here, it seems to me that many people are saying that the panacea for the problems that are besetting Canberra will be simply to look for urban renewal.

Mr Lamont was very careful, in starting his speech, to avoid going for a panacea. He said that there is an integrated solution which relies on some greenfield development and some urban renewal. He was quite specific about breaking urban renewal up into renewing the suburbs that are there and in revisiting what Mr Wood has said are some of the "pink" areas but which he left off. The only viable alternative to developing greenfields is to look at the development of the inner city in particular. It is not actually the problem. The problem is the same one that is besetting the world, and that is that we do not have a sustainable population. We should be working towards having a sustainable population. When we have that, we can start to consider having sustainable cities. That is the real problem, and that is what we should be working towards.

In the meantime, because we are not going to get a solution to that, even in Australia, and in particular in the ACT, in a short time, it is important for us to look at some of the stopgap measures.

Mr Lamont: But how do you achieve a stable population?

MR MOORE: Mr Lamont interjects, "How do you achieve a sustainable and stable population?". The great challenge for anybody who is concerned about the environment in the next few years is to find the solution to that. Nobody knows. That is why we must keep working towards that. In the meantime we have to use these stopgap measures.

The difficulty that I have with what Mr Lamont and the Minister have presented is that it does not fit into an integrated strategy, an integrated plan, for what should happen in Canberra over the next few years. That does not mean that a strategy has to be that over the next five years we are going to have buildings specifically on block 15, section 32, et cetera. A strategy is a concept. It is saying that we really need to develop in a given way and that, having developed that strategy, each of the actions that are taken by government and individual departments within that government should fit into that strategy. The strategy itself should, in effect, be a living thing. It should be something that can be looked at and changed, and the strategy should apply as long as it is working. The strategy that we had for Canberra over the past few years is best and most easily described in planning terms as the Y plan. As a planning strategy it was particularly good, and it fitted the needs of Canberra at the time. What we need now is a much broader strategy that includes economic and employment considerations; it should include the gamut of matters that affect our population.

Many people argue that one of the best advantages of urban renewal is that the infrastructure is preserved and can be used by more people. Ms Szuty quoted from Professor Troy - I shall come back to that - about this. I think we have some very good examples to look at in the ACT. Did the urban renewal in Kingston, with all its problems, save the schools in the area? Did it increase the number of people in the schools, and are the schools in Kingston currently more viable than the schools in the inner north of Canberra - for example, Ainslie Primary School, which is now turning away students; it is no longer taking out-of-area students - or is an urban renewal going on in terms of the types of families that are moving back into the older areas?

Mr Lamont: Yuppie.

MR MOORE: If we use an urban renewal system that means that we are going to have high density or medium density living, whom is that going to have an impact on? When I talked about families moving into those areas Mr Lamont interjected, "Yuppie". Earlier I suggested to Mr Lamont and the Minister that they read Professor Troy's paper so that they can understand an appropriate academic approach. It does not mean that everything that Professor Troy says is gospel, but you need to account for what he has said and know the arguments against it.

One of the arguments that Professor Troy put in his paper on "the new feudalism" is that with urban renewal the people who suffer most are the poor, because the prices of those medium density houses that are now built in the inner city areas are rarely - certainly it does not happen in Canberra - lower than prices in the greenfields development.

Mrs Carnell: They are higher in Canberra.

MR MOORE: They are much more expensive. Therefore, the people who miss out are those who are poorer. I think it is important, in a social justice sense, to look very carefully at what Professor Troy has said, and to make sure that you do not believe that you are providing, in the inner city, a balanced residence, as we have had in most of Canberra.

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I am stressing that urban renewal is not a panacea; it will not provide everything that you want. It will not provide, very simply, infrastructure. The transport solutions that you are seeking are also dealt with by Professor Troy. It will not provide for people using their cars much, much less. Even if it did, it would not necessarily reduce the problems of the greenhouse effect. We have to tackle those problems, but we have to tackle them within the structure of our city. Our city is very different from every other Australian city. It is very different from almost every other city in the world, in that it is, in effect, a series of cities.

It is absolutely critical that we always keep that in mind and that we work towards ensuring that employment is centred in each of the cities and that, when we look at urban renewal and reducing the distance that people travel to work, we reduce, first and foremost, the distance that people travel to their work within their cities. We can do that only if we have employment in the city centres. That is why I consider that the interjection from the Leader of the Opposition about the movement of Mrs Kelly's department to Tuggeranong reflects a great lack of understanding of what is needed in Canberra, as that was one of the positive contributions that Mrs Kelly has made to making Canberra work.

Mr Wood: So we are bringing more people into these centres for this employment?

MR MOORE: The Minister interjects that the need is to put more people in these centres as far as employment goes. The answer is yes.

Mr Wood: From out of town?

MR MOORE: No, not from out of town; from the people who live there. We must make sure that employment is available to them in the city centres rather than concentrating it in the Civic Centre of the ACT.

Mr Wood: Agreed. Where do they come from?

MR MOORE: The Minister now interjects, "Where do they come from?". For some years the Federal Government has had a policy of ensuring that its departments are located in those decentralised areas. That is something that we have to pursue, and we have to make sure that there is not room available for them to develop in the Civic Centre. It is a point that I have put on many occasions.

A final point that I would like to make is that, if we think the way to control the development of Canberra is going to provide a panacea, we are wrong. If we think we can force people into a certain style of living, we will be wrong. (*Extension of time granted*) What is already happening and what will happen to a greater extent is that people will move into the shires of Queanbeyan and Yarrowlunla and live on their quarter-acre blocks there. Do not think that will mean that it will be done at no cost to us; we will still wear the transport costs of getting people from those shires into the ACT, or from our borders at least; we will still wear the costs of damage to our roads, the need to maintain roads and the need to retain fuel.

The point that I am trying to make is that there is no panacea. The point that Mr Lamont made in the initial instance was that an integrated solution is needed. That is correct. But to get that integrated solution we need an overall strategy, and that is what we are still waiting for.

MR CORNWELL (11.37): I find it amazing that we are talking now about an integrated pattern; whereas earlier Mr Moore talked about not forcing people into such a pattern. It seems to me that this Government is determined to create some sort of socialist paradise in this Territory, at least over the next three years; and, if that requires people to fit into the round holes that they have created, they are going to force them into them. It reminds me of a cartoon of many, many years ago when Kep Enderby was the member here, and he wanted to create a social laboratory of the ACT. This is virtually what Mr Lamont is about again today. We have resurrected this social laboratory. We are going to oblige people to fulfil all sorts of requirements - not that they want to fulfil them, but they are what this Government believes they should fulfil. We had an example of it last night in relation to circuses. They will decide whether you will take your children to the circus to see what they termed exotic animals. We are going to see more and more of this nannying from this Government over the next three years.

I would suggest that in the interim, and at the end of that three years, certainly in terms of this topic today - as it will be with all other matters relating to the ACT - very little will be done. There will be a great deal of talk; a great deal of expectation will be generated, although I believe that the electorate is becoming increasingly cynical about this Government's intentions. Anybody who heard the phone-in today on the ABC, about the circus decision last night, will know that it was running three to one against this Government's decision. No doubt, they would query those statistics to the same extent as they queried Mr Stevenson's statistics last night.

However, the problem with this Government seems to be that under the guise of social justice it is constantly attempting to control everybody's lives. There is a lot of platitudinous talk about the poor and how they have to be assisted. They seem to ignore the fact that supply and demand drives all of these matters; and the inner city area becomes more desirable to people, even yuppies, to quote Mr Lamont's interjection, although many of these yuppies seem to be the Gucci socialists or Volvo socialists - it does not matter - whom we have come to recognise are so much a part of Canberra.

Mr Moore: You mean people with a social conscience.

MR CORNWELL: People with a social conscience, Mr Moore suggests. We have a social conscience towards animals. We have 13,000 people unemployed in this city, and we can devote so much time to an animal welfare Bill, looking after exotic circus animals. Nobody addresses the real issues: 13,000 unemployed, and a soup kitchen at Dickson College. That is disgraceful. In the capital city of this nation a soup kitchen is being run.

Mr Berry: A bit of relevance might not hurt.

MR CORNWELL: I do not believe that it is irrelevant at all. I think it is an indictment of your Federal Government's policies.

Ms Follett: Madam Speaker, I take a point of order. The subject under debate is urban renewal, and I think Mr Cornwell is clearly not relevant.

MADAM SPEAKER: Mr Cornwell, please focus your remarks on urban renewal.

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MR CORNWELL: I bow to your ruling, Madam Speaker. I was interested in Mr Moore's comments, which were supported by Mr Wood, about the need to try to put people's workplaces near where they live. I would not argue with that. I think there is a great deal of sense in it. It reduces traffic flows; it obviously reduces pollution. Mr Moore went on to say that the Federal Government had a policy on that. I am afraid that it has not been respected very much over the years. For example, the taxation department moved many years ago from the Parliamentary Triangle to Belconnen, Mr Moore, as you would be aware.

Mr Moore: It is across the road.

MR CORNWELL: It moved to the Belconnen offices, and subsequently it came back to Constitution Avenue. Some planning!

Mr Wood: We cannot stop it.

MR CORNWELL: This is crazy. Mr Wood shakes his head and says, "We cannot stop it".

Mr Wood: We encourage them to follow the policy, but we do not have the power to say, "No, you cannot do that".

MR CORNWELL: It makes a bit of a mockery of the talk of trying to plan these things, when it really does not work because you do not have control over it. That raises another question.

Mr Wood: If we put that control on, you people would be the first to say, "Don't do it".

MR CORNWELL: I know, and that raises another issue: I would not want to see this sort of control.

Mr Wood: Make up your mind.

MR CORNWELL: Just a moment. Mr Moore speaks of these things as though they were something to be proud of, as achievements, when in fact there was not an achievement at all because the whole thing fell apart when they came back to Civic. Indeed, we all know that if any Federal department in this town is moved out it makes fairly desperate efforts to get back as close as possible to Parliament House on the ground that it needs to be near its Minister. As I said, I regard with some scepticism the comments that would suggest that we are somehow doing well in that area.

I think the other matter that Mr Moore referred to was in relation to schools. The evidence is very clear that the vacancy rate in our schools is increasing. I have just had a look at the figures for the North Canberra area, which seems to be being debated at some length here today. At the moment Dickson College has 242 vacancies, and Campbell and Lyneham high schools have vacancies which are increasing.

Mr Moore: Is that the same as spare spaces?

MR CORNWELL: Yes, spare spaces.

Mr Moore: Under the Gary Humphries definition of spare spaces, yes.

MR CORNWELL: You may query that; you can take that up with Mr Humphries at some other time. I was interested in your reference to Kingston schools, Mr Moore. I am not aware of any school in Kingston. Ainslie, Campbell, Lyneham, North Ainslie and Majura are all showing increased vacancies. I am not convinced that the urban renewal that Mr Moore speaks of is taking place.

Mr Berry: You are a real killjoy, aren't you?

MR CORNWELL: I am sorry, but we all accept that there is a movement back into the centre of the city. But the rate of that move back is really not sufficient to save the existing schools in those areas. I think even Mr Moore would agree with me. It may be all very well to say that Ainslie have closed their books for out-of-area children; I would suggest, however, that most of the other schools in the North Canberra area would be only too pleased to receive out-of-area children.

Mr Moore: Yes, they are 15 to 20 years behind.

MR CORNWELL: Exactly. If we are going to wait 15 or 20 years for this urban renewal that you are speaking of, we will be waiting a very long time. My concern is that we have heard no real plans for any of this urban renewal from either Mr Lamont or Mr Wood. There is obviously going to be a great deal of talk about it. There are also going to be a whole heap of plans, like Chinatown, the redevelopment of the old hotel site at Dickson and the announcement about North Canberra itself. But I doubt very much that, at the end of these three years of your Government, we are going to have much more than just talk.

MR DE DOMENICO (11.48): Madam Speaker, I am delighted to rise and to agree with Mr Lamont. The notice paper states that the issue we are debating is:

... the importance of urban renewal for ensuring the future economic and environmental viability of public services in the Territory.

That is a wonderful motherhood statement with which I think we all should agree; that has been said for a long time. I agree with a lot of what Mr Lamont said, part of which seems to have come from a wonderful publication that I can recommend to all, called *Towards a Sustainable Canberra*. Also, a lot of what he said came from last week's edition of the Advance Bank's *Trends* magazine, which I recommend to you all to read.

It was also gratifying to hear that Mr Wood was working very hard to make sure that his Federal colleagues would come up with \$13.7m of Federal funds. All I can say to that is that it is about time, because we seem to have got very, very little from our Federal colleagues on the hill, and \$13.7m would be very, very helpful in the economic situation that we have now. It is also pleasing to note that an \$11m allocation is also available through some of our public utilities.

Mr Wood also suggested that what were "pink bits" on the map before the election were no longer "pink bits" during the election campaign, but now they are back on as "pink bits", or perhaps another colour. He also talked about half and half, and he talked about another revision that is coming out very shortly. That is also very gratifying. One hopes that people can keep up with those sorts of things. He also suggested that by clicking our fingers we cannot fix all our problems overnight; I agree with that as well. But these issues that we are talking about have been around for a long time. Mr Kaine quite correctly said that we have been talking about the Kingston foreshores for a very, very long time.

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Mr Wood: No, we have not.

MR DE DOMENICO: Yes, we have.

Mr Wood: I have not.

MR DE DOMENICO: If you were not, you should have been, because it has been on the drawing board, Mr Wood, and it has been talked about for a long time by the business community which you are saying is going to hold hands with you in joint ventures.

Mr Kaine: Do not talk about getting into bed with people.

MR DE DOMENICO: I realise that, Mr Kaine. We also need to talk about what is going to happen on the Acton Peninsula. That was not mentioned by Mr Wood or Mr Lamont. If we are to get real about urban renewal or urban infill or urban redevelopment, no matter what you call it, whatever is in vogue from day to day, we have to talk about places like the Acton Peninsula. I would be very anxious to find out once and for all what the Government's plans are.

Mr Kaine: What is the Government's agenda?

MR DE DOMENICO: We want an agenda for the Acton Peninsula. At a later time Mr Wood might want to answer that. Madam Speaker, the other thing to which Mr Lamont's speech referred was the importance of land use and public transport. Again, I recommend a wonderful article that was in the *Trends* magazine the other week. There is obviously a cart and horse debate in the matter of land use, public transport and redevelopment. One approach which appears to have been embraced by the ACT Government strategies paper, which came out some time ago, is that increasing density of population along the main transport corridors will, in time, swing the cost-benefit equation the way of options such as a dedicated busway or light rail. This approach emphasises the high costs and major financial commitment involved in light rail; but we heard nothing about light rail, from what I can recollect.

The other question that needs to be asked, Madam Speaker, is: Can Canberra afford to maintain its road system without loss of quality? Nothing was said about that. Road spending has been slashed, which is a good word to use; new capital spending is down, I believe, from \$41.6m in 1991 to \$18.3m in 1991-92; and maintenance and operation spending is down from \$33m to about \$30.9m. There are other questions that we need to address. An alternative approach that I talked about, before light rail, is that an enhanced transport system needs to come first. It is an essential catalyst in winning public transport for higher densities of land use. Here, there is a plea for wider consideration of the financial implications of the transport system itself, especially the potential for a higher rate of return to the Government on other urban infrastructure.

While talking about new proposals that we heard nothing about today, let us see the key elements of some of the new proposals. One is a modern, privately run, electric tram service connecting Gungahlin to the city centre via the Northbourne Avenue median strip, Flemington Road and Mitchell. Nothing was said about that. There is the potential for later extension of the tram system to Manuka, Belconnen and Woden. These are the sorts of issues that we have to reflect on.

An urban village is another concept - urban village, urban consolidation, urban renewal. What about the urban village joint venture, government and private - Mr Wood said that he wants to get together with the private sector in joint ventures - and land development in Gungahlin, instead of the traditional town centre, eventually housing 36,000 people with a density of 30 dwellings per hectare and totally integrating commercial, retail and residential spaces?

Much has been said about consultation. As Mr Kaine correctly said, the people at the Kippax shopping centre have not been consulted yet about West Belconnen. They have said what they would like to see happen, but there was no consultation prior to the election.

Mr Kaine: They have been told to go away.

MR DE DOMENICO: They have been told to go away, as Mr Kaine correctly says. There is no doubt that there is the potential for higher returns to the ACT Government, due to more intensive use of urban infrastructure. This issue has been on the books for a long time. It was conveniently taken off the books just before the election this year, when suddenly we heard all this talk about West Belconnen. Two-thirds of West Belconnen was taken away from the "pink bits". Mr Wood talks about half and half, but he took away two-thirds of the West Belconnen area. There was no mention of that. As Mr Kaine said, it was done for political expediency.

If anyone shouts loud enough, listen to them, especially just before an election campaign; but you can bring it back on afterwards and do whatever you like to do with it anyway and forget about consultation. He has accused the Leader of the Opposition, who is a former Planning Minister, as I recall, of having no knowledge of the process.

Mr Wood: That is dead right. It is absolutely the case.

MR DE DOMENICO: Let me tell you that the process was brought into being under an Alliance government, Mr Wood; so he has to have knowledge of it. For all those sorts of reasons, Madam Speaker, I am happy to say that the Assembly should take note of the importance of urban renewal for ensuring the future economic and environmental viability of public services in the Territory. There is no doubt that we all agree with that. We want to know: What is this Government's plan to make that idea come to fruition? We still do not know that.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.54): It is pleasing that there is support from opposition members for the thrust of Mr Lamont's motion and that we are all agreed that we note the importance of urban renewal as being so vital for the long-term economic and, indeed, environmental future of our community.

I was intrigued by the frenzied assaults from Mr De Domenico on Mr Wood and me, saying that we should do this and do that. Madam Speaker, as always, while the Opposition postures, the Government gets on and does. Today Mr Wood and I have released the first stage of the Government's major survey on future public transport options for Canberra. Copies of that will be made available to members, as is always the case.

Mr Kaine: It would be nice if we could see that. It might tell us something.

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Mr Wood: But it would be better if you read it.

MR CONNOLLY: As Mr Wood said, it is one thing for us to provide material; it is another for opposition members to study and understand it. You can lead a person to information, but you cannot make them think, as they say.

The outcome of that survey is that there are three options which should be looked at further for a general public transport system for Canberra, and they may be interchangeable. Obviously, the first is expanding the current bus network, with obvious efficiencies and changes over the years; secondly, the O-bahn system, which has been used in Adelaide and which is used in certain parts of Europe; and, thirdly, light rail focusing, it should be said, on what the report describes as the cheaper end. Light rail can really run from a very light rail system through to almost a metropolitan, heavy-tracked, electric train system, as we would be familiar with on the Sydney metropolitan transit network. The report suggests that we would look at the lower end of that.

There seem to be some problems with the O-bahn system in so far as it requires fairly intrusive track works; it requires concrete barriers on either side of the track, which are getting up towards waist height, and they are quite large, intrusive objects.

Mr De Domenico: Speak for yourself.

MR CONNOLLY: I suppose it does depend on whose waist it is, but I will not go into that. If we are looking at trialling a newer technology for public transport as the prime trunk route between the city and Gungahlin, light rail offers real attractions over O-bahn in so far as light rail would be quite environmentally compatible with the grassed area up the middle of Northbourne Avenue. The well-established trees on either side of the Northbourne Avenue nature strip would be untouched, and you could have a light rail track running along that grassed area, which would be quite visually unobtrusive; whereas to do it with the O-bahn system you would have a very, very obtrusive concrete barrier running up the middle of Northbourne Avenue, with quite costly engineering works whenever through traffic has to cross.

The problem with light rail, which appears in the study, is that to have a system for the whole of Canberra we would be talking about an investment of up to \$250m, which is a massive new investment compared with the cost of expanding the bus network. But an option will be a light rail system that may service Gungahlin and the city, with interchangeable ticketing arrangements through to the bus network, which obviously would have to feed into light rail at the other end of Gungahlin, and it could just as conveniently feed out.

It is a major survey. I commend both the summary and the document to members as it is being distributed. From this, it recommends that we go on now to cost precisely some of these three options for specific intercity routes. Obviously we will be looking at the cost of light rail.

Mr De Domenico: When will we get it?

