



DEBATES

OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

HANSARD

18 April 1991

Thursday, 18 April 1991

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

POSTPONEMENT OF ORDER OF THE DAY

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

That order of the day, No. 1, Assembly business, relating to the presentation of the Standing Committee on Planning, Development and Infrastructure and the Standing Committee on Conservation, Heritage and Environment Joint Report on Planning Legislation, be postponed until a later hour this day.

ADMINISTRATION (AMENDMENT) BILL 1991

MR KAINE (Chief Minister) (10.31): Mr Speaker, I present the Administration (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

This amending legislation provides for the power of the Executive under ACT legislation to be exercised by any two Ministers. This amendment does not apply where a power is conferred by a Commonwealth law. The self-government Act gives no clear guidance as to whether the powers of the Executive can be exercised in the absence of one or more of its members. The exercising of power by any two Ministers is considered to be the most appropriate way of overcoming this problem. It also overcomes the problem where a Minister is absent from duty or from Australia. The approach is currently working well in the case of making regulations. This amendment will, therefore, provide consistency when executing or making an instrument under any ACT legislation. The amendment is administrative in nature, and no financial impact is associated with the proposed changes. I present the explanatory memorandum.

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

CRIMES (AMENDMENT) BILL 1991

MR COLLAERY (Attorney-General) (10.33): Mr Speaker, I present the Crimes (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

The purpose of this Bill is to amend section 437(8) of the Crimes Act and to repeal sections 552 and 556.

The ACT Community Law Reform Committee was established in June 1990, with support from all members of this Assembly. This bipartisan approach to law reform in the ACT is most welcome to the Alliance Government. The Community Law Reform Committee is chaired by the Honourable Mr John Kelly, a queen's counsel and former ACT Supreme Court judge, with its members being leaders in their respective areas within the community.

On 4 November 1990, I issued a reference to the ACT Community Law Reform Committee to examine the law in force with respect to section 556 of the Crimes Act as it applies to the Territory. The committee has now reported on this issue, and the Alliance Government is pleased to adopt the recommendations of the committee. The unanimous view of the committee is to repeal sections 552 and 556 of the Crimes Act.

The Community Law Reform Committee considered that section 556 of the Crimes Act should be repealed to remove an injustice which may arise. The committee points out that if a person against whom an offence has been committed lays the information, which is the initiation of proceedings in a formal way by the person who seeks to bring an alleged offender before the court, then section 556 precludes the person from taking any civil action in respect of the offence. The same situation applies if the person takes civil proceedings in respect of the offence. The person is not thereafter permitted to lay an information in respect of the offence and to proceed with criminal proceedings against the alleged offender. This section should be repealed to make it plain that, even if a person lays an information in respect of a criminal offence, he or she may pursue a civil remedy.

The Community Law Reform Committee also recommends that section 552 of this Act be repealed, as it considers that a provision relating to juvenile first offenders should not appear in the Crimes Act when young persons are more adequately dealt with by the Children's Services Act 1986.

The Government accepts the recommendations of the ACT Community Law Reform Committee in its report. Mr Speaker, I now present the explanatory memorandum for this Bill.

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

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LAW REFORM (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL 1991

MR COLLAERY (Attorney-General) (10.35): Mr Speaker, I present the Law Reform (Miscellaneous Provisions) (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

The purpose of this Bill is to make clear an area of law which still arguably applies to landlords within the ACT. In 1987, in the case of *Australian Safeway Stores v. Zaluzna*, the High Court determined that the common law principles of negligence should apply to the facts of occupier's liability cases. This decision of the High Court has resolved many of the difficulties of occupier's liability law. However, the law in this area is not clear in regard to a special rule that arguably may apply to landlords. A special rule, called the rule in *Cavalier v. Pope*, developed with respect to the relationship between landlords and tenants in the nineteenth century. At this time the courts applied a flexible standard of care to entrants of premises. The standard of care depended upon whether the entrants were invitees, licensees, contractual entrants or unauthorised persons. Thus the law in this area became very complex.

The ACT Community Law Reform Committee was issued a reference to examine and report on this special rule. The committee has recommended in its report that it is necessary to enact legislation to abolish the rule in *Cavalier v. Pope* so as to remove any uncertainty in regard to landlord immunity within the ACT. This Bill, by abolishing the rule in *Cavalier v. Pope*, will remove that uncertainty. Mr Speaker, I now present the explanatory memorandum for this Bill.