MR CONNOLLY: I think our officers have it ready for distribution. We released it this morning, so it should be available during the day.

The other issue that Mr De Domenico said the Government should look at is road spending. He said that we have slashed spending and that we are being short-sighted and are not looking at things. I think I have said on a number of occasions in this place, and certainly to the public through media releases, that the Government is undertaking at the moment a major study of our road network, with a view to coming up with some long-term decisions on what we should be spending on roads. There is no doubt that a strongly held view in the Canberra community is that historically we have spent too much on roads. Last year, I found through calls to my office - and I suspect that opposition members who were in government would have had the same experience - that if you asked the public, "Where are we wasting money?", they said, "On unnecessary roadworks". That was confirmed in the ratepayers survey. It is a clearly held view in the Canberra community.

It may well be that that view is wrong, and I have good reason to suspect that it is. But, as a government, for the first time we have devoted some resources to a baseline survey of the status of our roads. I caused some merriment in this place when I described the funny little vehicle with flashing lights which was running around the city at one o'clock in the morning putting down its little probe, drilling holes in our road surface, to give us an audit of the standard and quality of our roads throughout the city.

From that engineering side of the survey and from a financial survey, which we are doing of what comparable cities and regional municipal local government areas are spending on road fundings, I will be bringing to my colleagues in government and this Assembly a comprehensive report on the quality, state and value of our existing urban road infrastructure and a range of options for what governments should do well into the future in terms of appropriate levels of maintenance for that valuable infrastructure. A throwaway line from Mr De Domenico is that we should be thinking about that. The reality is that the Government has been thinking hard and devoting resources to coming up with long-term solutions for that problem.

Madam Speaker, I started by saying that it is pleasing to see that there is general support for this concept of urban renewal. But I was a bit disconcerted to hear some of Ms Szuty's remarks when she was quoting Professor Troy, because it really did sound like a hymn of praise for continued urban sprawl. I suspect that Troy would say, "No, I do not really want continued urban sprawl. I just want to stop". That is very difficult because it means no economic growth and that means no jobs for our kids, no future building. If we are to assume that we do not want a static Canberra, a Canberra with no growth - I think that view is shared by both major parties, but I do not know whether it is shared by the Independents or not - we have to decide whether we want continued urban sprawl or some form of urban renewal.

It is true that there is a lot of community concern about urban renewal, and some of the experience of urban renewal in Australia in the 1960s and the 1970s was simply appalling. It is understandable why people are opposed to it. The sort of six-pack - three up, three down - block of flats that looks, for all intents and purposes, like a shoe box with a slightly pitched roof is aesthetically appalling. It has major environmental problems. Ms Szuty mentioned some problems - that all you have is a little balcony; you cannot compost; and, because you have your six-pack shoe box surrounded by asphalt and concrete parking areas, there is nowhere for rainwater to run off. All of those problems are very valid criticisms

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of some of the bad work that was done in the 1960s and 1970s. There are alternatives, Madam Speaker. Urban renewal can be done in a manner which is aesthetically and environmentally sensitive and which allows the rejuvenation of some of the existing inner urban facilities.

One of the major debates in this place in the last two years was the issue of the smaller schools in the older areas of Canberra. The debate continues. As a party we decided that we want to keep those smaller schools. That was a controversial decision but one that was supported quite vigorously by Mr Moore and, I am sure, Ms Szuty. A lot of those smaller schools will be viable in the longer term only if they have a continued feeder base of children, and urban renewal offers that opportunity. We do not have to bulldoze street after street of buildings and replace them with the six-pack block of flats. We would share Ms Szuty's horror at that prospect. But sensitive redesign can be aesthetically and environmentally pleasing.

I urge members to look at some of the work that the Housing Trust is doing, with aged persons units in particular. Mr Kaine said, "Don't knock down old buildings". In some areas we do not; we keep the old building closest to the road and redevelop, in an architecturally similar manner, through the back into another block. In Ainslie we are finishing a project which is turning six run-down, small Housing Trust units into 20-odd townhouses and aged persons units, accommodating a mix of age groups and social groups in a manner that is aesthetically and environmentally pleasing. It can be done right, Madam Speaker.

MR WESTENDE (12.05): I am glad to say that this side of the house is always in favour of ensuring the future economic development of this fine city. I think we at least have agreement on both sides of the house that this is a fine city and that we should keep it that way. There is no question that urban sprawl is causing considerable environmental, social and economic difficulties. We need to be focusing on a better city as a matter of high priority. We have allowed cities in Australia to grow without taking stock of the long-term cost economically and socially. We have only to look at Melbourne and Sydney, where we have allowed the sprawl to continue. We would have been far better off developing new cities, such as Canberra, instead of letting those cities grow to having populations of three and four million.

It has probably grown out of the lucky country syndrome; we have tended to expect our quarter-acre blocks and a high degree of infrastructure support and public services. But I think the time has come to look at new lifestyles. Does this mean a compromise in standards? I do not think so. It can mean improvement. We can overcome the social problems that occur in the far-flung suburbs. We can provide more choice of housing. We can see better development of parkland. We can reduce the use of motor vehicles. We can have our workplaces close to where we live. We can vastly improve pollution control.

We can achieve improvements of this sort by adopting a change in policy. Projects like the proposed urban village at Gungahlin provide Canberra with an excellent opportunity to implement a model of urban planning. The Government would have an opportunity to grasp the nettle. I am rather surprised that a proposed joint venture between the Government and private enterprise, which I understand has been on the books for at least eight or nine months, has yet to receive government approval. Surely this would be one area in which one could

start to grasp the nettle and see whether we cannot get a more dense population in a type of environment that is not incomparable with some of the finer cities in Europe. The answer will not be provided by simply knocking down existing buildings. We still need good urban planning, good architecture and compatible industries.

I was surprised by the lack of detail in Mr Lamont's speech. It was very similar to our debate yesterday, especially in relation to the time he took to deliver it. As Mr Kaine has already said, a new line of thinking from Labor and Mr Lamont is refreshing; but Mr Lamont obviously has some homework to do. We all are aware, I think, of the decrease in the average household. The population density of the inner suburbs, both north and south, needs to be increased. We have to develop some vacant areas, but maybe not all. We have to look at fuel consumption.

Something has already been said about the Kingston foreshores. I am sure that some very nice domestic units could be built on the areas now occupied by ACTION and ACTEW. After all, we have three or four other workshops in the ACT, and, for all intents and purposes, the Kingston workshop should have been closed down some time ago. I understand that ACTEW is ready to move their stores area to land that is available for them in Fyshwick. These are areas where the infrastructure exists and where we could develop. One has only to look at what that has done for the Causeway, where there are now permanent residences instead of the old prefab houses. The other morning at a launch the Chief Minister mentioned that another small business office, similar to the one in North Canberra, will be housed in Kingston. That might be a start; but it is certainly not a development, and it is not going to help our urban density.

Enough has been said about West Belconnen. Mr Wood raised the issue of private enterprise involvement. But, as I said, a program which was proposed by private enterprise eight or nine months ago still has not been given the green light. Therefore, are we to question the sincerity of the Government about wanting private enterprise involved? We have heard about the idea of half greenfield and half urban renewal; I can sympathise with that. Mr Moore mentioned the cost of people moving to the outer areas and having to provide transport. I do not particularly agree with the last matter, because the transport from outside Canberra is very well provided by private enterprise - Lever Coach Lines and Deanes bus lines - and I do not think that involves the ACT infrastructure. In general, Madam Speaker, if the Government is sincere and does what it says it will do, we believe that they are on the right track. It is refreshing to see that happening, and we wish them well in that respect.

MRS CARNELL (12.11): I rise to support strongly Mr Lamont's motion and the real need for a plan for urban infill or, shall we call it, an urban renewal strategy for Canberra. That brings up the word "strategy" and the real need for an urgent one. My colleagues have already spoken about Acton Peninsula, the Kingston foreshore, Gungahlin and West Belconnen; so I will not talk about them. I will talk about what is really happening in Canberra now, in the inner north, the inner south, some of the older Belconnen suburbs, those of inner Tuggeranong, and Weston Creek, for that matter. All of those areas were planned around the neighbourhood shopping centre and neighbourhood school concept. It was a very good concept, and it served Canberra very well as it grew very quickly from nothing.

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Mr Lamont mentioned that those shopping centres, with their associated health services, the supermarkets, the schools, the churches in some cases, and the community base for people moving from outside Canberra into a new environment, are dying. They certainly are. But why? They are dying quite simply because of lack of people and, as importantly, from lack of diversity of the people who live in those areas. That has to be understood. Because of the way Canberra was planned, it meant that new people of a similar age moved into areas on an ongoing basis. We have to accept that. The only way we can overcome that problem now is to consider a renewal program. I think we would all accept that change is probably the only constant that we can rely on. I think we really have to come to grips with what we want for those centres in Canberra. Do we really want to get rid of the small neighbourhood shopping centres? Are they past their usefulness? Unfortunately, if we do that, or if we accept that it is just one of those things that we have to consider, it will not be just the shopping centres that will go; all of their associated services will go as well.

Mr Berry and Mr Connolly would be very well aware of the quite dramatic costs of providing health services, HACC services and other appropriate services for the elderly, young families and so on. Those services become dramatically expensive if they are being provided for a very small number of people. We need a large number of people who need those services in each area. We are talking about diversity. The people who will really suffer if we allow the suburban shopping centres and service centres to die are not people like all of us who are sitting around here today - people with cars, people with jobs, people who go somewhere else to work; they are the old people and the young mums with their kids, who do not have adequate transport, who cannot get out to other centres.

So what we are really talking about, and what Mr Lamont aptly talked about, is the need for diversity and the need for choice in all areas of Canberra, the need to make sure that we have young families and old people living in areas, side by side. That means that we would overcome the old problems of Canberra - the old empty suburbs, with nobody home during the day because everyone is the same age and is at work at the same time; everyone gets old together, and so on. There are certain positives to that situation; but it is an abnormal and wrong way to get a really good community spirit and for Canberra to have that soul which everybody talks about, which Canberra has, and which we know it has. Some people outside Canberra do not know that it has it, as Mr Kaine will speak about - probably not today.

Mr Kaine: I think we will leave that until next week.

MRS CARNELL: We will talk about soul next week; fair enough. I strongly support Mr Lamont's motion.

MR HUMPHRIES (12.16): I am very grateful to my colleague for so promptly vacating the space for me. Madam Speaker, it is impossible to talk about urban renewal without talking about urban infill, as my colleague Mrs Carnell and, I think, others have said in this debate. It is important for us to understand that we cannot pursue these questions on an ad hoc basis. I think the point has already been made by other speakers that the planning and the approach that we take to this question is vitally important and, at the same time, needs to embrace the community's aspirations for the overall plan of our city and the way in which it should look into the future.

The other day, talking to somebody, I observed that, although Canberra's planning regime is much more comprehensive than that available anywhere else in this country, changes in the way in which we plan future development and infrastructure changes are far more contentious in this city than anywhere else in Australia. Although there are obviously matters of contention in other communities in this country, we face enormous problems in engineering change. That is an astonishing reflection, but I think it is undoubtedly true. That was brought home particularly recently when I attended a meeting of the Weston Creek Community Council, at which there was discussion about the need for urban renewal. That was a matter of grave concern to residents who attended that meeting. It was accepted that steps need to be taken to revitalise the amenity of Weston Creek and that basically meant having more people living or working in Weston Creek as a prerequisite for making that happen. I think that was a wise conclusion to have reached, but when the question of how that was actually to take place was put before the meeting there was tremendous concern.

Mrs Carnell: Not in my backyard!

MR HUMPHRIES: Indeed, the "not in my backyard" refrain was heard very widely around the room at that time. It was agreed that we should move to develop some of the designated open spaces within Weston Creek which had long been available for land development and that that should be the basis on which to renew the area. But everybody, at some point or another, was able to identify some open space, designated for development or not, which was, in their view, sacred or vital to the amenity of their own residence. That is an extremely difficult problem. In this city we have constantly experienced the phenomenon of having land designated for some purpose but not being used for that purpose for some time - a couple of decades perhaps - and then, when we came to use it for the purpose for which it was designated, there was tremendous opposition to that happening. That is a great problem for us all to face.

Mr Connolly raised the question of schools and the implications, for urban infill and renewal, of closing some small schools. I have to make the point, as I have made before, that in freeing up spaces in the heart of suburbs for such redevelopment you are able to engineer a fundamental change in the structure of small communities and provide, usually in the heart of that suburb, for medium density or even high density housing, which not only serves that suburb but also provides for some element of, as Mr Lamont puts it, economic and environmental viability for surrounding suburbs. Because their catchment area is enlarged in those circumstances, they are able, for example, to provide larger numbers of people for schools and other services, and that is an important way of engineering that change. The Government is not inclined to accept that kind of change, although there are some school sites that are still on its hands for it to deal with, and I suppose in due course it will consider what to do with those sites. But for the time being we are not looking at that avenue.

I think it then becomes incumbent on the Government to decide what other avenues are available to achieve the sort of urban renewal that Mr Lamont mentioned in relation to his motion. We are all agreed on the objective, but I doubt that any two of us would agree on the way to reach it. The question of meeting that objective is fundamental to the success of not just urban renewal but our whole planning system in the Territory and to the provision of services at the level at which we currently enjoy them. In one sense I am glad that it is the Government, rather than I, which has to face up to that question in the first instance. I look forward to seeing the fruits of its labours.

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MR LAMONT (12.21), in reply: I appreciate the support and the issues that have been raised in the debate here this morning. I think it is important that this matter be given the fullest public airing possible while we are proceeding with the finalisation of the Territory Plan. Madam Speaker, I wish to touch quite briefly on a number of the issues that have been raised - in particular, the questions raised by Ms Szuty and Mr Moore. It is not the intention, as I understand it, of this Government or of this motion to deprive the inner urban areas of that essential character which we all know and love as the garden and open city of Canberra, the bush capital. But Mr Connolly has pointed out quite rightly that to proceed along the lines of the North American experience would basically provide us with an urban renewal program of ghettos, which would end up being walled, strata-titled unit arrangements, as they are in North America, patrolled by security guards and which, quite frankly, are a blight on the landscape.

That certainly is not what urban renewal in the ACT is all about. It is about using that essentially unique character of our city and enhancing, not diminishing, it. It is about doing it in such a way that the community as a whole benefits from the amenity. It is not a singular issue. It is not saying, "An individual may be advantaged if we do this". We are talking about what advantages the community. I think that is what we should bear in mind when looking at the protestations of Professor Troy in his paper, which I have read and which raises some interesting and novel arguments about the concepts of urban renewal. I believe that some of the issues raised by Professor Troy need further consideration, and I would certainly support any endeavour which would see them being given such further consideration.

But I say to you, Madam Speaker, that it is essential that now we address the question properly. We have the opportunity now, and we need to take it, so that the costs for us as a community in four or five years' time are not so high that people simply cannot afford to live in the Australian Capital Territory. That may be how we arrive at ecological sustainability as far as population is concerned. When I asked Mr Moore, he could not tell me how this new, mythical, ecologically sustainable population process was going to be put into place, and I deny that anybody else whom I have heard speak or seen write on this matter can give me a definition as to how to achieve that. Some people are saying that we should not allow any expansion in the size of the population of the ACT. That, Madam Speaker, is a Luddite approach to the problem and is not worthy of being included in a debate in the 1990s on how we develop Canberra into the next century.

Madam Speaker, as I have said, I appreciate the level of debate and the contribution from all of the speakers. We have worked cooperatively in the Planning, Development and Infrastructure Committee on the public works program and in the other committees of this Assembly, and I hope that the same level of cooperation can be extended over the coming period to all of the members of this Assembly, to ensure that this time we all get it right. I commend the motion to the house.

Question resolved in the affirmative.

Sitting suspended from 12.26 to 2.30 pm

DEATH OF MR JOHN ENFIELD, AO

MS FOLLETT (Chief Minister and Treasurer): I move:

That the Assembly expresses its deep regret at the death of Mr John Enfield, AO, who made a significant contribution to self-government for the Australian Capital Territory, and tenders its profound sympathy to his widow and family in their bereavement.

I was saddened to learn of the death yesterday of Mr John Enfield, and I extend my sincere condolences to his wife, Margaret, his sons, Matthew and Nicholas, and his daughter, Samantha. Through his long and outstanding career as a public servant, Mr Enfield served the people of Australia well - service deservedly recognised by his appointment as an officer in the Order of Australia in 1991.

Madam Speaker, there are many events in John Enfield's life which I could refer to, but at this time I will mention just a few of his achievements in a career which spanned nearly three decades in the public service. Mr Enfield's work for the people of the Cocos Islands in 1984, when the Cocos Islands act of self-determination was debated in the General Assembly of the United Nations, is one of those achievements. His outstanding work as Public Service Commissioner responsible for the policy aspects of recruitment, promotion, mobility, discipline and retirement during the period 1987 to 1990 was a second major achievement.

Mr Enfield's contribution to the ACT as Secretary to the Department of Territories from 1983 to 1987 was also significant. His service to the ACT continued after self-government, when he provided excellent advice to the new Government on a number of matters. His last achievement, which it is now timely to note, was his fortitude when faced with a diagnosis of incurable cancer shortly after he took up his appointment as chief executive of the Institution of Engineers following his retirement from the public service in 1991. Madam Speaker, John Enfield stood up to that challenge as he did to all of the others. He faced it honestly and squarely while continuing to do what he did for so long and so well - serving the people of Australia.

In conveying my personal sympathy to his wife and family, Madam Speaker, I also speak on behalf of the ACT Government and the Canberra community.

MR KAINE (Leader of the Opposition): It is with regret that I support the Chief Minister in this motion of condolence. I have known Mr John Enfield for a long time. During all of those years he was a man who committed himself, through his public service, to the good of the country and, of course, more recently to the good of the people of the ACT. He brought a great commitment to everything that he did. He was a highly professional public servant. He served the government of the day, irrespective of its political flavour. I believe that now that his life has ended it can be said that his life was a great success, and I am sure that he would have felt that.

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I saw John on a number of occasions over recent weeks. On each occasion he was dealing with his situation with great courage. He had a great determination to overcome this challenge that he was confronting. Sadly, he was unable to achieve that objective. I believe that his contribution to the ACT in particular will not soon be forgotten by those of us who knew him and who saw the way that he committed himself to the tasks that he had to undertake here.

I support this motion of condolence. Along with the Chief Minister, I would like his widow and his family to know that we share their loss.

Question resolved in the affirmative, members standing in their places.

QUESTIONS WITHOUT NOTICE

Government Service - Salaries and Staffing Reductions

MR KAINE: I direct a question to the Chief Minister and Treasurer. The Chief Minister has just published a statement in which she claims a recurrent budget surplus of something of the order of \$6m in round figures. I note with interest that that coincides almost exactly with the amount of money that the Chief Minister claimed she was going to save in 1991-92 by the reduction of the public service by 250 people by way of redundancy. Can the Chief Minister tell us whether the \$6m surplus on the recurrent account has resulted from the fact that she failed to phase those people out of the public service and whether, if so, that reflects a failure on the part of the Government rather than a success? If that is not so, can she tell us explicitly just how many people were phased out of the public service in 1991-92 by way of redundancy, how much of the \$6m provision was in fact spent last year and how much of it is in fact being carried over into this current year to pick up those who did not go last year but might go this year?

MS FOLLETT: Madam Speaker, I thank Mr Kaine for the question. I say at the outset, Madam Speaker, that, as I am sure Mr Kaine is aware, we have a great many figures presented to us and we will have a great many more presented to us still. In fact, the final quarterly statement for the financial year is currently in preparation and will be presented next week. That will show on a program by program basis the sort of detail which I am sure Mr Kaine seeks and which I am sure he will give very close scrutiny to.

But Mr Kaine has asked a specific question concerning the Government's decision last year to reduce the salaries bill by some \$6m in that year and \$10m in a full year. That reduction of expenditure was the extent of the Government's decision. We did acknowledge at the time that that would reflect possibly some 250 positions, but the decision was made on the sum of money. I think it is a bit regrettable that members opposite have demonstrated something of an obsession with the numbers of staff who have ceased employment as a result of that budget

reduction made last year. I believe that they have missed the point in general. It was a budget reduction that was not aimed at cutting the public service per se. We know that Mr Kaine has had that aim from time to time. It was not our aim. Our aim was in fact to reduce the budget by that amount.

To answer Mr Kaine's question more fully, I would like to go further and say that the aim of that decision was not to achieve a particular number of redundancies. Rather, in meeting that salaries expenditure reduction, voluntary redundancies represent only one means by which agencies could set about the task. Agencies were required, of course, to meet their budgets, their 1991-92 appropriations, whether that resulted from salary reductions or from other budget related measures. Madam Speaker, I would expect good managers to carefully manage staffing and other resources in order to meet their budget. Agencies have indeed quite properly used a range of options to achieve their reduced budgets, including some ongoing restructuring programs, some measured recruitment activity and offsetting savings in non-salary expenditure.

During 1991-92 surplus positions were identified in all agencies and at all levels of classification. As a result of this identification process, at 30 June of this year 311 staff had been or were being considered for alternative placement or for voluntary redundancy. This figure relates to a number of restructuring proposals, including the \$6m reduction in salary; but it excludes the Department of Health, which was subject to a separate work force restructuring program.

Madam Speaker, I have here a document, which I will table, that gives the details of 1991-92 figures by agency. I think that will be helpful to members. But just to summarise the contents of that document: 72 staff have been permanently placed, 25 are still seeking placement and 203 have been or are being considered for voluntary redundancy. There are 11 positions still subject to further negotiations with the unions. Madam Speaker, of the 203 staff who have been or are being considered for voluntary redundancy, 154 ceased duty before 30 June 1992. Of the remaining 49 staff, I expect that the majority of those carried over, in Mr Kaine's terms, into the 1992-93 financial year will in fact cease duty between now and about the end of September.

I will table the document which shows the position agency by agency, and I trust that that will be helpful to Mr Kaine. I table the following paper:

Staff redundancies - ACT Government - Table showing agencies and number of filled surplus positions.

MR KAINE: I ask a supplementary question. The Chief Minister accuses me of being obsessed with staff numbers. I remind her that she was the one who put the figure of 250 on it, not me. But since she has chosen to evade the question and she wants to talk about money, I will be more specific in my supplementary question. Did the Government achieve the \$6m reduction in their budget that she said was her objective at the beginning of the year and, if not, by how much did she fall short?

MS FOLLETT: And I reiterate what I said at the very outset of my answer, Madam Speaker - that next week I will be presenting, on a program by program basis, the detail which I believe Mr Kaine seeks.

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Hospital Services

MS ELLIS: Madam Speaker, my question is directed to the Deputy Chief Minister in his capacity as Minister for Health. Could the Minister please explain what effect the Liberals' Fightback package would have on Canberra's public hospital system?

Mr De Domenico: Oh!

MR BERRY: And so you should cringe, Mr De Domenico. It will put health care out of the reach of most, Madam Speaker; that is what it will do. The Liberals' Fightback package would force many Canberrans into expensive private hospital beds, while at the very same time reducing wages and raising prices. "Frightpack" will cut \$1.3 billion from hospital funding to the States, which on a per capita basis is \$17.6m less for Canberra. There is more information coming. This translates into 138 fewer public hospital beds, Mr Kaine. Shame on you! No wonder the good Senator Reid is not coming out about this issue. She is ashamed of "frightpack". The ACT public hospital system would not survive with 138 fewer beds.

The Liberals' agenda at the local and Federal level is clear - abolish our universal access to medical care and force Australians into expensive private beds. Medicare, Madam Speaker, is vital if access to health care is to remain a right. Introducing an American-style health care system under which people who cannot afford the expensive private health insurance receive third-class health care or miss out is unacceptable.

In May this year Dr Hewson stated that he expected, over time, a shift of 1.5 million patients from the public to the private hospital sector. That is what he said. His intent is clear. Only 40 per cent of Australians presently have private health insurance. The Federal Opposition stated recently that they expect 20 per cent of these people and 70 per cent of Australians with basic cover to opt for the top rate. So they are going to force them into the top rate. I might say that the top rate currently stands at about \$46 per week. How many Australians can afford that? This optimistic estimate still leaves 40 per cent of Australians uninsured. This will only benefit the private hospitals and health insurance companies.

Under the Liberals, Madam Speaker, there will be two classes of health care. This is the way of these people. The Liberals' plan will mean a smaller, run-down public hospital system for the 40 per cent of the population who cannot afford private health insurance, while the private hospitals expand to cater for the wealthy with rebates subsidised by the ordinary taxpayer. So what you are going to do is make the - - -

Mr Kaine: I raise a point of order, Madam Speaker. I can only assume that what we are hearing is the Minister's opinion. Is it not a fact that under the standing orders one cannot ask a Minister a question that seeks an opinion? If so, would you ask him to desist from expressing his.

MADAM SPEAKER: Mr Kaine, you are quite correct. I believe that Mr Berry was asked for an explanation, and I think he can proceed.

MR BERRY: One thing that is for sure, Madam Speaker, is that health care is a right and should not be based on your capacity to pay - and that is what the Liberals are about. They are about introducing into this country Kentucky Fried medicine. There is no question about that. There are many attacks on Canberra in "frightpack", as I call it because it is a fearful document for the people of the ACT. Destroying our public hospital system is not something that we will accept lightly. That is why, Madam Speaker, we will continue to struggle against this awful document which is being proposed by Dr Hewson and his Tories opposite.

Mr De Domenico: On a point of order, Madam Speaker: Can Mr Berry be asked to table the document he was reading from?

MADAM SPEAKER: You can move a motion.

MR BERRY: You do not have to pass a motion. I will table it. I table the following paper:

Health Care and Liberals' Fightback Package - Media statement by Mr W. Berry, Minister for Health, dated 12 August 1992.

HIV and AIDS

MRS CARNELL: My question without notice is addressed to the Minister for Health. I will read this slowly. Section 3 subsection (3) of the Public Health (Infectious and Notifiable Diseases) Regulations says:

For the purpose of these Regulations, where the organism presumed to cause an infectious disease or a notifiable disease is found to be present in a person, that person shall be deemed to be suffering from that disease.

AIDS is currently listed as a notifiable disease. Can the Minister this time explain why, on his direction, HIV, the organism which causes AIDS, is not notifiable, again on his direction, except in coded form and on a voluntary basis?

MR BERRY: That question has been answered.

Mrs Carnell: No, it has not.

Mr De Domenico: Do it again.

MR BERRY: I will do it again. The Liberals do not seem to understand the issues that are at large in relation to reporting and dealing with HIV. What has been proposed by one quarter - and the Liberals seem to have missed it - is that HIV ought to be reported and recorded in the same way as other reportable diseases. Of course, if we were to go down that track we would be faced with the situation where many people who would test positive for HIV would not come forward. We would then have the awful and daunting situation where people who are living with HIV would be forced underground. I for one am not going to be party to a system which would give that as an end result.

If it comes to interpretation of legislation and the various details which are contained within Acts and laws in the Territory, there is a mechanism available to the good member, and that is to put the details of those sorts of issues on a piece

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of paper, put it on notice and I will make sure that the matter gets due consideration. But another thing that I am not going to be involved in is interpreting the law as read very slowly by Mrs Carnell in this place, because this is an important - - -

Mr Kaine: But we know that you do not understand, so - - -

MR BERRY: No, I very clearly understand.

Mr Kaine: And we can understand that - that you do not understand.

MR BERRY: I very clearly understand the impact of HIV, and I very clearly understand the need to have an appropriate course for people who are suffering with HIV. The approach that is being taken in the ACT is the same as is being taken in other places, for the very same reasons - - -

Mr Cornwell: That does not make it right.

MR BERRY: If you want to drive it underground - - -

Mr Connolly: Everyone else accepts this. The Liberals in New South Wales accept this.

MR BERRY: That is right. The Liberals in New South Wales accept this approach, but not the Liberals here. Are they different?

Mrs Carnell: We have women who are condemned to death.

MR BERRY: This sort of emotionalism does not help the case.

Mrs Carnell: It is true.

MR BERRY: This sort of emotionalism does not help the case. If you want more women and more people condemned to death, go down the course that you seem to be proposing.

MRS CARNELL: I ask a supplementary question. Can the Minister assure the house, then, that he has not directed doctors in the ACT to break the law?

MR BERRY: Of course I have not directed doctors to break the law. Don't be silly.

Education - Regional Support Centres

MS SZUTY: My question without notice is addressed to the Minister for Education. Mr Wood, you have received numerous representations from various groups - including the Canberra Pre-School Society, the ACT branch of the Australian Teachers Union, the ACT Council of Parents and Citizens Associations and the Public Sector Union - regarding your decision to close four regional support centres and abolish four executive officer positions in the preschool sector, a decision you made during the most recent school holidays. While the closure of the four regional support centres has already occurred, will you reconsider your decision to abolish the four executive officer positions, and on what grounds would you reinstate them?

MR WOOD: Madam Speaker, perhaps I should make it clear that this decision that was taken is part of a long process. It is not something that has not had quite a deal of discussion and debate in the past. Nor, of course - it is quite evident, I think - was it a decision taken lightly. We may recall that a former Minister for Education, Paul Whalan, established a task force to look at preschools, and a long string of consultation and decisions followed that. The decision I took on the loose administrative links between preschools and primary schools is consistent with outcomes arising from that.

Following Mr Whalan's review there were a series of pilots and then a review of those pilots. It was commented at the time that administrative linking was a possibility. It perhaps was not the preferred option, because people preferred things to stay just as they were; but it was preferred above a couple of other options. Obviously the decision was one that I thought about for a time. It was made logically at holiday time, because that is when we need to make the changes. We do not make changes in the middle of term.

There has been debate between me and the department and between the department and the Teachers Union and others about the way that preschools are now to be administered, and we are listening to some of the comments that are being made. It is a possibility that some preschool activity will be carried on within the administration. Just what we will decide in the end is being considered at the moment, and I cannot tell you exactly what the outcome will be. We are looking at proposals put to us, but I do not anticipate that we will be reinstating the regional offices; they are finished. Four positions are rather too much, I think, to allocate to preschool administration.

Ainslie Village - CWC Auto Services

MR WESTENDE: My question without notice is directed to the Minister for Urban Services. Further to a report in today's *Canberra Times* concerning Ainslie Village, would the Minister request the management of Ainslie Village to extend the lease of CWC Auto Services, bearing in mind that it has taken longer than expected to establish the government inquiry into Ainslie Village, and bearing in mind that our earlier representations to the Minister on this matter were to leave CWC Auto Services there till the inquiry into Ainslie Village was finished?

MR CONNOLLY: I thank Mr Westende for his courtesy in letting my office know that he was interested in that question so that I could get a precise update on what has happened. At the outset, I am in a position to announce that the inquiry will proceed forthwith. Mr John Kelly, QC, a former judge of the Supreme Court and currently chair of the ACT Community Law Reform Committee, has been appointed by the Government to be the chair of that review committee, which will also comprise a Housing Trust officer, a Commonwealth Department of Health, Housing and Community Services officer, a representative of the Ainslie Village management and a representative of the residents association. That committee is now in a position to commence forthwith.

Ainslie Village, of course, is independent of government. It is the lessee of government owned premises, and it has sublet premises to an auto repair business. There is an acknowledged problem that the lease purpose clause does not cover the running of a motor vehicle repair business on that crown lease, and there are some environmental and health and safety problems about it operating

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there, although it is true that the business has operated there for some years. I did ask Mr Enright, the chair of Ainslie Village, some time ago to put a stay of execution on an eviction order. At the same time the Megalo arts and crafts centre were also told that they would have to leave. Mr Enright agreed to do that. That period is now coming towards an end. Yesterday Mr Horsham, the general manager of the Housing and Community Services Bureau, wrote to Mr Enright saying that, although we do not have power to require this, we requested that CWC be provided with sufficient time to locate new premises before they were evicted from the village site.

Members will be interested to know that Megalo have in fact moved out. They had similar lease purpose problems. They have been relocated into new premises, and apparently that is quite satisfactory. We have had an interim response from Mr Enright which has said that his understanding is that nothing would happen until well into September. I think that gives some time for further discussion. The Government understands the difficulty that Ainslie Village is in, in that it has a business operating contrary to the lease purpose clause - which is, on material that they have given us, causing them some problems with insurance and so on.

The Government cannot turn a blind eye to a breach of the lease purpose clause. On the other hand, we are very conscious of the fact that that business has been a useful employment generator. It is currently employing an apprentice, a woman who is in the first year of her apprenticeship. We would see the best outcome in that business successfully relocating, continuing with its good employment practices and continuing to generate activity. As to the problem of the lease purpose clause, we have an assurance that nothing will happen imminently, and we will continue negotiations with Ainslie Village, although at the end of the day they are the lessee and we have no power to direct them.

Hotel Dickson Site

MR LAMONT: My question is directed to the Minister for the Environment, Land and Planning. Minister, I have noticed from recent press reports that there is a proposal to redevelop the former Hotel Dickson site. I understand from some of those press reports that what is being proposed is a fifth petrol station to operate in the Dickson area. If that is correct, will this have a detrimental impact on the Dickson shopping centre?

MR WOOD: Madam Speaker, there should be no surprise, of course, that this area is being redeveloped. The hotel was knocked down about four years ago. Perhaps I should detail for the Opposition the long planning processes that are required in this town. More than one step must be taken to change the use to which that site can be put. It is certainly the case that an earlier decision would enable more service stations to be located in Dickson. In October 1988 the NCDC amended its planning policies for service stations by removing the provision for a maximum on the number of service stations that could be located in particular areas. This was consistent with the view expressed at the time by the Prices Surveillance Authority that increased competition would lead to benefit consumers. So you can have in Dickson or anywhere else more service stations

than were originally permitted. Shell has the site in question, and they propose to move their existing station at Dickson to the new site. So there will be no additional service station in Dickson. Indeed, I understand that Shell propose to seek variations to their existing lease there so that their existing service station can have some other function.

Non-Government School Funding

MR CORNWELL: My question is also addressed to Mr Wood, wearing his hat of education. Mr Wood, is it your intention to table in this Assembly the report of the inquiry into funding of ACT non-government schools, known as the Berkeley report, so that the matter can be debated? If not, why not?

MR WOOD: That is a good question, Madam Speaker. There is no reason why I should not. I have not taken those steps so far. You would have caught up with the fact that, as soon as I received it, I authorised it for public release; I did not sit on it. It is freely available to the community. There is nothing stopping you raising any debate on it tomorrow - nothing at all.

Mr Humphries: Isn't that your job? You are the Minister.

MR WOOD: Let me make it quite clear. Sometimes people such as your Government have sat on reports. I put that report out publicly straightaway. They seem to be making snide remarks behind you about how I do not want it in the Assembly. You can ask any question, you can raise any debate, - based on that report. There is nothing stopping you. If you lack the initiative to do it, it is your responsibility, not mine. Nevertheless, since it was a report commissioned by government, I think it is probably a reasonable thing that I should table it formally, and I will do so.

Water Fluoridation

MR STEVENSON: My question of Mr Connolly concerns the corrosive properties of the fluoride compound that is added to water supplies. Has any testing been carried out for possible corrosive effects on steam and hot-water utilisation equipment, boilers, steam-heating radiators, auto radiator systems, et cetera? If so, what results, if any, have come out of that?

MR CONNOLLY: I thank Mr Stevenson, who some time ago gave us an indication that he would be interested in this issue. Fluoride at the concentration of one milligram per litre - which is the concentration which the Assembly has finally settled on, stopping our "in again, out again, in at half the price, back in again" approach of the past - is a concentration which is very stable. The advice that I have from ACTEW engineers is that it is chemically non-reactive with the materials used to make the equipment that Mr Stevenson has mentioned and is not known to engineers in ACTEW to cause problems.

Fluoride is not used up in the water supply system, which is demonstrated by the fact that samples analysed at the treatment plants give the same concentration as those at the extremities of distribution. In other words, the fluoride remains present in the water and is not being pulled out and plating somewhere.

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Unfortunately, people who have problems with their hot-water system or their radiator system because over the years it has become corroded and has a build-up of all sorts of substances may blame fluoride. In fact, it is other chemicals which are present in the water supply naturally. There is heavy mineralisation caused by certain forms of minerals in the Canberra water supply. It is simply a consequence of the geological distribution of rocks around the area. So the short answer, on the best advice that is available to me, is that fluoride does not cause the problems that Mr Stevenson refers to.

Armed Robberies

MR HUMPHRIES: Madam Speaker, my question is directed to the Attorney-General. I refer the Attorney-General to the claim he made in the *Canberra Times* of 21 July that the Liberals were "simply wrong in saying that armed robberies had increased in 1991-92 over the previous year". I remind the Attorney-General that he told this place on 21 May this year that there had been 30 armed robberies in the 1991-92 year thus far. I seek leave to table - I have shown it to the Minister and I think he has a copy now - a list of seven armed robberies reported in the ACT media between 21 May and 30 June 1992. I also seek leave to table an extract from the 1990-91 annual report of the Australian Federal Police showing a total of 36 armed robberies in the ACT in 1990-91.

Leave granted.

MR HUMPHRIES: Thank you, members. I table the following papers:

Armed robberies - Period 21 May 1992-end June 1992.

Policing in ACT - Appendix 3 - Offences reported or becoming known in the ACT in 1990-91 - Table.

I ask the Minister: Does he agree that, even under a Labor government, 37 is one more than 36; and, if so, will he either explain which of the reported incidents in June of this year were figments of the fevered imagination of journalists in this town or concede that in fact the Liberal Party is right to say that armed robbery in the ACT has increased?

MR CONNOLLY: Madam Speaker, I take my advice on these matters from the police rather than from counting press clippings, which is what Mr Humphries seems to do. Certainly the advice that I had from the police up to that time was as I have stated here, and I could provide Mr Humphries with the police briefing that gave those figures, if required. However, all of the figures are now open to some question - not because of this, but rather because the police have been going through a substantial reaudit of their method of counting armed robberies and their method of compiling statistics. They are now indicating that the 36 - the figure reported in the annual report for the previous financial year, which is the period of the Liberal Government - is probably 40; and they are now indicating that the figure for offences for the last financial year is probably 42. The new police figures - and they are still fiddling around with them - would indicate that last year there were two more than in the previous year, although both figures are substantially different from the figures that I have been quoting to the Assembly.

The 1990-91 base, which I think we had all assumed was 36, I am now told was 40. The figure which I had been relying on, which was in the low thirties, I am now told was 42. I have asked the police to be absolutely certain that they are right on this, because it never inspires confidence when the base changes. But I am told that there is a reasonable explanation for that. In the 1990-91 financial year the police went onto a new computer system of compiling statistics, the COP system. When an incident is reported to the radio room, an officer keys in the offence. Later the officers who investigate it will make sure that it is the same offence as reported. There are from time to time differences in the nature of the offence reported.

It would appear that when the annual report was compiled they were looking at one end of the system, which indicated 36 for that financial year. Now that they have gone back and checked on the other end of the system they are saying that it is 40. They are also saying that it is 42 for last financial year. I will table those figures when we are, finally, absolutely certain. Next year's annual report will contain a corrigendum to show last year's annual report figures. The bottom line, on the best advice that is now available to me, is that there were in fact two more armed robberies in the 1991-92 financial year than there were in 1990-91.

Obviously one is one too many, but the point that I have been striving to make over the Liberal Party's protests here is that people should not be whipping themselves into a frenzy about armed robbery. This city remains a very safe city compared with other areas. Indeed, what is most pleasing, Madam Speaker, is that the clear-up rate remains very high in the ACT. The danger to the public interest with the Liberal Party seeking cheap headlines in this sort of area, of course, is that it creates an impression that this community is some sort of soft target for armed robbery. The point that we have always been making is that we have not only a low incidence but also a high clear-up rate, which in fact indicates that this is a harder target than other areas of the community.

Mr Humphries: It is less than 50 per cent. That is not particularly high.

MR CONNOLLY: It is a damn sight better in the current financial year than it was - - -

Mr Humphries: That is no excuse.

MR CONNOLLY: Mr Humphries wants to attack the AFP by saying that their clear-up rate is not good enough. It is considerably better than the clear-up rate in the major capital cities. It is far less in New South Wales, where the Liberal administration has gone through cycle and countercycle of crime prevention. Under the "let's get tough on prisoners" approach that Mr Yabsley presided over while he was Minister with responsibility, New South Wales has a far higher incidence and rate of armed robbery and far lower clear-up rates. So this community remains a safe community despite the shots of the Opposition.