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

ADMINISTRATION AND PROBATE (AMENDMENT) BILL 1991

MR COLLAERY (Attorney-General) (10.37): Mr Speaker, I present the Administration and Probate (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

The purpose of this Bill is to implement recommendations for the restructuring of the Office of the Public Trustee. As is explained in my presentation speech for the Public Trustee (Amendment) Bill 1991, an independent consultant, Deloitte Ross Tohmatsu, was employed to advise on measures which could be taken to restructure the Public Trustee with a view to making it financially independent, but preserving

its community service role. The provisions of this Bill, in conjunction with those contained in the Public Trustee (Amendment) Bill 1991, will implement some of the consultant's recommendations.

The purpose of the Administration and Probate (Amendment) Bill 1991 is to increase the monetary values by which certain small estates are categorised. The Administration and Probate Act 1929 deals with the administration of estates of deceased persons. Provisions exist to enable small estates to be dealt with expeditiously by the Public Trustee. However, estates are classified according to monetary value, and the effect of inflation over the years since those values were last set has been to reduce the number of estates in those categories. By increasing the monetary values, the number of estates able to be given the advantage of simplified administration procedures and reduced court fees will be increased.

The Administration and Probate (Amendment) Bill therefore provides for the value of very small estates - which can be administered by the Public Trustee without the need for a grant of probate or letters of administration or the need to file an election to administer - to be increased from \$5,000 to \$20,000. That Bill also provides for the maximum value of small estates which can be administered by the Public Trustee by simply filing an election to administer to be increased from \$30,000 to \$100,000.

Mr Speaker, the increase in the number of estates able to be administered by the Public Trustee under these provisions should result in more speedy distribution to the beneficiaries of smaller estates. Special provision is made in part IV for application to the registrar of the Court for a grant of administration of small estates, and the Administration and Probate (Amendment) Bill provides for the maximum value of these estates to be increased from \$30,000 to \$100,000, to ensure consistency throughout the ACT. Mr Speaker, I now present the explanatory memorandum for this Bill.

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

PUBLIC TRUSTEE (AMENDMENT) BILL 1991

MR COLLAERY (Attorney-General) (10.41): Mr Speaker, I present the Public Trustee (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

The purpose of this Bill is to implement the recommendations of the independent consultant, Deloitte Ross Tohmatsu, on the restructuring of the Office of the Public Trustee.

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The ACT Public Trustee is a corporation sole governed by the provisions of the Public Trustee Act 1985 and administered within the Department of Justice and Community Services. The Public Trustee's main function is the administration of deceased estates, including drafting wills, acting as executor and investment of estate funds pending final distribution to beneficiaries. The Public Trustee also represents people under powers of attorney and represents persons under a disability as next friend in legal proceedings.

In June 1990, Deloitte was engaged as consultant by my department to review the operations of the Public Trustee with a view to increasing the general efficiency of the office and developing a strategy for ensuring its financial self-sufficiency and eliminating the call on the ACT budget. At the same time the important community service provided by the Public Trustee was to be recognised.

The Public Trustee (Amendment) Bill 1991 contains provisions to implement one of the measures recommended by the consultant. The Public Trustee (Amendment) Bill gives the Public Trustee the capacity to charge a management fee in respect of moneys in the Public Trustee's common fund. The amount of the fee for each estate, trust or person having money in the common fund is to be calculated by reference to rates or scales of charges set by the responsible Minister. These rates or scales will be set out in an instrument which will be open to the scrutiny of the Assembly, and may be disallowed by this Assembly in the same way as subordinate legislation. Initially, the management fee will be a total amount equivalent to one per cent of the moneys in the common fund. This should go some way to increasing the financial viability of the Public Trustee. I now present the explanatory memorandum for this Bill.

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

RATES AND LAND RENT (RELIEF) (AMENDMENT) BILL 1991

MR DUBY (Minister for Finance and Urban Services) (10.43): I present the Rates and Land Rent (Relief) (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Land Rent and Rates (Deferment and Remission) Act 1970. The Act provides for the deferment and remission of payments of rates and land rent and includes a rates rebate scheme in part III of the Act. The rebate scheme is administered in respect of general rates by the Commissioner for ACT Revenue and, in respect of water and sewerage rates, by the Chief Executive Officer of ACTEW.

The Bill proposes a new title for the Act - the Rates and Land Rent (Relief) Act 1970 - to take account of the fact that relief under the Act involves more than just deferment and remission. The Bill also amends the definition of the word "pensioner" to include updated references to persons receiving benefits under the Social Security Act 1947 and the Veterans' Entitlements Act 1986, and deletes references to legislation under which pensions or similar recognised benefits are no longer paid.