Ms Follett: Madam Speaker, I ask that further questions be placed on the notice paper.

PAPERS

MR BERRY (Deputy Chief Minister): Madam Speaker, for the information of members, I present the following papers:

Department of Justice and Community Services - Financial Statements for the year ended 30 June 1991.

ACT Government Law Office - Financial Statements for the year ended 30 June 1991.

BUILDING INDUSTRY Discussion of Matter of Public Importance

MADAM SPEAKER: I have received a letter from Mr Stevenson proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The need to support a productive and viable building industry in the ACT.

MR STEVENSON (3.12): First of all, I intend to talk about residential building, not commercial development, although both are vital to the ACT and certainly to our economy. The industry is worth between \$300m and \$400m a year, with tremendous potential for employment. Some 2,000 to 3,000 homes will be built in the coming year in the ACT. I raise the matter because I think we can take some steps that would reduce the cost of homes - that would benefit us all - reduce the time for building homes and increase employment in the industry.

I give some examples to explain this. There are a lot more that could be used; but time, of course, would not allow me to mention them. I mention first of all the fees for various permits in the industry. Fees are required to be paid for design and siting approval, plan approval for building and sewerage and permit approval on housing indemnity insurances. These permits are usually required from several different places. Perhaps it would be advantageous to the industry and to us all if it were possible for permits to be available from one place only, or, indeed, if only one fee were paid and then the relevant department collecting that money disbursed it to various other government organisations.

I give one example of permit costs. If you build a house for \$100,000 you are required to pay X amount of dollars. If the sum goes to \$200,000 the payment is 2X, and there is an additional fee, called a scaffolding fee, of over \$100. That would be fine if scaffolding were involved, if a permit were required and the scaffolding had to be supervised. But that is usually not the case, because you may have no scaffolding at all. There is also a requirement to fill out a lifts and scaffolding form for residential buildings, even though it is highly unlikely that a lift will be required and very rare for scaffolding to be required. So fees may be charged when they are not necessary. Let us not have a lifts and scaffolding form unless the actual building is going to have lifts and scaffolding.

Another point, as far as costs go, is that if you build a \$30,000 extension to a home the fee is the same as it would be for installing a log fire in a lounge room. There could be some differentiation there. In the old days, a builder could book an inspection by telephone. Now, the requirement is that the builder either fax the information or visit the particular building section between 8.00 am and 4.00 pm.

There are some problems with this. It is not common for builders to have faxes with them on site, although these days it is common to have a telephone, whereas once it was not. It would be particularly advantageous if the builders could now book inspections by telephone. Someone working at Palmerston would have a 40-minute trip into and out of the city to arrange an inspection. The inspection has to be arranged at least three hours before the inspection time, and that could mean that a builder has to come into the building section by 1.00 pm to book a concrete inspection for the following morning. Many of these builders obviously start at 6 o'clock in the morning, but the section does not open until 8 o'clock. It may not be convenient for the builder.

Also, there appears to be some inconsistency in these regulations. It would appear that some inspectors say, "I understand that three hours' advance notice may be a problem. Just come along, and we will see whether we can fix it up immediately". There are two possibilities: Firstly, that it is not required or, secondly, that it is. I think that could be ascertained. One example of what goes on at a building inspection on site is perhaps worthy of note. There is a vibration of concrete requirement which is fairly new. Prior to its introduction, it would appear, there was not fair and adequate consultation with the industry. That is borne out by the fact that most people do not, or did not, know about it.

I have been informed that that particular requirement to vibrate concrete in slabs is not required for residential buildings. I have been told that overvibration could damage the slab integrity. Also, someone who is not well trained in vibrating concrete could puncture the membrane associated with the slab. So, even if the vibration of concrete were a requirement, it would be beneficial to builders if some training were carried out prior to this happening, so that they would know exactly what is required. It would appear that there are a number of situations in which increased training would be beneficial.

I feel that the HIA and the MBA could be even more involved in training builders within the industry. I think a very beneficial idea would be for those who set the regulations to work with professional organisations such as the Institution of Engineers, the Australian Standards Association, the Cement and Concrete Association and others that can supply wonderful knowledge in relation to building. If we did more in that area, I think all people on both sides would benefit. I think what it really comes down to is greater consultation. Prior to the implementation of regulations, builders should be informed of them so that some builders do not continue building under an earlier code, but those who have had random inspections now have to build under a new code.

There are some questions that I feel are relevant to building inspections. We understand that buildings need to be structurally sound; we need affordable buildings; and we need a profitable and time-efficient industry. It was mentioned in the media not so long ago that 330 inspections had been done, and there was some suggestion that all 330 had failed. I would like to know how many inspections were done and how many failed, and I would like to see some itemisation of the characteristics and faults divided into their relevant areas. I think it would be useful to find out what tests were done in these areas and what were the results of those tests. I understand that one of the tests involved the pushing of a 10-millimetre or 12-millimetre steel rod into subgrade underneath the slab area. There is a specific series of questions here. Is that test covered by an Australian standard? Could such a test damage plumbing or other services underneath the subgrade?

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One final point that I will raise is that I understand that a hotline was set up not too long ago for Canberrans concerned about building matters. It would be useful to find out how many prospective home purchasers contacted the hotline with problems. If problems were reported, what remedial work was recommended and carried out to rectify the problems? I certainly do not seek to blame anyone. I think there has been some slight tendency in the media recently to paint a bad picture of the building industry. We all understand that it is not correct. There are some problems, but they are caused by a very small minority of people within the building industry. Indeed, most people within the industry would like to bring those people into line because all they do is give the industry a bad name and undercut pricing when they are not going to do the job properly.

As I said, I raised the matter of public importance with some clear intentions: To see whether we can get better consultation between the building industry and those making the regulations; to use the professionals within the building industry to help form regulations; to streamline permits and the cost of permits within the industry; and to improve the booking of building inspections and such things. I think there has also been a slight concern from builders that the random building inspections might intimidate builders. I know that that is not the case and, once again, I think this would be resolved by having better communication with builders.

I have been along to many of the HIA nights when they have had representatives of regulatory bodies in the ACT talking to two or three hundred members of the building industry. I commend that activity. Those who are responsible for regulations, like ACTEW and others, have done a wonderful job in presenting viewpoints and asking how they can assist the builders. If we have a bit more of this, it might help the building industry in the ACT; it would certainly increase employment; and perhaps it would reduce some costs.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.24): I must commend Mr Stevenson for raising what truly is a matter of public importance here this afternoon. It is one of the few times that I can say that I completely agree with everything you said, Mr Stevenson. In particular, one of your proposals, of getting closer liaison between the industry and the regulators in relation to training, is something that we touched on in a meeting in my office yesterday with officers of the HIA, the MBA, the union representing building inspectors, and the Building Controller, to which I referred in question time yesterday. We are exploring the possibility of running a few trade nights, similar to the ones we have done with ACTEW, with the industry and building controllers.

I will get to this in a more logical order later; but most of the faults that were detected in that now famous random audit were fairly minor technical ones which probably came about, as much as for any other reason, from a lack of familiarity with, and understanding of, the codes of practice and what is required by the Act. Beyond letting the industry know precisely what is required, there is also a benefit in getting the industry and the inspectors together to get some understanding about how the Act is interpreted, so that the degree of leeway in either direction is well understood. The suggestion that Mr Stevenson said is a way forward is something that we have in hand, and I am confident that there will be some good outcomes.

The importance of the home building industry to Canberra cannot be overstated. The industry is based on confidence. That is why we were so concerned when the results of that random audit became public. We had ordered the crackdown. We had ordered a substantial random audit because we were concerned about rumours that were circulating in the industry, particularly through the trade union movement, that some standards were not being applied as they should be. Having responsibility for the administration of this Act in the final analysis, I was not prepared to ignore those rumours. I wanted our people to go out and check. That was how that report came to be prepared.

The industry is booming at the moment. When I said that during question time yesterday there were some howls of derision from members opposite, so I thought I had better bring the figures in. In the 1990-91 financial year 1,357 new residences were approved by the building section. In the year ended 30 June 1992, the 1991-92 financial year, in which this Labor Government was in office, there were 3,183 approvals. That is an increase in activity of 134 per cent, Liberal members. Members would recall that at the time of the last budget we provided some significant stimulus to the industry by way of expanding the Housing Trust program. That came at a time when the industry was at a low. Since then it has boomed.

Another significant figure here, Madam Speaker, is that the total value of building permits in the residential area in this last financial year was \$391m, compared with \$287m the year before - an increase of \$104m or 36 per cent. Again, it shows that Mr Stevenson is right; this is a vital matter of public importance because we are talking about an industry that in the last financial year generated just under \$400m worth of activity in the ACT. It is an industry that is clearly volatile. Those dramatic swings in the right direction, dramatically upwards at the moment, show that, if the public loses confidence, it could just as easily swing in the other direction; we could just as easily lose \$100m worth of activity and all the jobs that go with it.

There have been some suggestions that the random inspection system has led to slackness or that inspections are not being carried out often enough. Again, the yearly comparisons show that in the last financial year some 16,464 inspections were carried out, which was an increase of 3,232 or 25 per cent on the number of inspections carried out on residential properties in the previous financial year. So, the inspectors are out and about. They are not inspecting at every stage of the process. It would be extraordinarily expensive to return to that system which operated in the early years in Canberra. It was almost based on the premise that builders are going to cheat, that you need an inspector present at every stage. We should be able to assume that the industry is not going to cheat. After all, it is the industry's bottom line that is at stake. If the consumer loses confidence in the industry, the industry loses its customer and its profit. The random inspection system provides a vital check, so that the industry has to be on its mettle and ensure that it complies with standards, in a sense voluntarily, with the sanction being that an inspector could turn up at any stage.

In the report there was a reference that some inspectors felt that they were under pressure not to detect faults and that if they detected faults they would not have support. I have made it abundantly clear that the Government fully supports inspectors who detect faults and who require them to be remedied. Often a stop-work notice or a demolition order is the most effective sanction - to say, "You do that again", if it is structurally unsound - and it is clear that the Government supports it.

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What was significant from discussions yesterday was that it has also been made clear that the Housing Industry Association and the Master Builders Association also support the inspectors properly exercising their powers because, again as Mr Stevenson said and as the MBA and the HIA will say, the few shonky builders put everyone at risk. The industry is quite prepared to be openly supportive of the inspection service and say, "We expect you to crack down on any shonky work. If anyone does shonky work, you make them do it again, report them and potentially take action against their licence".

I can assure the Assembly that that will continue and that the problems that had occurred were not intrinsically the fault of a random inspection system. A random inspection system that has the confidence of the industry, which I am sure it now does, and in which the inspectors are confident of government support at the highest levels, which they clearly now are, can work. I suspect that the problems occurred in recent months partly as a result of that massive upswing in building activity. Although we had increased the number of inspections by 25 per cent, the number of plans lodged for approval had jumped by 134 per cent.

When an industry is on the upswing, unfortunately some of the shadier players can get back into it. When the industry was going bad and when it was at a very low level, a lot of people were forced out of it, and people who had a reputation for quality tended to stick around. People can sneak back into the system while it is booming. The HIA and the MBA are very conscious of that and are very determined to insist that higher standards be applied. We have the matter in hand to remedy it by way of the crackdown, by getting the industry cooperating and, as Mr Stevenson suggested, by getting better training running - not at a formal level through TAFE or any of the institutions, however fine those institutions are, but by way of trade nights and cooperation, one on one, directly with the industry.

I am able to reassure the Assembly and the community that those 330 inspections that formed the basis of the audit, which showed us that there was a problem, did not reveal that it was a problem that goes to the structural integrity of houses. Ninety-five per cent of those 330 dwellings that were inspected were found to have some form of non-compliance with the regulations, but overwhelmingly they were small and of little or no structural significance. Detailed records of each inspection were not kept because it was by way of an audit. Most of them were minor problems that were able to be resolved on site with the builder. The inspector was able to tell the builder what the problem was, and it was remedied there and then; but it was still worth recording as non-compliance in order for us to see the level of compliance.

In more serious cases there were written directions to carry out remedial work, and a copy of those directions for each site has been placed on the relevant building block and section file as a permanent record. In relation to a spec-built house, that will become apparent when a person purchases that house. The solicitor or conveyancer, if the law is changed as the Labor Party would like, will check that file. Checking the building file is a standard part of conveyancing, and that will become clear because there is that record. If a person who rang the hotline was one of those, we would have let him or her know. I am advised that,

of the 70-odd calls that we have had, we have not had any relating to any one of those houses, which is not surprising, Madam Speaker, because these houses were under construction in that last month and in most cases are not yet even to the final fit-out stage, let alone being offered for sale.

The most common problems encountered were incorrect use of wet area plasterboard and failure to waterproof shower recesses correctly. A new product which is on the market is a form of gyprock for wet areas. In the past something like Hardiplank or Hardiflex has had to be used in wet areas; but there is now a gyprock product for wet areas, which is sound for moisture but you have to seal it very carefully because the inside of it is just the gyprock plaster. It would appear that the industry is not quite up to speed on the use of that product. If we continue to detect faults with it, we have in mind banning it. Used correctly, it is perfectly sound; but if there is any minor fault moisture can get in and undermine the integrity of the product. So, we are looking at it very carefully.

Inadequate or reactive clay under the footings was another problem, as was inadequate compaction, to which Mr Stevenson referred. They were often tested by that method of putting a rod into the soil. That is not an Australian Standards approved testing method; it is more a subjective one that is used by experienced surveyors. The report was compiled by a building inspector who has trade qualifications, a clerk of works certificate and more than 20 years' experience in the building industry, with a substantive classification of technical officer grade 4. So, one of our more experienced inspectors did it. While it is true to say that prodding it with a rod is not an approved standards test, it did let us know that we have reason to be concerned about the way people are dealing with those slab underfloors. Again they can be dealt with most effectively by better education.

Madam Speaker, Mr Stevenson's point is a very valid one. It is a significant industry, as shown by the level of increased activity. Any threat to standards in the building industry is a threat to the entire ACT economy. We became aware of the potential threat; we conducted the audit; as a result of the audit we have got the industry together with the regulators and are setting about ensuring that it will not recur. In relation to other threats to the construction industry, Madam Speaker, it would be remiss of me if I were to sit down in this debate without referring to the article in the *Financial Review* of yesterday's date, which details the enormous threat to the construction industry by the goods and services tax. The article refers to Dr Ron Silberberg of the Housing Industry Association saying basically that, if you do not exempt the home building and construction sector from the goods and services tax, it will be a massive blow. He said that they have been talking with the Opposition to secure such an exemption, but that if you exempted it from the goods and services tax it would leave a \$2.5 billion funding hole in that Fightback package.

Madam Speaker, Mr Stevenson is right in saying that this is a vital industry. A threat to confidence in the industry could have been a serious blow. We responded to that in a manner which I am confident will be satisfactory. We will keep it under close scrutiny. It is an industry which, at the moment, is booming in the ACT. It has expanded by 134 per cent in the first year of this Government. But it would appear from the article in yesterday's *Financial Review* that it would be put under extraordinary pressure should this goods and services tax apply to every product going into the home building sector.

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MR DE DOMENICO (3.37): Madam Speaker, I rise also to agree with the majority of what Mr Stevenson said and, until the end bit, the majority of what Mr Connolly said. Just to be a bit glib, Madam Speaker, any problems that Dr Silberberg has perceived under a goods and services tax would pale into insignificance compared with what he knows will be the problems if Senator Cook's independent contractor issue is not resolved. Let me say how important the building industry is. I think all members of the Assembly would be aware that we are told that each job in the building industry tends to create two or three jobs in the peripheral industries that supply it - architects, designers and everything else. So, it is a very significant industry not only Australia-wide but also, in particular, Madam Speaker, in the ACT.

It is perhaps a pity that we tended to restrict our conversation to the domestic area, because whilst the housing area is booming - there is no denying that - we need to put that into perspective. The leading indicators point to another surge in house building activity in the ACT. Obviously, the fact that interest rates have plummeted over time has a lot to do with why that industry is booming, together with the fact that there has to be a demand for housing before the industry can boom. So, for any government, of any political persuasion, to say, "Listen, the only reason why the housing industry is booming is us", is perhaps stretching it a bit too far. Lending commencements for new housing rose strongly, as I said before, in the early months of 1992. On the basis of those figures, Madam Speaker, the ACT house building sector should be humming, but outcomes will depend on sustained growth in demand. That is the important factor. Although over a two-, three- or four-month period there happens to be a surge, unless that growth is sustained we cannot really say that any industry is booming.

Unfortunately, though, Madam Speaker, there is no comparable recovery in non-dwelling construction in the ACT, and there will be no improvement in the immediate future. Whilst people are talking about what Federal policies may or may not do from time to time, let us repeat the situation: If the Federal Government really wanted to help the people of the ACT they would first of all allow Mr Wood to have the \$13.7m for which he has asked from the better cities program. There are a lot of things that the Federal Government can do in Canberra to make sure that our vital building industry is enhanced.

Mr Kaine and others on this side of the house - and, I must also say, on the other side of the house - have mentioned from time to time things like the BMR building, the Taxation Office building, the Museum of Australia, and the refurbishment of the old Parliament House, to mention a few. In this Assembly yesterday the chairman of the Planning, Development and Infrastructure Committee, Mr Lamont, suggested that the committee is recommending to the Government a 15 per cent increase in the public works program. That recommendation's acceptance will enhance the plight of the building industry in the ACT.

But problems exist in all private sector industries, and there are a lot of things, once again, that governments, both at a local level and at a Federal level, can do to alleviate them. Both Mr Connolly and Mr Stevenson - Mr Stevenson in particular - alluded to the plethora of paperwork required by every small business in order to comply with a myriad of government regulations. We talk about workers compensation and occupational health and safety. A plumber has to fill out all sorts of forms before he can get onto a building site. Apparently the forms have become more complicated as days have gone by.

The other thing that needs to be mentioned is that a lot has been said from time to time about the ethics of our home building industry. I congratulate the Housing Industry Association for the swiftness with which they said, "Yes, we do want to weed out those few bodgies who exist from time to time in any industry, because they tend to give the industry as a whole a bad name". I think all members of this Assembly would agree that we would try to eradicate the bodgies from any industry, so the Housing Industry Association needs to be congratulated for that measure. They also need to be congratulated for alluding to the fact that a lot of the people involved in our building industry have non-English-speaking backgrounds. Apparently the Housing Industry Association now realises that perhaps some of the information that goes out to these people ought to be in community languages other than English. Once again, that is something that needs to be applauded, because we are all aware that there are a lot of people in this industry whose mother tongue is not English. So, for a number of reasons the Opposition is quite happy to stand up and say, "Yes, this is a very important industry in the ACT. It will continue to be one of the most important industries".

One thing that comes out loud and clear is that most of the people involved in the building industry on a subcontract level desire to remain small business people. They do not want to be deemed to be employees and be subject to the Industrial Relations Commission or anybody else. They are quite capable of setting their own standards, wages, salaries and conditions in such a competitive industry. One thing that we have to realise as soon as we start to attempt to wipe out competition in the industry is that that is when prices will really start to rise. The Housing Industry Association, for example, has estimated that subjecting subcontractors to the Industrial Relations Commission net could - and I say "could" - increase the cost of housing by up to 15 per cent. That is something that perhaps all of us, no matter what side of politics we tend to support, would look at askance. I think the housing prices in Canberra tend to be higher than anywhere else, mainly because we have higher standards. That is a good thing. But we do not want them to go through the roof.

So, for all those sorts of reasons, Madam Speaker, anything that we can do in government and in opposition to alleviate the paperwork and the complications that exist in any area of small business, and at the same time anything that we can do to reduce the cost of labour, obviously means that more people will be able to be employed. The housing and construction industry as a whole is a big employer in this town. We ought to be doing all we can to enhance it and, as I said before, with vigour. I think the members of the Government ought to be making strong representations to our Federal representatives to make sure that the Keating Labor Government, in its last months in office, looks after the building industry and other industries in the ACT.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.44): Madam Speaker, I certainly agree with the gist of Mr Stevenson's motion - the need to support a productive and viable building industry in the ACT. It has been extended a little beyond that and, with your tolerance, I will also extend it because it becomes a debate about housing. It is probably appropriate, bearing in mind the debate that we had earlier this morning about urban renewal, that we carry on some of those themes. I want to use those words "productive" and "viable" to talk about house design.

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While Mr Stevenson focused on the technicalities, the construction side of it, there is an equally important side, and that is design. The designs of houses that have been built in Canberra are simply not good enough. I should make it very clear that some of our designs are amongst the best in Australia, and we have some Australian, if not world, leaders in design operating in this town. I have presented awards for the Master Builders Association, and the Department of the Environment, Land and Planning has sponsored awards for good design. But the leaders are too few, and those who are building inadequately designed homes are too great in number.

To use a well-used cliché these days, there are too many north facing double garages. I am sure Mr Kaine does not have that problem in his new location. It seems that too many builders simply disregard the sun. In this city, which is one of the coldest in Australia but which also has more sunlight than most cities, it seems that we have not put those two factors together to use the benefits of the sun to diminish the problems created by the cold. When I recently drove around Lake Tuggeranong this fact was driven home very strongly to me. Particularly on the far side of the lake it is evident that the designs take no account of the sun. Just as surprisingly, they do not seem to take any account of the lake. It is as though neither the sun nor the lake existed. I find that surprising. We have to take steps to change that, difficult as it may be. I have in mind - I am sure we all do - that the new town area of Gungahlin will have new concepts in building. I have often said that no longer should we have this disregard for sun, but I am afraid that it seems that we need a considerable lead time before we can be sure that the design in Gungahlin is appropriate.

There is an additional problem attached to this, and that is the medium density housing that we are building - so much of it, but not the entirety. Medium density living is now very popular with Canberrans; a very large percentage of our people opt for it. Yet so much of the medium density building design is unsatisfactory. To start with, it is ugly. It does not look good; it does not sit into the environment well, and certainly it does not take the sun into account, as I have indicated. Some of the new medium density units that I have seen are appalling, and I say with some regret that I appear to be making no ground in convincing a great number of builders to change their styles.

I may have the same problem as Mr Crowe of the HIA with respect to informing his builders about the technical requirements. There seems to be a communication gap here. While he is interested in informing them as to the technical requirements, I am interested in telling them about the design requirements. They are simply not aware of that. I emphasise that these are not statutory requirements that I am talking about. These buildings that I am criticising have all been approved under existing design and siting guidelines, and they have been approved by the Building Controller. I am talking with the Chief Territory Planner about whether we can change design and siting, and maybe we can do something about better design. This inadequate building follows all the requirements, and they are setting their own standards, which was a point that Mr De Domenico made about other matters.

I am not getting the message through. They simply have to understand that what has been satisfactory in the Territory for a number of years is no longer the case. In the end it is the home buyer who is missing out, who is getting a house that is less than adequate. I think the problem became considerably worse when the Federal Government changed the system of land development in the ACT. There

was a time when, after surveying the maps and going out on site to see what was there, the ordinary ACT citizen went along to the Albert Hall and bid for a block of land; by so doing, they had a commitment and an attachment to that block of land. That system does not apply now. Nowadays, most houses - I am not sure of the percentage, but it is the great majority - are spec built. You go out there and the house is on the land for you, so you are not involved in the design. When you buy a house you are not involved with how that house looks. I think it has got away from us, and it has resulted in quite poor building design.

That is one of the factors that have induced the Government to revert, over a period, to the system whereby the Government manages the land development program or a substantial part of it. We want people to have the opportunity again to bid for their blocks of land, as much as we want the small builders also to have the opportunity to bid for land on which they can put houses. I think the spec building industry in Canberra has very badly affected the quality of homes.

Along with Mr Connolly and the HIA as they endeavour to convince builders to follow certain standards, I am using this opportunity to try to get the message to builders in Canberra that they must change their ways; there are better ways of doing it; there are better ways for energy conservation; there are better designs for home buyers and the quality of their living. It is important that things change, and I will keep pressuring the building industry to see that they do.

MR KAINE (Leader of the Opposition) (3.53): I do not intend to speak at length on this subject, but there are some comments that I would like to make in connection with it. The first is that, until the third speaker got up to address this question, I thought Mr Stevenson had put a wrong title on it. Up to that point I would have more properly described it as the government administration of building standards, which is a long way from what is on the daily program - the need to support a productive and viable building industry.

Fortunately, Mr De Domenico and now the Minister have brought the debate around to what I thought it really was about. There is no doubt that compliance with building standards and the administration of them is very important, but it is by no means the totality of the building industry. Mr De Domenico and the Minister have broadened the debate somewhat, and I think it could be broadened even a bit further.

On the question of supporting a productive and viable building industry, Madam Speaker, I think the clear intention is that the Government should support it. I do not know who else would, because buyers support it by the simple act of buying a house in which to live. So, the question is: Where should this support come from? From the debate, I think what Mr Stevenson meant and what other people have interpreted this to mean is: What should the Government be doing to make sure that we maintain a productive and viable building industry?

In that connection, I am rather interested that people spring up and justify themselves by quoting statistics. I was very interested that Mr Connolly got to his feet and started quoting approvals for residences. He quoted figures for the last two fiscal years. I would submit that those statistics are totally irrelevant. What I would like the Minister to have done is to produce the statistics of residences

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actually completed. That is totally different. The figures would bear no relationship to the annual approvals because the Minister for planning and development told us only this morning - I think he confirmed it - that there is a continuing need for around 3,000 to 3,500 new residences every year. To that extent, the building industry is in a stable state. Three thousand to 3,500 new residential units have to be built every year.

Mr Connolly: But there were not when you were Chief Minister. Only 2,500 went for approval.

MR Kaine: We do not know, because you have never told us how many were actually built. The fact that 1,357 approvals for new residences were issued in a year says nothing about how many residential units were actually built in that year. There must have been 3,000 to 3,500 because we have known for at least the last five years, according to the demographic projections and the growth rates of population and the like, that that has been the annual need, and it has not changed. The Minister confirmed it this morning; it continues and into the foreseeable future will continue as a demand rate, that every year 3,000 to 3,500 residential units will be required.

Mr Wood: It jumped a couple of years ago.

MR Kaine: Yes, it jumped from about 2,700.

Mr Wood: Less than that.

MR Kaine: No. I can quote figures, too, and I have been the Minister too, do not forget. I do understand, Minister. The Planning Minister who preceded the one we have now did a far better job with this than the one we have now. I am very interested in the fact that the Minister for Urban Services does not tell us how many residential units have actually been built in any year, and I doubt whether he can tell me.

Mr Connolly: Building approvals is the statistic that is used in the national accounts.

MR Kaine: He is trying to talk me down, but I doubt whether he can tell me how many units were actually built last year or the year before. I found it very interesting. I have a long association with this. I remind members that I have been a member of precedent bodies to this one since 1974. The only person in this chamber with more experience is Mr Cornwell, and the only reason that he has more is that I was out of the country for four years and he continued to serve. In all of those years, as long back as I can remember, the Federal Government used to say, "We are planning so many housing starts this year", and at the end of the year we would say, "How many did you actually finish?"; but nobody could tell me, over the last 20 years, how many have actually been finished in any year.

This Minister cannot tell me either. He is too busy telling us how many were approved, because he thinks that those statistics give him an edge. They do not. People do not come in and ask for approvals to build houses just because Mr Connolly is the Minister. If he really thinks that, he is fooling himself. Let us have some real figures about actual building activity. That is the crunch.

In connection with that matter, Madam Speaker, we should broaden the issue because the building industry, the housing industry, does not operate in isolation. It is a part of a bigger industry which I suppose we could call, in an all-embracing term, the construction industry. Whether or not there is a continuing industry of housing with some stability in it depends also on what is going on outside of it because there is a work force which flows backwards and forwards. If there is no work in the construction industry - that is, building big office blocks, roads, bridges and the like - subcontractors, who are carpenters, electricians, plumbers, concreters and the like, tend to migrate to the housing industry. Suppliers of raw materials, electrical appliances and the like do the same thing. There has been an interchange for fabricators who put together things like window frames, roof trusses and the like. So, you cannot divorce the broader industry from this small element of it which you might call the housing industry. What the Government does about stimulating the whole industry reflects in whether or not you have a stable, productive and viable housing industry. It does not just sit there in isolation from everything else.

Madam Speaker, I have only one other comment that I would like to make. Today two Ministers have talked about the Fightback program and the effect.

Mr Lamont: The "frightpack".

MR KAINE: No; I can spell it, and I understand it. Mr Connolly talked about the increasing costs in connection with the building industry because of the GST. He needs to understand that, before the 15 per cent GST is added to the costs of the building industry, other taxes will be removed. I will quote only three - the wholesale sales taxes, the petrol franchise tax and payroll tax. When you add those up and take out those taxes, and then add a 15 per cent GST, you will see a massive net reduction in the imposition of taxes, which must result in a lesser, not an increased, cost.

So, when Mr Berry pretends to interpret the Fightback program, firstly, he ought to read it and, secondly, he ought to represent it honestly, not in some biased fashion. When he and Mr Connolly start talking about the resultant cost, they have to acknowledge the fact that there will be a massive reduction across the board in all forms of taxation, including, I might add, personal income tax. So you both will be better off under the Fightback program. Apart from the fact that your houses will cost less and everything else that you buy will, in the end, cost less, your income tax will be less as well. You will all be better off. Let us have an honest presentation of these facts, Madam Speaker.

MR WESTENDE (4.02): Madam Speaker, this morning we had a very interesting and, I think, positive debate about urban renewal. The matter that is now before us is not unrelated to that earlier debate. Mr Stevenson raised an important question, and it is deserving of some very serious consideration. Whereas this morning's discussion was about objectives and goals, this afternoon's discussion is perhaps more about what we can do to achieve those objectives. The more we grasp the great possibilities that lie before us, the more urgent it becomes to take action. The building industry, obviously, has a significant role to play in achieving the desired result of urban renewal or urban development - that is, good design, efficient use of materials, understanding of new building techniques, high standards of finish, environmentally friendly, energy efficient and socially acceptable.

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Mr Stevenson has spoken of some problems which could be fixed by the Government in order to make it somewhat easier and less costly for builders. We are talking here about regulation. Of course, it is not just government regulations that cause increases in cost; it is also the charges and imposts of a nature which increases the oncost of wages, which are added to labour costs such as payroll tax, workers compensation, superannuation levy, long service leave levy and others. Any reduction in any of these costs would materially help the industry as a whole and reduce the cost of the final product, that is, housing.

Let us not underestimate the benefits derived through the subcontracting system in Australia, which is the envy of the rest of the world. It makes for significant reduction in total cost. So, let us please keep the subcontracting industry the way it is. Firstly, builders will need to become familiar with the discussion on the new thinking and directions in terms of the enlightened approach now commonly emerging with regard to urban design. Builders must bring themselves up to date with this thinking. This is an important step for them and is not to be delayed. The Government could help them by issuing some guidelines, such as they do, for instance, about how to buy a house. This involves a question of training, research of materials and, perhaps more importantly, their interaction with related fields, such as landscape design, energy conservation and so on.

The second matter that needs attention is how the Government can assist the building industry by freeing up approvals and modifying regulations in keeping with design and materials. Mr Stevenson has spoken eloquently about those. The Government can also do something about kicking off new urban developments. It can free up the industry by eliminating payroll tax and the other imposts that I spoke of before.

MADAM SPEAKER: I believe that the discussion is concluded.

PERSONAL EXPLANATION

MR DE DOMENICO (4.06): Madam Speaker, my attention has been drawn to page 66 of the proof copy of *Hansard* of last night's deliberations on the Animal Welfare Bill. Some words I used in the debate last night were reported in the *Canberra Times* this morning. The particular words I used, about Mr Lamont, were, "Mr Lamont is probably on a promise". I can see how those words can be misconstrued to mean that I had suggested that Mr Lamont was on some sort of monetary or other promise.

Ms Follett: What else could it mean?

MR DE DOMENICO: I have not finished yet; just wait. I said to Mr Lamont that those words were an off-the-cuff remark; that I did not have any notes. The fact that they were reported in the *Canberra Times* is for Mr Lamont and the *Canberra Times* to sort out; but I withdraw any imputation on Mr Lamont's character that may have been seen in those words.

PRECEDENCE TO ASSEMBLY BUSINESS
Motion to Suspend Standing and Temporary Orders

MR WESTENDE (4.07): Madam Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent notice No. 1, Assembly business, relating to the appointment of a Select Committee on the Animal Welfare Bill 1992 being called on forthwith.

I would ask the indulgence and support of this house to agree to this request. If it is agreed to, I would like to move a motion circulated in my name. There are so many anomalies, so many definitions which lack clarity and so many amendments in this Bill that I believe that it would be best if we took note of my foreshadowed motion. We are generally in favour of animal welfare and we would like bipartisan support from this Assembly for this Bill. I believe that, if I can move my subsequent motion, some of the heat which may have been generated during the debate last night may be taken out of it. We might finish up with a Bill that is acceptable to all of us and that will benefit all members as well as all animals.

MR LAMONT (4.09): Madam Speaker, I rise to oppose the proposition. I believe that the extensive debate which was conducted in this Assembly last evening and the debate which I hope will continue this afternoon will adequately address the issues that have been raised. I believe that this is a further filibuster on the part of the Liberal Party Opposition in an attempt, once again, to confuse the issues. I believe that we should give short shrift to what is none other than a deliberate tactic to frustrate the processes of this Assembly. I seek unanimous support, even from the Liberal Party, to that extent. You must admit that the debate has been extensive. While it has been vigorous, I suggest to you that it is appropriate that we continue the consideration of this Bill that we commenced last evening and that we do that this afternoon.

MR HUMPHRIES (4.10): Madam Speaker, I know that Mr Lamont has a strong interest in seeing this Bill passed, and I might say, for that matter, that the Liberal Party sees great merit in having it passed as well. We are supportive of comprehensive legislation to enforce a high standard of public and private responsibility for animal welfare in this Territory. Let me put that very clearly on the record at this point in the debate. But I do not believe, nor does my party believe, that we are serving that goal if we enact legislation which, it could be said, contains serious flaws which may in due course cause confusion and perhaps even impede the proper administration of new animal welfare rules in this Territory.

What evidence do I have to support the proposition that this Bill may contain serious flaws? I think, Madam Speaker, that a number of questions have already been raised to which full and satisfactory answers have not been supplied. There are a large number of amendments before the Assembly already on this matter, not only from the Opposition. Some serious questions, some serious issues, have been raised which I believe need to be addressed. Only yesterday the chairman or the president of the ACT Racing Club raised issues of obviously serious concern to the racing industry in the ACT which I believe we need to face up to.

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It is all right for us to say that these things do not really matter, that we can sort them out in the wash or that somehow it is all going to resolve itself. That, I would suggest, is a course of action fraught with danger because we would be putting in place legislation that we are not really convinced will do the job, that in fact might have to be amended afterwards, and that is not a good way of proceeding. On the death knell of the Bill, when it comes forward for final resolution by the Assembly, when you, Madam Speaker, put the question that this Bill be agreed to as amended, we should all be confident that we have put in place the best piece of legislation to serve the interests of the Territory, and in this case the interests of animals in the Territory, that we possibly can. I do not have that conviction, and I do not believe that anybody in this chamber really has the basis for such a conviction.

There are concerns which we have raised and which I credit the Government with having accepted. There are amendments, as a result of those concerns, to clause 18 of the Bill, and I think clauses 81 and 83, and I thank the Government for its flexibility in considering those amendments. But I emphasise that those may not be the only amendments that need to be made to this Bill. If they are not, then we should consider whether we should be giving this Bill a little bit more thought than we have given it today. I have just had circulated another amendment from the Government.

Mr Stevenson: Hot off the press.

MR HUMPHRIES: Hot off the press. Frankly, there are problems with this Bill. I emphasise - and I make this commitment, Madam Speaker, on behalf of my party - that we are not opposed to animal welfare legislation and we will do our best to ensure, with other members of this Assembly, that there is legislation in force in this Territory by the end of this year, and hopefully well before that point. But we do not want to see, and I am sure nobody else in this chamber wants to see, potentially bad legislation. Let us get it right. This is a pretty complex piece of legislation. Let us let the best offices of the Assembly, namely, its much vaunted and, I think, highly respected committee system, have a go at this Bill and then consider whether we cannot in fact improve on its provisions.

MR STEVENSON (4.15): One of the major problems with the Animal Welfare Bill is to do with the racing industry. Though I do not believe that horses are mentioned in the Bill, obviously they come under the definition of animals. Clauses 7 and 8 refer to cruelty, although there is no definition of cruelty, and pain caused to animals. There is little doubt that sometimes in racing pain can be caused to animals. So from that point of view, if this legislation is enacted, it would mean that the racing industry is in contravention of sections of the Act. The interesting thing is that the definition of offence covers not only something that is done or omitted to be done but also something that will be done in future or that someone will have reasonable cause to believe will be done. So from the moment the Act is proclaimed it will mean that at the next race meeting offences are going to be committed, and at that time the horseracing industry, or whoever it is who commits those offences, will be liable.

I know that this is an unintended consequence; but I firmly believe that it is a consequence unless there is an exemption, and I have seen no exemption. There is an excellent section in the proposed Bill to do with codes of practice. However, the codes of practice are not listed. One would think that it would be better to have the code prior to saying that people are committing an offence. But if they develop a code it may not be an offence within their industry.

It is true that there are dozens of amendments to this Bill. As Mr Humphries said, while he was talking another one landed on the table. As we all well know, many changes are agreed upon as the days go on. If there is an opportunity for this Bill to go to a committee, I doubt that there would be anybody brave enough to say that there would not be beneficial amendments, perhaps major amendments, made to it. Why is this so important in the ACT? It is because we do not have an upper house. In any other State except Queensland - - -

Mr Connolly: Do you want one?

MR STEVENSON: Once again, any time I mention an upper house I am asked, "Do you want one?". As I have said in the past, if I considered that the ACT Legislative Assembly was constitutional and if we needed anything but a council in this area, indeed I would agree with having an upper house. I would vote for one tomorrow in Queensland, as an example.

I noticed when reading the Bill that it talks about mutilation and various things along those lines. It reminded me of a white cockatoo that we had in our family for 70 years. I understand that it was 70 years, from stories passed down from mum. The white cockatoos live to over 100 years. My mother regularly used to cut the feathers of the bird to make sure that it did not fly away. It also used to be on a chain occasionally when we did not want the garden clipped, the flowers clipped and so on.

Mrs Grassby: The poor thing.

MR STEVENSON: It was not a poor thing; it was one of the most beloved animals. We were not the only family that loved animals. So, once again, there could be unintended consequences if there are requirements in various areas. I think it reasonable that there be fair consultation with the different industries that are the targets of the legislation, perhaps in an unintended manner. I think we would agree that there would be beneficial changes if it were put to an inquiry, so let us do the right thing. We have no upper house here. Let us have a really good look at it before we cause problems.

Question put:

That the motion (**Mr Westende's**) be agreed to.

The Assembly voted -

AYES, 8

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Stevenson
Ms Szuty
Mr Westende

NOES, 9

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Mr Moore
Mr Wood

Question so resolved in the negative.

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ANIMAL WELFARE BILL 1992
Detail Stage

Clause 5

Debate resumed from 11 August 1992.

Clause agreed to.

Clause 6

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.24): I move:

Page 6, line 12, add at the end the following subclause:

"(4) The Authority shall issue to his or her delegate an identity card specifying the delegate's name and delegation, and on which appears a recent photograph of the delegate."

I present an additional explanatory memorandum for that. Madam Speaker, this simply specifies quite clearly that an inspector will have an identification card.

Mr Cornwell: Why did you not put it in the original Bill?

MR WOOD: To answer the interjection, a number of these amendments that I am proposing arise from recommendations of the Scrutiny of Bills Committee.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 7

MR WESTENDE (4.25), by leave: I move:

Page 6, line 17, omit the penalty, substitute "\$5,000 or imprisonment for 6 months, or both".