The more substantial amendments, however, relate to the rates rebate scheme. The Bill proposes to amend the current scheme by, firstly, providing for part year rebates of rates - general, water and sewerage - for eligible persons and, secondly, removing the requirement for eligible persons to apply for the rebate each rating year. Currently, the requirements for a person to be eligible to apply for a rates rebate are that the applicant be a pensioner - that is, a Department of Social Security personal health benefit card holder or a similar Department of Veterans' Affairs pensioner - and the lessee on 1 July of each rating year for which the rebate is sought, and the property must be the applicant's principal place of residence on that date - that is, 1 July.

A consequence of these criteria is that a person who becomes a pensioner property owner on a date other than 1 July is ineligible to apply for the rebate in the current year and must wait until the following 1 July to apply for the rebate. Clearly, Mr Speaker, the provisions are inequitable. To redress this situation and to provide Territory pensioners with benefits similar to those available in other States, part year rebates for general rates have been granted under the justice and equity provisions of the Rates and Land Tax Act 1926. Part year rebates for water and sewerage are provided under similar provisions of the Electricity and Water Act 1988. While this practice has achieved a just result for pensioner property owners, it is important that the legislation giving effect to the rates rebate scheme be corrected, and this Bill does that.

The Bill also proposes to remove the requirement for pensioners to apply annually for the rebate. In the majority of cases, rates rebate recipients maintain their eligibility from one year to the next, and the requirement for these pensioners, who number approximately 4,000, to apply annually is an inconvenience to them which can be eliminated by administrative arrangements within the departments of social security and veterans' affairs. The effect of the amendment will be that eligible persons need make one application only - the initial application. Ratepayers who received a rebate in 1990-91 will not be required to reapply in 1991-92.

The amendment will also eliminate a peak workload period at the ACT Revenue Office and at ACTEW, through not having to manually process some 4,000 annual applications. Because

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eligibility, once established, continues indefinitely, it has been necessary to make provisions to protect the rates revenue base. The Bill therefore provides that, where a rebate recipient is or becomes ineligible for the rebate, then the rebate is terminated and any amount due to the Government as a consequence of the incorrect claims of a rebate is recoverable from the ratepayer.

Normal appeal provisions which enable a person to lodge an application with the Administrative Appeals Tribunal for a review of a decision to adjust liability for rates are included in these provisions also. Mr Speaker, I now present the explanatory memorandum for the Bill.

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

BUILDING (AMENDMENT) BILL 1991

MR DUBY (Minister for Finance and Urban Services) (10.48): Mr Speaker, I present the Building (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill seeks to introduce measures that will limit the potential for outbreaks of legionnaires' disease in the ACT. Legionnaires' disease is one of a number of lung infection diseases caused by the legionella family of bacteria. These bacteria are widely distributed in almost all natural and artificial water environments. Modern urban environments provide many sites - such as water supply systems and cooling towers in air-conditioning systems - in which these bacteria may be found.

Infection proceeds through inhalation of colonies of the bacteria into the lungs through clouds of microscopic droplets of water arising from contaminated water sources. Major outbreaks of the disease, such as at Wollongong in 1987, have been associated with these clouds of droplets being blown from air-conditioning cooling towers into the open air, or into the intakes of other buildings' air-conditioning systems. Given the wide distribution of the bacteria, control measures have concentrated, not on eliminating the bacteria, but on preventing the growth and distribution of bacterial colonies in situations where infections may occur. Such infection is particularly likely from cooling towers and similar air-conditioning plants, and the usual response has been to ensure regular inspection and cleaning of such equipment.

Concern nationally and in the States has led to the development of an Australian Standard 3666, for the cleaning and maintenance of such equipment. This standard has been endorsed by Australian health Ministers for the purpose of preventing or limiting legionnaires' disease outbreaks. This Bill will provide for the adoption and

enforcement of standards based on Australian Standard 3666 relating to the location, design, installation and maintenance of air-conditioning plants, cooling towers and water systems in buildings. Legionnaires' disease is a particularly serious health risk in the ACT due to the large proportion of our work force being based in buildings serviced by air-conditioning systems. The Bill is also timely, given recent worldwide media coverage of, and public concern over, the so-called "sick building syndrome".

Mr Speaker, let me now detail the new arrangements to be introduced by the Bill. As I have mentioned, the Bill requires compliance with the Australian standard for the design, location, installation, operation and maintenance of building air-conditioning plants and warm water systems. In terms of the procedures to be adopted for cleaning and maintaining this equipment, building owners or their agents will have to comply with the requirements of the building code of Australia and the ACT appendix to that code.

The Bill requires regular inspection and cleaning of such plant and equipment by the owners, or their agents, of buildings housing those installations. These owners or agents will also be required to prepare and keep maintenance reports following inspections and cleaning, for examination by building inspectors. Building inspectors are already provided for under the Building Act. These inspectors will now be authorised to inspect plants and equipment to ensure compliance, and will be empowered to enforce cleaning and decontamination if it is deemed necessary. Health inspectors will be similarly authorised under the Building Act for such duties.

The consequences of infection are so grave that the Bill will empower the building controller, following testing and on the advice of the medical officer of health, to shut down and evacuate affected buildings where there are reasonable grounds to do so due to the risk of legionnaires' disease. No appeal will be allowed against this order, again due to the potential tragedy that could result from such an outbreak.

Where a notice is served directing a person to carry out cleaning or other specified works within a time period, and the work is not carried out within the time allotted, then the building controller will be able to have the work completed and the cost recovered as a debt on the person on whom the notice was served. This is to ensure that essential works are completed as ordered by the building controller to reduce the risks of disease.

Mr Speaker, to ensure that these new requirements are met in a cost-effective way, the Bill will rely on self-certification. This means that building owners or their agents will produce and retain their own records for cleaning and maintenance. This also ensures that responsibility for this important function remains with the

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owners or agents and is not transferred to the Government. In order to minimise the cost to the ACT taxpayer, annual fees will be introduced to make this scheme cost recoverable. However, this Government is also conscious of the need not to unnecessarily burden the private sector. Therefore, the fees imposed under this legislation will be modestly scaled, up to a few hundred dollars, and will relate to the size of the building concerned.

Close consultation has been maintained between officers of my department and ACT community services and health during the preparation of this Bill. Health officers have been involved at every step of the process, and the health board is at present taking complementary action in having legionnaires' disease listed as a notifiable disease in the ACT. Mr Speaker, similar legislation has been, or is planned to be, introduced throughout Australia, and officers of my department have consulted with their colleagues in the other States and the Commonwealth in the drafting of this Bill.

Finally, several of the buildings likely to be affected by these measures are buildings owned or leased by the Commonwealth. To ensure uniformity of controls against this deadly disease, the Government intends to request the Commonwealth to make a regulation under the ACT (Self-Government) Act to bind itself to the terms of this legislation.

Mr Speaker, this Bill is an important piece of legislation for the ACT. Legionnaires' disease is a largely avoidable disease, and I am sure that the public will welcome our action in introducing legislation to control and hopefully prevent outbreaks in the ACT. I now present the explanatory memorandum for the Bill.

MRS GRASSBY (10.55): Mr Speaker, 15 months later - after all, it was our Bill - I move:

That the debate be now adjourned.

Question resolved in the affirmative.

UNLAWFUL GAMES (AMENDMENT) BILL 1991

Debate resumed from 16 April 1991, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

MR CONNOLLY (10.55): Mr Speaker, this is a great day in the legislative history of this Assembly. We have actually got a piece of government business on the Thursday of a sitting week, and, more surprisingly, it is a piece of government business that was introduced this week. We have actually managed to achieve passage of an Act within a week.

Mr Doby: Do not tell Dennis.

MR CONNOLLY: Indeed, if Mr Stevenson were here, as he increasingly is not these days, he would no doubt object. What a great piece of social reform this is. It is a very simple, effectively one-line Bill to make the playing of two-up legal on Anzac Day. Mr Speaker, the Opposition has no difficulty with this proposal. In effect, it is writing into the law what has been acknowledged to be the practice in this Territory and, indeed, in most other places in Australia for many years.

The playing of two-up is unlawful throughout Australia, apart from in casinos - a touchy subject to get on to today. The Government has managed to destroy and stuff up the casino proposal; so we will not have lawful two-up in a casino, but we are going to have lawful two-up in clubs and community groups on Anzac Day. While I say that we have no problem with this; I wonder whether it was absolutely necessary to have this Bill.