Page 6, add at the end the following new subclause:

"(2) For the purpose of this Bill, a person commits an act of cruelty upon an animal if -

(a) he/she wounds, mutilates, tortures, overrides, overdrives, overworks, abuses, worries, torments or terrifies an animal;

(b) he/she knowingly overloads or overcrowds an animal;

- (c) he/she unreasonably, wantonly, or maliciously, neglects or beats an animal or causes unnecessary pain to an animal;
- (d) he/she knowingly or negligently does an act or omits to do an act which results in pain, suffering or distress to an animal;
- (e) he/she keeps or uses a place for the purposes of fighting or baiting an animal, acts in the management of such a place or permits or suffers a place to be used;
- (f) he/she encourages, aids or assists at the fighting or baiting of an animal;
- (g) he/she conveys, carries or packs an animal in such a manner or position as to subject the animal to unnecessary pain or suffering;
- (h) he/she knowingly or negligently works, rides, drives or uses an animal when it is unfit for such a purpose;
- (i) he/she, being the keeper of an animal, fails to provide the animal with proper and sufficient food, drink and shelter;
- (j) he/she being the keeper of an animal which is habitually chained up or kept in close confinement, neglects to exercise the animal daily and reasonably;
- (k) he/she promotes or takes part in a shooting match or competition in which animals are released from captivity for the purposes of that match or competition;
- (l) he/she releases an animal from captivity for the purpose of enabling himself or another person to shoot at that animal or shoot at an animal so released;
- (m) he/she uses or applies or causes to be used or applied, a galvanic or electric battery or other similar appliance upon or to an animal during its training for or before or after being entered for a race upon a racecourse.
- (n) he/she administers a poisonous or injurious drug or a poisonous or injurious substance to an animal or causes such a drug or substance to be taken by an animal;

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- (o) he/she, being the keeper of an animal, abandons the animal; or
- (p) he/she docks, or causes to be docked, the tail of a horse in such a manner so as to leave less than thirteen joints in the tail.

Madam Speaker, we have said many a time that in this Bill there are so many anomalies, so many discrepancies and such a lack of definition as to what constitutes cruelty that we believe that it would be best to specify what cruelty is. Basically, we have taken what the old Act specified as cruelty and superimposed it in this amendment. That is about all I have to say, Madam Speaker.

MR STEVENSON (4.27): I have a question of Mr Lamont, or somebody in the Government, to do with clause 7, which states:

A person shall not, without reasonable excuse, commit an act of cruelty on an animal.

Cruelty is not defined in the Bill. However, the definition of cruelty in dictionaries can relate to pain and suffering, and being heartless to some degree. Could Mr Lamont explain whether or not the use of a whip on a horse in racing could denote cruelty in some people's minds?

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.28): The Government opposes these amendments. The penalty that we have proposed here is the maximum penalty, of course, and careful consideration was given to it. It is expected to be a reasonable penalty. We do not determine lightly what penalties should be. So I think it should hold. I hope that Mr Westende, when he sees the way the votes will go, will not proceed with every amendment that he has indicated with respect to penalty; otherwise we will be involved in quite a few amendments that are simply going to be lost.

As for his other amendment, I simply reiterate what we said last night - that this only creates loopholes. If you become so specific, the courts will make their judgment on what is specific. If something is left out, or if there is confusion or a doubt as between paragraphs, a clever solicitor has his client off the hook. It is not the way to go. I think the Liberals in debate yesterday agreed that simplicity is the way to go. I am sorry, therefore, to see today that they still pursue this course. We will strongly oppose this amendment.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Ms Follett: I require the question to be put forthwith without debate.

Question resolved in the negative.

ANIMAL WELFARE BILL 1992
Detail Stage

Clause 7 and the proposed amendments thereto

Debate resumed.

MR KAINE (Leader of the Opposition) (4.30): I intend to speak only to that part of Mr Westende's amendments that relates to the penalties. We need to think very carefully about these penalties because you cannot take the penalties in this Bill in isolation from penalties in all other Acts. There has to be some consistency across our legislation in terms of penalty. Not all that long ago we debated a Bill that had to do with the protection of plant life. In my view then, the penalties that were being proposed for picking a protected flower were so far out of kilter with penalties for other kinds of offences that it was ludicrous. We debated this matter at some length, and it is my recollection that in many cases we reduced the severity of the penalties in that Bill. It was pretty obvious that the person who drafted the Bill and who set about determining the level of penalty had not looked at it in the context of penalties for other offences under other Acts.

I submit that the same thing is happening here. When you look through this Bill, somebody has determined that a \$10,000 fine plus a year in gaol is an okay penalty for a whole range of offences.

Mr Connolly: No, the maximum penalty for the most serious offence.

MR KAINE: I do understand, Mr Attorney-General, that they are maximums. We were told this morning that we do not listen. I am saying to you, and I hope you are listening, that in my view, and I suppose I am entitled to one, this level of penalty is too harsh for the crime that we are talking about, and it is common most of the way through the Bill. There are some cases where we are not proposing that the penalties be changed because we think that the penalty does fit the crime; but in most cases we think that the penalties proposed here are unduly harsh. I refer to clause 9, which says:

A person in charge of a confined animal shall not, without reasonable excuse, fail to provide the animal with adequate exercise.

The penalty is \$10,000 or one year in gaol, or both. That is because somebody perhaps keeps an animal confined and, in the opinion of an inspector, does not provide adequate exercise. Adequate exercise is a very subjective thing. Subclause (2) of that clause relates to inflicting undue distress on the animal. That is very subjective. How does one judge what is undue distress on an animal? Yet somebody is going to make a judgment about that. A person is subject to a \$10,000 fine and a year in gaol because in somebody's subjective view he or she has inflicted undue distress on an animal.

Madam Speaker, this is one of my problems with this Bill; it is so imprecise in determining the nature of an offence, yet the penalties are very precise and - and I use the word advisedly - in some cases draconian.

Mr Lamont: Never.

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MR KAINE: If you have your mind closed, Mr Lamont, you might as well leave and not take part in the debate. You clearly have your mind closed; you do not want to hear any argument against your Bill that arbitrarily imposes these things. I can only assume that you think you have the numbers tied up and you do not want to hear what anybody on this side of the house has to say at all. You just want us to vote on the thing lock, stock and barrel and give you the lot. I submit that that is unreasonable on your part. I would have hoped that you would have been prepared to listen to some debate and to listen to a counter argument.

I submit that in many cases these fines are excessive. The possibility of a \$10,000 fine and a year in gaol - not or; and - is a very heavy penalty. If you look to other Acts, they are penalties of an order of magnitude that does not apply to things that people do to each other. An animal, presumably, by your scale of values, is worth more than a human being. That is what I am suggesting to you, Mr Lamont. Go and look at the types of offences and the scales of penalties in other Acts and then make a judgment about whether this is reasonable. I am saying to you that I do not think it is. If you are going to adopt this, the option might be to go through all of those other Acts and increase the penalties to two, three, four or five times what these are. You would not get off the starting blocks if you tried to do that.

Let us have a sensible debate. Let us have some reason and logic and rationality in the debate; do not sit there with a closed mind saying, "I do not want to hear what you have to say because, whatever you say, I am going to be totally uninfluenced by it". Madam Speaker, I think that the level of penalty in this case, and in many others, is excessive.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.36): Madam Speaker, that was a fine impassioned speech on the draconian level of penalties in the Bill. We were called upon passionately to compare this with existing penalties and make our judgment, and to compare it with penalties in other Acts. That argument unfortunately is flawed by the fact that the maximum penalty under the existing law is two years' imprisonment.

Mr Kaine: That is too much too. If you are going to amend it, amend it decently.

MR CONNOLLY: Madam Speaker, this rhetoric that the Liberal Party is whipping up, that it is absolutely draconian and appalling and impossible to have a one-year period of imprisonment as a maximum penalty, is fundamentally flawed by the fact that under the Prevention of Cruelty to Animals Act 1959 there is an offence of aggravated cruelty which carries a two-year penalty.

Mr Humphries: That is different. And the fine?

MR CONNOLLY: There is a lower fine - \$1,000. Mr Kaine also said, "Perhaps you should review all the other Acts". Again, Mr Kaine does not listen or does not understand, because in question time today I said that that is exactly what the Government is doing. That is exactly what the Government is doing, Madam Speaker, because penalties in a range of ACT Acts often are quite inappropriate. Indeed, I have had drawn to my attention this afternoon that under a regulation under the Mining Act in the ACT - fortunately, there is not

a lot of mining in the ACT because there are mostly national parks - the existing penalty for the offence of removing a mining peg that pegs out a claim, under the law in 1992, is 10 pounds. Although it sounds a silly offence, it is a thing for which murders have been committed in mining communities.

So there is a need to carefully review offences. We have done that. We have gone away from the two-year penalty for aggravated cruelty; we have the general offence of cruelty. As all members must understand, and indeed do understand, when it says "\$10,000 or imprisonment for one year, or both", that is the absolute maximum penalty. I would challenge any member to say that \$10,000 or a year's imprisonment, or indeed both, is outrageous for some of the more appalling acts of cruelty that, from time to time, happen in Australia. It has been not uncommon in recent years to see media reports of some quite appalling incidents where animals have been mistreated by persons whose motives one can only speculate upon and be appalled at.

Magistrates have said, in relation to some of these older Acts, that the penalties are woefully inadequate. This is the maximum penalty for the most horrendous example of cruelty, and it is in fact a retreat from a potential two-year imprisonment under the old law. How can you possibly say that we are draconian? As I say, it was a great speech, flawed only by the fact that the proposed legislation has a lower maximum penalty for the most extreme act than the existing law has. It was a good piece of rhetoric, unfortunately marred by reality.

MR HUMPHRIES (4.39): Madam Speaker, the Attorney-General, when he makes his comments about cruelty, conveniently overlooks the fact that what happens in this Bill is twofold. There is a general catch-all provision, clause 7, that deals with cruelty to animals. That is a fairly blanket provision; the sort of provision which I would have thought was sufficient to cover acts of cruelty with the simplicity that we talked about yesterday when we spoke about simplicity in legislation. Then there are specific provisions throughout the Bill which define particular acts of cruelty, saying that these are cruel, this is cruel, that is cruel, et cetera.

The question is not to look at clause 7 and see whether that is an appropriate penalty for that particular offence. The real question is to look at other provisions, the black letter law, as the *Canberra Times* described it the other day, and see whether the sorts of penalties being provided for there are appropriate. This is why the Opposition will be going through each of these provisions and arguing for consideration of the particular penalty in the case of each of these offences, because there you see very clearly a complete inappropriateness of level of offence to level of fine being imposed. I take you, for example, to subclause 11(2), which says:

A person shall not, without reasonable excuse, fail to take adequate precautions to prevent the release of an animal from custody or control.

The penalty for that is \$10,000 or one year's imprisonment, or both. Let us take Mr Connolly's worst case scenario. Let us conceive of the worst case of carelessness - somebody who lets an animal out of custody; not deliberately lets it out, as that is dealt with in subclause 11(1). Subclause 11(2) is failing to take reasonable or "adequate precautions to prevent the release of an animal".

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Someone has an elephant in their custody and forgets to lock the gate of the cage, for example, or has a killer cobra and leaves the glass case open and it gets out of the case. We are talking about one year's imprisonment.

Mr Connolly: For skinning alive an animal for pleasure; that sort of weird behaviour?

MR HUMPHRIES: No, Mr Connolly, you have not been listening. You do not understand. We are not talking about clause 7; we are talking about subclause 11(2), which says:

A person shall not, without reasonable excuse, fail to take adequate precautions to prevent the release of an animal from custody or control.

This is not about skinning animals alive.

Mr Connolly: Letting out the tiger that eats the child.

MR HUMPHRIES: No; again you have got it wrong. Madam Speaker, again the Attorney-General has got it wrong. He still does not understand. Subclause 11(1) is about releasing the tiger from the cage. It says:

A person shall not, without reasonable excuse, release, or cause the release of, an animal ...

That is releasing the tiger from the cage. Subclause 11(2) is about forgetting to lock the cage door. That is what subclause 11(2) is about.

Mr Connolly: Which allows the tiger to get out.

MR HUMPHRIES: Indeed. Okay; I am the keeper of a tiger in a cage. I forget to put the lock on. I go to my dinner and I come back and the animal has got out and killed somebody. You put me in gaol for a year, basically because of an act of carelessness. If I go out and kill a person I am going to get six months for manslaughter. That is probably what I would get. Madam Speaker, this is ridiculous. We are going way too far. Consider the worst case scenario. If you consider the worst case scenario, you cannot make a reasonable case for a year's imprisonment. You just cannot.

Let us look at some of the other things. Subclause 10(2) says:

A person who injures an animal ... shall not, without reasonable cause, fail to -

- (a) take reasonable steps to inform the person in charge of the animal accordingly within 24 hours after the injury ...

I withdraw that because that is only a \$1,000 penalty. That is reasonable. Subclause 17(1) is a good example.

Mr Lamont: Madam Speaker, I raise a point of order. One would hope that Mr Humphries is not attempting to filibuster on this matter. I would suggest that there is a question of the relevance of his comment to clause 7. As I am raising the point of order, I would seek you to rule that Mr Humphries's comments in relation to where he is going now are irrelevant to the argument and the amendment before the house.

MR HUMPHRIES: Madam Speaker, I reject that assertion most strongly.

MADAM SPEAKER: I am about to rule. I believe that the rules do say that you ought to be relevant to the debate.

MR HUMPHRIES: Indeed.

MADAM SPEAKER: Thank you. In that case I would like you to discuss clause 7 and the amendments.

MR HUMPHRIES: Madam Speaker, I hope the same rules will apply to the Government Ministers who range across all the other penalties as well; but obviously we are not members of the ALP, so clearly it is not the case.

MADAM SPEAKER: Thank you, Mr Humphries. I will keep a close check on relevance from now on.

MR HUMPHRIES: Thank you, Madam Speaker.

MADAM SPEAKER: I will admit that yesterday evening debate did range widely. Henceforth, please let us stick to each clause.

MR HUMPHRIES: It has this afternoon, too, Madam Speaker.

MADAM SPEAKER: Thank you, Mr Humphries; let us proceed.

MR HUMPHRIES: Madam Speaker, I make the point that the offences in this legislation are clearly vastly different. There is a whole series of penalties in legislation which should be tailored to the level of the offence concerned. Some of these are unjustifiably high. In respect of clause 7, there is a catch-all provision, which may well be in a different category. But I certainly reject the assertion that we should not be able to consider the other clauses clause by clause, in which case it may well be the case that we could justify before the Assembly that there should be a change in the level of penalty provided in those provisions.

Let me turn to the amendment proposed by Mr Westende to enumerate examples of cruelty in the legislation. Madam Speaker, I concede readily that this is another case of what Crispin Hull in the *Canberra Times* called black letter law. It is cumbersome in one sense; it does enumerate a whole series of examples of cruelty, which may, obviously, provide for gaps. You will sometimes find that someone does not quite fall within a ground of cruelty and therefore escapes the provisions of the legislation. I concede that.

But this has been put forward for one simple reason, and the simple reason is that there are clear anomalies in the broad brush that you have taken so far. Mr Wood shakes his head. Those anomalies already have been identified by people in the community who have dealings with animals as a matter of day-to-day business. I am talking particularly here of the president of the ACT Racing Club, who has said, clearly with great concern, that there is a real chance that the existing provisions of clause 7 could generate an offence on the part of a jockey or a horse handler where that person has to do to horses one of the things which are customary at any race meeting anywhere in this country any day of the week. That is why this has come forward.

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We can see a deficiency in the way this legislation has been drafted and we are trying to fix it on the run. We have no other way of fixing it because there is no referral of this matter to a committee at this stage. We have to try to fix it on the run, and I say to you: If this is flawed, let us try to find some way of removing those dangerous provisions. Under the present legislation, which this amendment is based upon, we do not have prosecutions of jockeys and horse handlers. Let us make sure that we do not have them under the new Act because of the broad way in which it has been drafted.

MR DE DOMENICO (4.47): Madam Speaker, I asked the Attorney-General before whether he could tell me what the maximum penalty was under the Dog Control Act if a dog ran out into the street and bit a postman.

Mr Berry: Here we go.

MR DE DOMENICO: Yes, here we do go, Mr Berry. If that dog happens to run out of the yard and bite you while you are on your daily run, you can fine the owner of that dog under the Dog Control Act.

Mr Lamont: A magistrate can fine the owner.

MR DE DOMENICO: A magistrate can fine him. That offence is punishable by a fine not exceeding \$200. But, Mr Berry, if you were to protect yourself from being bitten by the same dog and you kicked or bit the dog back, which you might be inclined to do, you could be liable to a \$10,000 fine or one year's gaol, or both. It is not on the same scale, Mr Berry. That is why the Opposition will stand up here and say, "Listen, you have got the thing wrong. You have got it all wrong. It has to go back to the drawing board because this is very bad and very flawed legislation".

We have talked about the racing industry. Mr Colquhoun is not a member of the Liberal Party. He is, as I said, the chairman of the Racing Club and also the chairman of the TAB. Mr Colquhoun said of the Animal Welfare Bill:

The Bill as drafted will repeal the Prevention of Cruelty to Animals Act 1989 ... and will replace the Act.

The Act was one which the horse racing industry could live with because it defined precisely what constituted an "act of cruelty" to an animal.

Mr Colquhoun is also a lawyer, and a very prominent one, I am told. He said:

Some conduct which occurs during a horse race will prima facie be an act of cruelty.

That says to me, notwithstanding what the fine is or what the fine may be, that things that occur on a horseracing track or a training track, in a local backyard shed, at a horse club at the weekend, on a daily basis, or anything that is done to a horse quite regularly, could be subject to a maximum penalty, imposed by a magistrate, of a \$10,000 fine or a year in gaol.

Mr Lamont: Prima facie; could, may, might.

MR DE DOMENICO: Prima facie, okay.

Mr Berry: If it is cruel.

MR DE DOMENICO: We have got it wrong somewhere, Mr Berry. On the one hand there is a \$200 maximum; on the other, \$10,000 and a year's gaol.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.50): Madam Speaker, I do not think the Opposition realises the full role and the impact of the codes of practice here. The codes of practice will be established in a whole range of those areas where people deal with animals.

Mr Kaine: You put your finger on it, Minister: Will be.

MR WOOD: Yes, will be. Indeed, there are codes of practice already in operation for racing and a variety of other animal welfare areas. There are codes of practice already in many, but not all, areas. Certainly, racing operates under certain practices. That code of practice will define for those in that particular industry the way they should operate. It is very important that they set it and observe it.

Secondly, the code of practice will help define in court the interpretation of what may or may not be cruelty. The code of practice, if observed, is a source of great security for the people, in this case, in the racing industry. It is a source of security for them. It readily overcomes any of the problems that Mr Colquhoun had. Indeed, in any circumstance, I dispute that the use of the term here in the new legislation is less effective for him than in the former riddled one.

Mr De Domenico: He does not agree with it.

MR WOOD: Well, he is simply wrong, Mr De Domenico.

Mr De Domenico: The whole of the racing industry is wrong, is it?

MR WOOD: Yes. That interpretation, Mr De Domenico, is wrong. It is as clear as that. That interpretation is simply not correct. Let me get back to the codes of practice. I suggest that you get back into this Bill and see how important they are. They are the basic component of how this is going to work. It is going to work for those in the industry and for the protection of animals and it will, if necessary, where cases are taken through, help definition in the courts.

MR STEVENSON (4.52): I think Mr Wood said it very well when he said that the codes of practice will be the basic components. I have read the proposed legislation and I think that the codes of practice are an excellent idea. Mr Wood was quite right. The key word or words he used a number of times are "will" or "will be". The point is that codes of practice are not written for most of the areas this legislation will cover - apart, I suggest, from the circuses, which have a very good code of practice that is followed by the circuses.

Would it not be better to make sure that we have the codes of practice before we create offences in the area, though unintended? Mr Lamont is waiting to jump to his feet. I have asked a question before about the horseracing industry. Clause 7 is very clear. It is not a long clause. It refers to an act of cruelty. It could be held that parts of horseracing or horse-training could be an act of cruelty. It could also be said that these particular clauses reverse the onus of proof. With that, I sit down to allow Mr Lamont to explain.

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MR LAMONT (4.54): Very simply, Madam Speaker, and very quickly, excessive use of the whip could be classed as cruelty. It all hinges on the word "could".

Mr Kaine: What is excessive?

MR LAMONT: That is not up to me to determine. That is up to a magistrate and the court to determine. That is what it is all about. That is what your legislation - - -

Mr Kaine: It is up to some animal liberationist to bring a charge.

MR LAMONT: Let us address your piety, Mr Kaine. Your own amendment, at paragraph (d) - - -

Mr Kaine: Not my amendment. Address your comments to Mr Westende. It is not my amendment.

MR LAMONT: I am sorry; your party's amendment, Mr Westende's amendment, your spokesman's amendment, says:

... he/she knowingly or negligently does an act or omits to do an act which results in pain, suffering or distress to an animal.

What absolute hypocrisy! What absolute hypocrisy on your part, Mr Kaine, and your part, Mr Westende! Your own amendment proposes this. Your own amendment says that.

Mr Humphries: I raise a point of order. Madam Speaker, I believe that you have ruled in the past that ascribing hypocrisy to individual members of the Assembly is in breach of standing orders. I ask you therefore to make Mr Lamont withdraw those assertions.

MADAM SPEAKER: Excuse me; I am getting information. Mr Humphries, I looked puzzled because I did not think I had actually ruled on hypocrisy itself. I believed that I had ruled on "whiffs of hypocrisy" or "smacks of hypocrisy" or things like that.

Mr Wood: I think you ruled on "hypocrite", but "hypocrisy" is a different matter.

MADAM SPEAKER: I have actually allowed "hypocrite" to be used. I allowed it to be used on 9 April. I sought advice on it and allowed it, again, on 9 April. I believe that for robust debate it is probably a reasonable term.

Mr Humphries: Madam Speaker, I defer to your ruling.

Mr Kaine: When Mr Lamont engages in robust debate it is all right, but for us it is not.

MADAM SPEAKER: Excuse me, Mr Kaine. I will give it further consideration, if you please, and for the time being allow it. Please continue, Mr Lamont.

MR LAMONT: Madam Speaker, thank you for your consideration of that point. I do not wish to cause any distress to the members of the Opposition. I think that we have to get down to the substance of this issue. I withdraw, Madam Speaker, acknowledging the comments that you have made in relation to it, if it causes distress - notwithstanding your ruling, Madam Speaker. All I would say, Mr Kaine, is that your own spokesperson's amendment, tabled and being debated at the moment, says:

For the purpose of this Bill, a person commits an act of cruelty upon an animal if -

... ..

- (d) he/she knowingly or negligently does an act or omits to do an act which results in pain, suffering or distress to an animal ...

So, you get your act in order before you point the finger at us about what our proposal means.

In relation to the question raised by Mr Stevenson, I believe that the test is that it could be regarded as cruelty under a definition of "undue stress to an animal" if a horse were to be absolutely flogged down the straight. I do not believe that you or anybody in the racing industry would condone such an act. I certainly do not. The Bill allows, as the Minister has said, for a code of conduct to be developed in the racing industry, and that code of conduct will be developed pursuant to the Act. The Act will be in place. The code of conduct shall, if you like, hang off the Act, be part of the Act, and, I understand, Minister, that it will in fact, at the end of the day, be a disallowable instrument in this Assembly.

I believe that we have covered all of the points that have been raised about concerns, particularly those raised by Mr Colquhoun from the Racing Club. I believe that the processes which are put into place in this Bill are exemplary for ensuring that the concerns not only of the animals involved in sport but also of the industry involved in sport are taken care of, and will be taken care of.

MR KAINE (Leader of the Opposition) (4.59): Madam Speaker, before we vote on this particular clause I would like to pose a question to the Minister for the Environment, Land and Planning. It is a fairly straightforward one. Clause 7 says:

A person shall not, without reasonable excuse, commit an act of cruelty on an animal.

Can the Minister tell me under what circumstance it would ever be reasonable? How would anybody ever have a reasonable excuse for committing an act of cruelty on an animal? If he cannot, why - - -

Mr Connolly: I would have thought that, when the tiger that Mr Humphries lets out is holding you down and mauling you, you would be justified in stabbing it.

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MR KAINE: I am addressing my question to this Minister, not that one. If he cannot explain what reasonable excuse one could have for committing an act of cruelty on an animal, can he explain to me why the words are in this particular clause?

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.00): Madam Speaker, I am happy to provide the answer to that. I am sure it is one that has come up often as legislation is drafted and discussed. That provision is there as a way of providing sympathy or providing an argument in court or to other people regarding the treatment of an animal. In other circumstances, in other legislation, it provides a reasonable protection to a person, because there may be circumstances that were not entirely within that person's control. This is really a quite common statement. You have seen it many times before. That is the reason for it.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.01): Madam Speaker, as well as referring to Mr Humphries's tiger, a good example would be Mr De Domenico's mythical dog racing out to attack the mythical postman. Should the mythical postman take a boot at the dog to protect himself, that of course would be "reasonable excuse".

MR WESTENDE (5.02): Madam Speaker, as Mr Kaine has already said, before we vote on this Bill let us give some real thought to why we moved this amendment. Mr Colquhoun, from the racing fraternity, is quite explicit when he says:

The Bill as drafted will repeal the Prevention of Cruelty to Animals Act 1989 ("the Act") and will replace the Act.

If it was necessary in the Act of 1989 to define cruelty, why is it not now necessary to define cruelty or at least to have a code of practice in place before we pass this Bill? This Bill did not have such urgency that some of those things could not have been decided before. The Government is placing the cart before the horse. As Mr Colquhoun has said, this Bill will replace the Act and replace the definition of cruelty without a new definition being in place.

MADAM SPEAKER: The question is: That Mr Westende's amendments be agreed to.

Mr Westende: Madam Speaker, is it in order for the two amendments to be voted on separately?

MADAM SPEAKER: Mr Westende is seeking advice on whether we can vote on each of the two amendments separately. He can move that the question be divided. If it then becomes the Assembly's wish, we will vote on them separately.

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

That the question be divided.

Question put:

That the amendment to omit the penalty and substitute "\$5,000 or imprisonment for 6 months, or both" be agreed to.

The Assembly voted -

AYES, 7

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Stevenson
Mr Westende

NOES, 10

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Mr Moore
Ms Szuty
Mr Wood

Question so resolved in the negative.

Question put:

That proposed new subclause 7(2) be added.

The Assembly voted -

AYES, 6

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Westende

NOES, 11

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Mr Moore
Mr Stevenson
Ms Szuty
Mr Wood

Question so resolved in the negative.

Clause agreed to.

Clause 8

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.08): I move:

Page 6, subclause (1), line 19, omit the word "deliberately".

I circulate the second supplementary explanatory memorandum on that. As you can see, it seeks to delete the word "deliberately" from the subclause as it is considered unnecessary.

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MR STEVENSON (5.09): I appreciate the explanation by Mr Lamont and others concerning the horseracing industry. However, I think that creating an offence before we have consultation with the industry and develop a code of practice is putting the horse before the cart. We make no allowance for valid differences within the various industries that involve the use of animals.

I was sitting here a moment ago listening to the suggestion that the key word is "could"; in other words, when you have been charged you might be able to present a view that you were not guilty. With most legislation it is always a matter of "could"; you are never guilty until you are proven guilty. I am sorry; it should be the case under our system of justice that you are not guilty until you are proven guilty. The suggestion that it is just a matter of "could", I find not relevant.

Perhaps it is even easier to understand when we look at clause 8, particularly when you remove the word "deliberately". It makes it even more so. It says:

A person shall not, without reasonable excuse, -

leave out the word "deliberately" -

cause an animal unnecessary pain.

There is absolutely no doubt whatsoever in the mind of anybody in Canberra, I would think, that some pain can be caused in horseracing, and if that is the case that is an offence.

Mr Lamont: Code of practice.

MR STEVENSON: Mr Lamont mentions a code of practice. I have a lot of papers in front of me, but I cannot find it. If it were here, we could perhaps say, "Yes, it is covered by the code of practice". This is the exact point. I was sitting here listening to the explanation and I was thinking that, were it another situation, I could see every member in this Assembly agreeing with this point, truly, because it is logical. No-one has explained anything. I can see Mr Connolly standing up and saying very eloquently that of course we should have the code of practice before we bring in offences.

If it is suggested that we can create the offences but not do anything about the offences that are committed under the Act until there is a code of practice, is that sensible legislation? The second that this Bill, if passed, is gazetted and becomes law, the racing industry has committed an offence. The reason is that the definition of "offence" refers not only to things that you have done or omitted to do but also to something that you are going to do, or someone reasonably believes you are going to do.

Mr Lamont: May.

MR STEVENSON: I do not have the exact wording; I will get it after. As I said, I think codes of practice are excellent. I think it is a good idea to have them. There would be many people within the industry and within Canberra who enjoy racing and who are concerned, perhaps, about some practices within racing and who would like to develop a code of practice. But let us not tell someone that

they are committing an offence before we develop the code of practice. I really think that is a reasonable point. I really do not see how it can be reasonably argued against. It can be suggested that it does not really matter. When we say that we will have a code of practice later on, we are actually saying that we know that it is a problem when we pass the law, but it will be repaired by the code of practice. I really think that that is not the ideal way to develop legislation or to pass laws.

MR DE DOMENICO (5.14): Madam Speaker, I speak to clause 8 of the Bill, notwithstanding the words of the Minister, who said that he disagreed with Mr Colquhoun. Mr Colquhoun, as I said, is not only the president of the ACT Racing Club but also a very well-known and respected legal mind in this community. We have been talking a lot about the racing industry. For the record, let us hear what a respected lawyer, the president of the Racing Club, says about clause 8. I do not know whether there has been some discussion overnight with Mr Colquhoun, but this is what he said yesterday:

This Clause is expressed so widely that it opens up a Pandora's box for the racing industry.

That pain is caused to racehorses daily is undeniable. Whether such pain is excessive or unnecessary should be a matter for the prosecution to prove. It should not be for the defendant to have to show that he had a "reasonable excuse" for inflicting the pain.

I am still quoting:

Again, jockeys, trainers, strappers, barrier attendants, float drivers and farriers are all put at risk of prosecution and thereafter forced to prove, in their own defence, that they had a reasonable excuse.

Section 20 provides that it is a defence to a prosecution for an offence under this Part that the conduct was conducted in accordance with an approved code of practice.

We keep hearing about codes of practice. Once again I quote:

This again reverses the onus of proof. In addition the Bill will become law before any code of practice for the racing industry is even drafted.

The last words that Mr Colquhoun wrote - this summarises what everyone should be saying - were:

This is untenable.

That is what the president of the ACT Racing Club says. So much for anyone who talks about codes of practice. Once this Bill becomes law very shortly, every person involved in the ACT racing industry will be affected.

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MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.16): Madam Speaker, I am not going to go back into detail. This is about the fourth occasion on which we have had this particular debate. People can go back into *Hansard* to read what has been said about it. Both Mr De Domenico's interpretation and Mr Colquhoun's interpretation of what is meant here are simply wrong. If you want to tell me that an opinion of a solicitor or a barrister or a QC necessarily stands alone and is gospel, then I will get you 10 other opinions that might contest that.

MR STEVENSON (5.17): Briefly, on the point that Mr Wood made, that we do not need to go to a barrister, et cetera, I totally agree. We can make that decision ourselves, simply by reading a very brief section. I am sure that everybody here today has made that assessment.

Mr Wood: If we have simple English we can do that. That is what we are doing here.

MR STEVENSON: I will bring up a couple of the words used in the Bill a bit later on. Talking of simple English, once again it is simple. It says "cause unnecessary pain". The racing industry does do this. That is an offence under this Bill. It does not matter whether it is the racing industry or anybody else. They do this. That is the point. It does not matter that this view comes from a barrister or a solicitor or anybody else. You are quite right. We all have the capability of understanding simple English. This is a simple English clause. People in this area will read the *Hansard*. I am sure that if this clause were applied to the racing industry it would be prosecuted successfully.

Amendment negatived.

MR WESTENDE (5.18), by leave: I move:

Page 6, subclause (1), line 21, omit "\$10,000 or imprisonment for 1 year, or both", substitute \$5,000 or imprisonment for 6 months, or both".

Page 6, subclause (2), line 32, omit "\$10,000 or imprisonment for 1 year, or both", substitute "\$5,000 or imprisonment for 6 months, or both".

Madam Speaker, to shorten the debate somewhat, here are two subclauses where once again we dispute the maximum penalty. Enough has been said about that, so I rest my case.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.18): Madam Speaker, we do not need to go through the debate. We oppose these amendments.

Amendments negatived.

Clause agreed to.

Clause 9

MR WESTENDE (5.19), by leave: I move:

Page 7, subclause (2), line 5, omit "that causes injury, pain, or undue distress", substitute "that causes injury or pain".

Page 7, subclause (2), line 6, omit "\$10,000 or imprisonment for 1 year, or both", substitute "\$5,000 or imprisonment for 6 months, or both".

I think enough has been said, Madam Speaker.

MR CORNWELL (5.20): Madam Speaker, I have referred to this as the Dolittle clause. Mr Connolly and I had an exchange last night on whether or not we should have simple words in our law. Therefore I drew attention to this matter as an example of what I do not believe is simple wording so far as law is concerned. The term "undue distress" is used here. What, pray, is undue distress? That is why I call it the Dolittle clause. Presumably one speaks to the animals to discover that they have suffered undue distress. I think it is a meaningless phrase, and that is why I support Mr Westende's amendment to subclause 9(2). I might add, Madam Speaker, that, if it is an offence if a person, without reasonable excuse, confines an animal in a manner that causes undue distress to the animal, is it therefore not an offence just to cause distress to the animal under such circumstances? I think it is a meaningless phrase. I do not believe that anybody could prove undue distress. I believe that commonsense should dictate that the phrase be deleted from this legislation.

MR HUMPHRIES (5.21): Madam Speaker, I rise to support the comments made by Mr Cornwell about the phrase "undue distress". It is a very difficult concept to understand, particularly when you focus on the word "undue". When is distress due to an animal? In what circumstances is it permissible for an animal to feel distress about being confined? I think Mr Lamont and Mr Connolly, in debate yesterday, pointed out that elephants appear to be distressed about their confinement in cages when travelling between circus sites. I would concede that it is possible - I really do not know - that they sometimes are. It is also possible that horses are distressed about having to be in horse floats between locations.

I am sure, going back to my topical example, that my dog is distressed about being put in the backyard when I go to work in the morning. But, again, when is the distress due and when is it undue? If I come home at five o'clock, is the distress then due, because he can expect to be relieved of his confinement early? If I come home at midnight, is it then undue?

Ms Follett: Yes. You could at least ring him up. You should ring him up.

MR HUMPHRIES: I was here until midnight last night; so that is your fault, Chief Minister, not mine.

Mrs Grassby: At least you should ring him and tell him that you will be late.

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MR HUMPHRIES: He knows; he knows that I am late if I am not there. Madam Speaker, again we come to the problem that we do not define what undue distress means. Let us be aware that we have now passed clause 7 of this Bill in the form that is there before the Assembly, with the penalty that the legislation originally foreshadowed. So, there are separate provisions dealing with cruelty. Anything which is clearly cruel to an animal will be covered by clause 7.

If I put a dog in a three-foot box and he is a small Great Dane, or something, clearly I am committing an act of cruelty under clause 7. That is clearly covered by that. But confining animals in other circumstances will often cause distress, and we just do not know what that means. We cannot quantify how often or to what degree distress is due or undue under this provision. Therefore it is impossible to say whether a person could reasonably cause distress to an animal, and how far the distress can go before they are liable for a fine of \$10,000 or a year's imprisonment. It is too woolly, and it ought to be deleted in favour of simply saying "causes injury or pain".

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.24): Madam Speaker, we are in the business of interpretation. Undue distress could well be the case that came to my attention some little time ago when a dog had been confined under the house of its deceased master. It had been confined there for a very considerable period. It was obviously distressed. I think it was also clear that it was undue distress. I think it can be fairly clearly defined when stress is beyond any limits. I do not think that inspectors, in the first place, and courts maybe subsequently, will have particular trouble interpreting that.

MR STEVENSON (5.25): It is a fair explanation from Mr Wood, but one wonders whether we should introduce a clause that talks about such a thing. When you look in the dictionary you have things like misery and great unhappiness.

Mr Lamont: But that is a 1958 dictionary, the same as the old legislation.

MR STEVENSON: Do you mind? It is a 1948 dictionary. The reason I do not bring my two-volume *World Book Dictionary* down here is that this is a lot better. I like this one. Different people have a different idea of what distress is and what undue distress is. When an injury is caused to an animal it is obvious at the time if pain is caused, although, obviously, there are degrees of that. When words like "distress" and "undue distress" are used it is very difficult to get a standard as to exactly what that means.

There are so many different reasons why various animals would feel distress, or undue distress. Once again, how do you tell? Is this a report from somebody? Unless the magistrate is with the animal at the time, he cannot necessarily tell what distress the animal is in. He would be relying, presumably, on somebody else's statement as to what they thought the animal was suffering at the time. That is where we get some of the problems about what stress is, or what undue stress is, or the reporting of it. I think it would be better to leave the clause with the words "that causes injury or pain to the animal" rather than get into this more nebulous area of distress, be it undue or otherwise. Really, animals can get distressed, terribly distressed, when their masters are not there, when their owners are not about. So, is that something that should be an offence? We are really getting into troubled waters with that definition.

MR WESTENDE (5.28): Madam Speaker, the reasons that Mr Stevenson has enunciated are why we moved this amendment. We have said to the Government before that we want a bipartisan approach. We want this Act to be interpretable. With all due respect, Madam Speaker, the ones to benefit from this Bill as it stands would not be the animals; they would be only the lawyers. They could argue all day, to and fro, about undue distress.

What is so difficult about the Government accepting this amendment, which just seeks the elimination of a few words to make it clearer? It does not make it more difficult. It does not make it more uninterpretable. It makes it, in fact, more interpretable. It makes for simpler English. Not everybody was born in this country. I was not, and I would find it much easier to interpret this Bill if those words were taken out. I can look up the words "undue distress" in a dictionary too; but that does not necessarily eliminate my ideas as to what it means, or how it will stand up in a court of law. After all, we are talking about an Act. The Act supposedly is being introduced so that we can either fine or not fine people for causing distress to an animal, or injury or pain. At least "injury or pain" is defined. Madam Speaker, I thought we were doing the Government a favour by moving to take out these words and making it easier to interpret when the Act becomes law.

Amendments negatived.

Clause agreed to.

Clause 10

Amendment (by **Mr Westende**) proposed:

Page 7, subclause (1), penalty, line 12, omit "\$10,000 or imprisonment for 1 year, or both", substitute "\$5,000 or imprisonment for 6 months, or both".

MR HUMPHRIES (5.31): Madam Speaker, again there is a concern here about the size of this penalty. I might indicate, Madam Speaker, that because of what I think is intended by this Bill - it not being quite what it is meant to be - I will be moving an amendment very shortly, as soon as the photocopying is finished, to modify clause 10 so as to refer to a person who injures a domestic animal rather than an animal simpliciter.

Madam Speaker, I think the penalty in those circumstances in either case should certainly be reduced. If we are talking in the present circumstances about injuring an animal, there are a whole range of circumstances where that could occur. If you are driving down the street, as is most often the case, I suspect, in a car, and you injure a cat or a dog on the street, I think it is reasonable, as this clause provides, for legislation to require you to take the trouble to look after that animal. Someone's injured animal would certainly be deserving of some human compassion, and that, I think, should be enforced by legislation. I would support that as far as it goes.

I also believe, Madam Speaker, that a different standard ought to apply to animals which are not domestic animals, not animals that are under the control of human beings - and this often occurs - and that are hit by cars, for example, on country roads. I put it to you, Madam Speaker, to consider the circumstances of

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a person driving down the road in the country when an animal, a kangaroo, hops out. It is hit by the car and is clearly injured. Perhaps it is mobile; perhaps it is not mobile. You are perhaps miles and miles from anywhere. The opportunities for taking reasonable steps, including veterinary treatment, are extremely limited - not entirely impossible, but certainly limited. In those circumstances, to set a high standard of help that should be offered by the person who might have accidentally injured this animal is, I think, unreasonable, particularly when we are talking about a year's imprisonment. Accordingly, Madam Speaker, I move the amendment which has been circulated in my name.