I cannot imagine any sensible police officer who would enforce the existing law, particularly against a service club playing two-up on Anzac Day; but it probably does make sense to move towards regularising what is the practice. It is not sound administration to be turning a blind eye to breaches of the law. This Bill, based on the New South Wales model, certainly makes it clear that it does not encourage the commercial playing of two-up; it encourages the playing of two-up at clubs, with such profits as may derive from the game going to charities and service organisations. I imagine that a number of the clubs around town might be looking at special funds to donate the proceeds of two-up perhaps to charities like Legacy or other groups, and that is a good thing.

Mr Speaker, two-up is, of course, as the Attorney mentioned, a traditional Australian game. Its antecedents seem to go back well into colonial history; but it achieved a particular fame, I suppose, as a game played by Australian service personnel during the First and Second World Wars. It is because of that connection that Anzac Day has always been a traditional day on which two-up is played. I can recall being in Sydney on Anzac Day some years ago and seeing a school operating in Hyde Park - something that one would not see on any other day of the year, something which would be a major offence on any other day of the year, and yet there it was.

As I say, that managed to operate annually in Sydney from at least 1919 up to 1989 without an amendment to the law such as this one. It has, no doubt, operated in clubs and places where ex-servicemen congregate in Canberra every year from Canberra's foundation to the present without it being seen as necessary to have such a Bill. As I say, we will not oppose the Bill. We just note the irony that this is a piece of legislation that the Government has seen fit

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to rush through on a fairly trifling matter; yet great issues of concern, like the discrimination legislation and landlord and tenant law reform, still wait on the back burner for government action.

MR JENSEN (10.59): I propose to speak very briefly on this matter this morning. As one who has spent some time in the services and one whose father, I am sure, participated in this noble art and game of two-up during his service - - -

Mr Berry: Did you bite your bullets last night, too, Norm?

MR JENSEN: I did not think I did too badly last night, actually, Wayne. However, it is back to the matter in hand. Of course, it is quite ironic that my colleague Mr Collaery is the one responsible for introducing this Bill into the house. Mr Collaery is, as members already know, a legatee whose father paid the supreme sacrifice during the Second World War. So, I think it is appropriate that it is Mr Collaery who is introducing this Bill into the house this week and is in charge of its passage.

Mr Connolly, one of the reasons why it is being passed this week is that, as you well know, Anzac Day is next week, and I trust that I will see you somewhere at the parade, or at least participating in the memorial service. This year I propose to join my colleagues in the parade as a participant, as opposed to sitting on the side benches.

However, what we have to remember in relation to this Bill is that what it does very importantly is that it regularises the long tradition that has taken place in the ACT. Mr Connolly quite rightly says that no police officer is going to take action in this particular case. But what it does do, in fact, is ensure that any profits made from this game are put towards the sorts of worthy causes that have been identified - causes like Legacy and other service related community organisations which have assisted the service men and women of our country once they have returned to Australia.

I am also sure, Mr Connolly, that next year in the first week in October thousands of Vietnam veterans will be gathering in this town to participate, if you like, in the final stage of the homecoming of the Vietnam veterans to Australia. We all know that it took some time - in excess of almost 20 years - before those of us who came home on late night flights were finally acknowledged by the people of Australia in the welcome home march. The final stage of that will take place when the memorial is dedicated next year. I look forward to that, and I will be participating in that with my colleagues.

It will give the people of Canberra an opportunity to pay tribute to those men and women of the services who served in Vietnam. Of course, we must not forget that it was not just the service men and women, but also people from the Red Cross and the entertainers who came to that country and

encouraged us in the task for which we were sent there by the Government. Whether you agree or not is immaterial. The fact is that we were there on the direction of our Government, and a task had to be done. I know that Ms Follett - and this applies to me, as well - is seeking to make sure that those groups that I just mentioned are recognised, particularly the women civilians who served in that country, as did Mr Kaine's wife who was working in Saigon during that period. They provided a sterling service to us, and I think it is appropriate that that be recognised somewhere in the memorial. I have written to the chairman of that group to seek to have that particular aspect commemorated. I noticed that in the latest version of the Vietnam veterans' newsletter it is suggested that that will be included in the series of quotations in the handwriting of service men and women on one of the walls of the memorial.

So, on that basis, Mr Speaker, I would like to support the Bill. I note that there is a very good reason for it, both in timing and also for the tidying up, if you like, of the administrative arrangements. I look forward to participating in the Anzac Day activities this year.

DR KINLOCH (11.04): My own first personal involvement with gambling was in another army - not the Australian Army, but the United States Army - and, believe you me, the levels of gambling in that army were colossal. The games there, of course, were essentially "craps" and poker, not two-up; but I recognise that certain national traditions are important and I am going to call on the local branch of Gamblers Anonymous to hold a ceremonial two-up throwing in which no bets are placed.