MADAM SPEAKER: I am sorry, Mr Humphries; we will have to proceed slightly differently. I will give you your opportunity to do that in a moment.

MR HUMPHRIES: I will do that later. I speak in favour, then, of Mr Westende's amendment to reduce that penalty provision by half. It is unreasonable to expect such a high standard, I maintain, Madam Speaker. We are talking about a lot of money and a high level of imprisonment to be imposed on a person in those circumstances.

We are not talking about where a person deliberately injures an animal. Clearly, that would be covered by clause 7. Here we have a person who almost invariably will have accidentally injured an animal, and they will be expected to do something about it. I cannot conceive of a circumstance where a person should go to gaol for a year when they have accidentally injured an animal and they do not take steps to have the animal cared for. It is certainly reprehensible, it certainly deserves some sort of penalty; but a year in gaol for the most extreme case, I just cannot conceive. I have asked the Minister to posit an extreme case where he thinks someone should go to gaol for a year because they have injured - - -

Mr Lamont: That is the role of the judiciary.

MR HUMPHRIES: No, Mr Lamont is wrong here. It is up to the legislature to set appropriate penalties. We have to say when we think it would be appropriate to send someone to gaol for a year because they have failed to care for an accidentally injured animal. I want to know what the circumstances would be. Say I hit a herd of cows as I am driving down the road - - -

Mr Lamont: A recidivist, a repeat offender under this Act, who may have a horse in his own paddock with a broken leg, and time and time again refuses to get it treatment.

MR HUMPHRIES: Madam Speaker, I think Mr Lamont has cited a case of cruelty under clause 7 and it would be covered by that provision. We are talking about an accidental case of injury. That clearly is what clause 10 is all about. Tell me how you warrant the maximum penalty and tell me how you justify a year in gaol. I certainly cannot see it with the present wording of the Bill.

MADAM SPEAKER: Mr Humphries asked whether he could move an amendment and I said that I would explain. Because your amendment refers to a matter that is before Mr Westende's, we would like to proceed with Mr Westende's and then come back to you. You will have to seek leave and then we will deal with your amendment.

MR HUMPHRIES: Okay.

Mr Cornwell: We do not object to a cognate debate on the two.

MADAM SPEAKER: If that is the wish of the Assembly. That is a good point, Mr Cornwell.

Mr Cornwell: I suggest that we do have a cognate debate.

MADAM SPEAKER: Thank you, Mr Cornwell. There being no objection, we will allow debate on both amendments; in which case, of course, Mr Humphries will be able to speak again.

MR STEVENSON (5.37): The foreshadowed amendment is to omit "injures an animal" and substitute "injures a domestic animal". I ask the Government to indicate whether they think there is a difference between a wild animal - in other words, an animal you hit with a car on the highway - and another animal that is injured. Some people may say that there is no difference; they are both animals. More commonly, we hit wild animals, because they are not used to dealing with vehicles travelling at high speeds. It is difficult to get the correct veterinary treatment for some animals when they have been hit. Last week I was whizzing along the highway and saw a pretty large lizard in the middle of the road. I pulled the car up and reversed, being concerned about traffic coming the other way, of course. I picked up the lizard and had a look at it - it did not look too bad - and found a place where I thought it might like to be. I think the penalties may not be appropriate. I did not take it to a vet. A lot of vehicles had gone past it before I got there. I think two weeks before that it was a turtle.

To sum up, could we have an explanation as to whether there is some intended difference between wild animals that vehicles may hit, or that you might find on the roadway, and a dog or some other animal that may run into your car? With that, I think I will sit down and listen to someone else.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.41): A little while ago the Opposition was concerned about the words "without reasonable excuse". I think they should read this clause, and many others, with those words intact, because they provide that measure of protection that you seem to desire to people who become involved with animals. I do not agree with Mr Humphries's amendment to exclude bush animals, or whatever term you might use, because I think we want to encompass all animals under this legislation. I do not think there is any justification for separating them. I understand that motorists may hit kangaroos or other animals from time to time, but I am sure - - -

Mr Humphries: I raise a point of order, Madam Speaker. I think you have ruled that when debating a particular point in the Bill we should address ourselves only to that point. I have not yet moved my amendment.

Mrs Grassby: We agreed to have a cognate debate.

MADAM SPEAKER: Had that not been the case, Mr Humphries, I would have ruled in your favour.

MR WOOD: I think that the words "reasonable excuse" are very appropriately provided in this instance.

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MR CORNWELL (5.43): Madam Speaker, could I just briefly make a few comments in support of my colleague Mr Humphries. I have a bit of a problem with it. It seems to me that if you do hit an animal in the wild, and obviously you may not be able to seek veterinary treatment, perhaps to alleviate any pain suffered by that animal you may have to put it out of its misery. Unfortunately, if the only thing you have is a tyre lever, you have a good chance - - -

Mr Berry: Liberals would always have a knife, either in their back or in their pocket.

MR CORNWELL: No, I am not joking. You have every chance of breaching paragraph 8(2)(e), which talks about killing an animal in a manner which causes unnecessary pain. I differentiate between animals in the wild and domestic animals. That is why I believe that the Assembly should support a very sensible amendment proposed by - - -

Mrs Grassby: Come on; I think you are nitpicking.

MR CORNWELL: I am sorry. This is the problem, Mrs Grassby; you people have moved something like 17 amendments to your own legislation and you say that I am picky and that we are being picky about it. This is very bad legislation. We are simply highlighting its deficiencies and attempting to correct some of the more obvious mistakes that we believe exist, this being one of them. I simply stood to support what I believe is a very sensible amendment put forward by Mr Humphries.

MR HUMPHRIES (5.44): Madam Speaker, there is clearly a difference between domestic animals and wild animals in these circumstances. Clearly, there is a responsibility which is quite different in those two circumstances. If Mr Wood is concerned about not having any steps to take care of the interests of wild animals when they are hit, I would suggest that if you support this amendment I am putting forward now we would then insert the provision about wild animals in subclause (2). There would still be a penalty for injuring a wild animal - it is \$1,000 - but we would not send someone to gaol because they had accidentally injured a wild animal and had not taken care of it.

I point out, Madam Speaker, that here Mr Wood is setting a much higher standard than many Australians would comply with at this time. A lot of people who hit a bird when driving down the road, for example, will keep going. In fact, invariably they will keep going. I dare say that the Minister at some stage has hit a bird on the road and has kept going. You do not know whether it is dead or alive.

Mr Stevenson: I would stop.

MR HUMPHRIES: Mr Stevenson might stop. For a lizard or something you might stop; but nine people out of ten would not stop. These are wild animals; animals which occur naturally and usually in large numbers in the wild. People just do not make allowances for it. Going back and putting an injured lizard or snake or bird into the car and taking it to the local vet in a town 20 kilometres away is just not human behaviour; but here you are creating an offence, which carries a maximum penalty of one year in gaol, because they do what nine out of ten Australians otherwise would do.

I appeal to you, Minister, to consider whether this is appropriate. Surely it is not. Let us put that penalty in subclause (2) because there there is still a penalty attached to it. There it is reasonable for somebody's offence, somebody's omission in those circumstances, to be punished by that level of offence. But let us not make laws which are there to be broken. They will be broken. Some poor person is going to get caught by this one day and the offence is going to be punished unreasonably because they did not know what was going on. This sort of provision is unduly harsh in those circumstances.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.47): Madam Speaker, I do not think Mr Humphries reads the words in this clause in their full detail. I think there is adequate protection here for your touring motorist or whomever. It reads:

A person ... shall not, without reasonable excuse -

I have mentioned that before -

... fail to take reasonable steps to alleviate ...

I think the clause is quite sufficient.

MR STEVENSON (5.47): I raise a couple of brief points. Firstly, we were talking about appropriate penalty guidelines. Mr Humphries mentioned that it is the role and responsibility of parliament to set guidelines for the courts. I suppose that is a relevant comment. If we put the death penalty at the end of an offence, it is reasonable to assume that a judge would think that we find that that offence, if proven, and if it is a bad case, warrants or could warrant that penalty. Although we set a particular penalty, it is not just a matter of it being the maximum penalty. I think it is a definite guideline as to how seriously we see that particular offence.

There is no doubt whatsoever, if one looks at this Bill reasonably, that a reasonable person would say that some offences, equivalent to aggravated cruelty persisted with, could certainly require a fairly high penalty. I think the vast majority of people would agree with that. But there are other clauses within this area that have a penalty of \$10,000 and one year or both and which in no way, shape or form warrant that sort of penalty.

Mr Humphries also spoke about what to do after one has hit a wild animal or seen a wild animal hit. I think there are many people who would not go back. I have always stopped. I have never hit anything that I recall, but I have always stopped when I have seen something hit.

Mr Lamont: Have you hit things you have not recalled?

MR STEVENSON: As I do not drink, probably not. I think one of the reasons some people do not go back is that they simply cannot confront looking at an injured animal. They do not feel that they can do anything and they just do not want to go back. They try to ignore it. But it is not through callousness. It is just that they do not have the front to do that. The other thing is: What do you do when you have it? It is very hard to tell, in many cases, how seriously injured the animal is. In many cases I have seen you simply cannot tell. Obviously, if it is really seriously injured and nearly dead, you can tell that, and Mr Cornwell's

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remedy might come into vogue; but, in other cases, when would it not be appropriate to take the animal to a vet? You have an animal that has been injured. It may be bleeding; it may have a slightly crushed shell, as is the case with turtles that I see. So, once again, I think it reasonable to make a distinction between domestic animals and wild animals.

Amendment negatived.

Amendment (by **Mr Humphries**, by leave) negatived:

Page 7, subclause (1), line 8, omit "injures an animal", substitute "injures a domestic animal".

Clause agreed to.

Clause 11

Amendment (by **Mr Westende**) proposed:

Page 7, subclause (1), line 24, omit "\$10,000 or imprisonment for 1 year, or both", substitute "\$5,000 or imprisonment for 6 months, or both".

MR HUMPHRIES (5.52): Madam Speaker, I refer here to the comments - - -

Mr Stevenson: Now is the time.

MR HUMPHRIES: Now is the time, yes. Madam Speaker, I ask members to consider very carefully the implications of subclause 11(2) and the penalty imposed here. We are talking about \$10,000 and/or a year's imprisonment basically for carelessness. I suggest that if you compare this with acts of carelessness in other legislation you do not find that level of culpability so heavily penalised anywhere else. I would ask the Attorney, as the chief law officer of the Territory, to point out any equivalent provision, if he knows of it, where an act of carelessness results in such a high level of penalty.

Obviously, if you are in charge of a nuclear power station and you let the place melt down and thousands of people are killed, there is a pretty high level of culpability and you would want a pretty heavy penalty. But where, through carelessness, an animal is let out and it kills somebody, you are talking about a pretty rare case of someone having an animal that dangerous.

Mr De Domenico: A bull-terrier.

MR HUMPHRIES: Mr De Domenico cites a very good case. Someone has a dog and the dog is let out, and the dog, as sometimes unfortunately is the case, kills somebody. The person did not deliberately let the dog out; the person was careless, had not locked the gate properly, had not put the latch on properly, had not checked the fence lately to see that there was not a gap that the dog could squeeze through. We are talking here about an horrendous level of penalty resulting from that. I think, Madam Speaker, that again we are being overzealous. I agree that someone who lets an animal out by carelessness ought to be punished; but not by a year in gaol, even in the worst case.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.54): Madam Speaker, the tactic that the Liberals are adopting here in every case, and it is taking an inordinate length of time, is to take an offence, conjure up the most absurd situation at the lowest end of the spectrum and then say, "Is it not appalling that we have a one-year penalty?". The equivalent of that would be to say, "Let us consider this: It is a hot day and a young lad who is walking home from school has not had a drink. There is a peach tree with ripe peaches. The young boy reaches across and plucks a peach, a nice, ripe peach, and has a bite to eat".

That is the sort of heinous offence that some of us may have committed at some stage in our distant past. The penalty, Madam Speaker, for that young boy who has taken that peach, is 10 years' imprisonment, in the Liberals' view, because stealing carries a maximum penalty of 10 years. It is absurd to say that that is how the law would respond. It is the same issue. This style of argument is simply silly.

To take subclause 11(2), the extreme example would be the very dangerous animal, the tiger, wilfully and negligently not properly caged, that bursts out, as one did recently in Sydney and had to be shot. But what if the animal had killed half-a-dozen kids? We have a penalty that is appropriate for a range of offences. It is absurd to pick the lowest extremity and then say that the maximum penalty is absurd, just as it is absurd to say that the penalty in the Crimes Act for stealing, at 10 years, is too high, because a boy stealing a peach from a tree should not be given 10 years' imprisonment.

MR KAINE (Leader of the Opposition) (5.56): Madam Speaker, I suspect that the Attorney-General is the person guilty of absurdity in this debate because he has postulated a proposition that, under this Bill, cannot take place. We have already banned tigers and wild animals from the ACT. So there can, under no circumstance, be an animal - - -

Mr Lamont: No, we have not.

MR KAINE: Oh, I see. You envisage, despite this, that we are going to have tigers confined in small cages in zoos.

Mr Lamont: No.

MR KAINE: That is what you just said. We do not have any zoos in the ACT, other than the one up on Mugga Lane, and I do not imagine anybody having any tigers or lions or elephants up there. So it is an absurdity. The other point is this: He quoted the case of the schoolboy who steals a peach. There is a major difference. That is a wilful act of theft. This is clearly a case of overlooking something, not a deliberate and wilful act. They are two entirely different things.

Since we have successfully banned wild animals that are likely to cause serious damage to people, what we are talking about here is the release of a domestic animal. If somebody overlooks the fact that they did not put the latch on the gate properly and a domestic animal escapes, are you going to send them to gaol for a year? It was not a wilful act but an act of forgetfulness - something that somebody simply has overlooked. That is what this envisages.

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It is quite clear that we are talking about only domestic animals because they specifically exclude the release of domestic cats. Why did they not exclude all the other sorts of domestic animals that are not likely to do any harm to people, if that is what they really mean? I have a King Charles Cavalier. If I let my King Charles Cavalier out, am I going to be fined \$10,000 and sent to gaol for a year? It is less offensive than a cat in many cases. At least it is not going to go out there and kill all the small wildlife, which is what escaped cats do.

Madam Speaker, I am afraid that we have got to the point that I was talking about earlier today, where these people over here have totally closed their minds to logic. They are not interested in hearing what anybody has to say. They are not interested in listening to somebody put forward a perfectly normal case, a perfectly normal incident that can occur under this Bill, and the sort of fine that they are imposing. They have closed their minds. Mr Connolly sits over there shaking his head. He just made it quite clear that he has closed his mind. Quite frankly, Madam Speaker, I do not understand the attitude of the people - - -

Mr Lamont: That is right. You do not understand, Mr Kaine.

MR KAINE: I said that I do not understand your attitude. I understand quite well what you are trying to do. I think that you are foolish and I think that you are going to get an enormous backlash from everybody out there who has a dog or a cat, of any kind, when they discover what you are imposing on them with this Bill. You think you have had a reaction to circuses. Wait until the rest of this stuff hits the streets. I simply do not understand why you are closing your minds to any logical argument whatsoever.

Mr Connolly: If you are going to peddle that sort of nonsense in the community they will be falling around laughing.

MR KAINE: It is absolutely beyond me - and I do understand, Mr Connolly.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.59): Madam Speaker, the range of penalties that courts impose is wide. Magistrates and judges are not bad at assessing the offence, looking at the penalties that have been written into legislation, and judging accordingly. Let me give a more likely example of what is meant by this. Under codes of practice there will be at the university or CSIRO the potential for animals to carry viruses or infectious diseases that makes it absolutely essential that they be most securely contained. They could have a very serious impact. If such an animal were negligently allowed to be released, then a magistrate might look at the upper level of the penalty. That is the sort of thing we are talking about.

MR HUMPHRIES (6.01): Madam Speaker, I have to respond to something Mr Connolly said. We do not seem to be able to win over here, whichever way we go. We were criticised before because we took very small cases and cited the maximum penalty which they might attract; for example, someone who beats a horse as they are going down the straight. We are told that that is not the sort of case where you get the one year in gaol or the \$10,000 fine. You said that we should be looking at more serious cases where someone severely ill-treats an animal, beats it mercilessly for half an hour or something. Now that we cite maximum cases we are still criticised. The fact is, Madam Speaker, that the Government is having it both ways.

We have to assess here what the most common kinds of penalties are going to be. When we set the penalties at a very high level it pulls up the minimum penalty as well. If you commit a certain offence, as prescribed in legislation for example, and the maximum penalty is \$10,000 or one year in gaol, the penalty that the magistrate or judge imposes will be higher than if the maximum penalty was only \$1,000 or one month in gaol.

Mr Kaine: Even for the most trivial offence.

MR HUMPHRIES: Even for the most trivial offence. That maximum penalty affects the scale of penalties that the magistrate or judge imposes. That is the point we are making. We do not believe that the scale of offences we are looking at here, even in the most vicious cases of negligence - vicious negligence, if you can have such a thing - is worth anything like one year in gaol. It is just not conceivable.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (6.02): Madam Speaker, I have been contemplating Mr Kaine's lovely little King Charles Cavalier which gets out. Of course that is a trivial offence. Contemplate, however, a dog with rabies that may be in a research institution. If it got out it would cause enormous damage to the community. What is an appropriate penalty there? What is an appropriate penalty for something that could cause great havoc to the community?

Ms Ellis: There are some cases where negligence cannot be condoned.

MR CONNOLLY: There are some cases where these penalties are appropriate. This is a silly argument.

MR STEVENSON (6.03): There are two cases that I think it is interesting to look at. In Ararat last year there had been a party opposite one of the circuses. One of the men had gone across about midnight and released the gate on the lions' cage. There were four lions in there. Two of them got out; the other two decided to stay in there with the door open. After four hours the lions were rounded up, and nobody was injured. I would suggest that that was a serious thing to do. Normally, retribution for that sort of offence may have been a bit quicker; but the fellow, I believe, was charged and convicted. That would come within subclause 11(1).

Subclause 11(2) could well be different. I think a case was reported on television in Canberra a few nights ago about someone who left his gate open and it ended up costing \$160,000. Apparently a dog had got out. I did not get the full story; I heard just part of it. It must have been some form of compensation case under common law, or whatever. There is an absolute difference in intention there. With subclause 11(2), as Mr Humphries mentions, we are not looking at something that was done deliberately. Certainly, one could be negligent; but it is an extreme fine for negligence in that case. Perhaps it fits for the first case, but I would wonder about the second case.

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MR MOORE (6.05): Madam Speaker, it seems to me that what members are trying to do is to indicate to a magistrate who is dealing with a situation like this that we consider one act either more serious than another or less serious than another. It seems to me that this particular case, the release, is less serious than the cases we have talked about in terms of inflicting pain on an animal and cruelty to an animal. For that reason I would want to indicate to a magistrate that we consider this a less serious offence, even in the unlikely circumstance that the Minister has raised as the extreme. Therefore I am prepared to support this amendment so that we can indicate to a magistrate that we consider this a lesser offence.

Question put:

That the amendment (**Mr Westende's**) be agreed to.

The Assembly voted -

AYES, 8

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Moore
Mr Stevenson
Mr Westende

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Ms Szuty
Mr Wood

Question so resolved in the negative.

Motion (by **Mr Berry**) negatived:

That the debate be now adjourned.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (6.09), by leave: I move:

Page 7, subclause (2), line 25, after "person" insert "in charge of an animal".

Page 7, subclause (2), line 26, omit "an", substitute "the".

I think these amendments are fairly clear. This is to provide clarification.

Amendments agreed to.

Amendment (by **Mr Westende**) put:

Page 7, subclause (2), line 28, omit "\$10,000 or imprisonment for 1 year, or both", substitute "\$5,000 or imprisonment for 6 months, or both".

The Assembly voted -

AYES, 8

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Moore
Mr Stevenson
Mr Westende

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Ms Szuty
Mr Wood

Question so resolved in the negative.

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

Page 7, paragraph (3)(a), line 30, after "cats" insert "in the course of their reasonable management and control".

Clause, as amended, agreed to.

Clauses 12 to 17, by leave, taken together

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 6.13 pm