MR MOORE (11.05): One of the concerns that I have about this Bill is that at no stage does it in any way clarify what coins are to be used, because there is a possibility, as pennies become less and less available, that somebody actually might run a two-up game without a penny, and to me that makes no sense at all. It could well be that people will get a bit too uppity over such a case, if I can coin a phrase.

Mr Speaker, I welcome the Bill in its present form. I just wanted to draw attention to that concern in case it is necessary for us to actually put a Bill through in another year to ensure that appropriate coins are used. I believe that anybody who has played two-up would realise that it simply would not be the same game if, for example, you used a \$2 coin or another sort of coin.

I welcome the Government's foresight because, of course, I know quite a large number of people who, after the serious business of the services in the morning, take the second part of the tradition of Anzac Day which is to play two-up. Of course, often their families would stay to play up, and I think that it is quite appropriate that we should do

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that. But, at the same time, we should keep in mind, as Mr Jensen has illustrated, the serious side of Anzac Day and use it as a time to consider all the problems associated with war.

Mr Speaker, I back Mr Connolly's comment, too, in congratulating the Government for being able to get this Bill through in such a short time. On the other hand, I draw attention to the fact that, as a rule, the notion of having Bills coming through very quickly is not the appropriate way to run them. In a matter that is clearly an administrative matter like this and makes regular something that has been part and parcel of Canberra society, I think it is a quite appropriate way to deal with the issue. As far as that goes, I would certainly like to congratulate the Government and the Attorney-General for getting this through.

MR STEFANIAK (11.08): I, too, would like to congratulate the Attorney-General and the Government on getting this Bill through quickly. I think the timing is quite obvious. It simply had to get through today so that the law could be in force for 25 April. I think we also cannot lose sight of what Anzac Day means. It is more than two-up, and I heartily endorse Mr Jensen's comments, not only, of course, in relation to our Vietnam veterans who now have well and truly come home, but also, of course, in relation to all Australians who have fought and died in all the wars that this country has been involved in, going back to colonial times.

Mr Speaker, there is another reason for this legislation to come in. As a few members have said, no policeman would ever bust a place playing two-up on Anzac Day; that simply goes against Australian tradition. However, New South Wales has legislated to make two-up legal on Anzac Day, and I think the fact that we are wholly in New South Wales is relevant there.

Mr Moore was concerned about pennies not being around. I do not think there is much of a problem there. There are certainly a lot of old pennies around and, in fact, I was surprised to hear -
- -

Mr Kaine: There are not too many double-headed ones around.

MR STEFANIAK: There are not too many double-headed ones, although, Chief Minister, I am not too sure about some of the two-up games I have been at. Mr Jensen told me that his father played two-up but he did not, which I thought was a bit of a pity. But he is probably very sensible because - - -

Mr Jensen: I am better at poker, Bill.

MR STEFANIAK: I hope that you did better at poker than I did at two-up, Norm. I am also delighted to see legislation in this Bill in relation to the profits. Of course, profits will go to such bodies as Legacy and service related organisations, and that is just so appropriate. All too often in the games of two-up that I have played on Anzac Day profits went to other individuals, mainly the ones I lost to. I recall that in 1980 at Cootamundra when I was the platoon commander there I took some fellows from Canberra down because I was just building up the platoon, and we were very generous to the local economy. I lost about \$100 to the BP service station owner. Chief Minister, I am not sure whether he was using double-headed pennies or double-tailed pennies; but, whatever they were, he kept winning quite consistently.

I look forward to playing two-up with a bit more discipline this time at some establishment. It is the traditional Australian game and this legislation is timely. It is obvious why it is being pushed through in a week - it simply had to be. Again, I commend the Attorney-General for bringing it forward.

MR DUBY (Minister for Finance and Urban Services) (11.10): I regard this as a very important Bill, and I am a bit disappointed that Mr Connolly, in particular, chose to trivialise the matter of legalisation of two-up within the Territory. Two-up, as he said, has been played for many years; nevertheless it is important that on Anzac Day the law should be seen to be consistent. No-one wishes to encourage people to deliberately break the law that is in place, and the action of the Government in legislating to legalise two-up on Anzac Day recognises, to my way of thinking, the importance of a game like two-up to the Australian psyche.

I think two-up, as Mr Collaery said in his introduction, can, without a doubt, be described as the fairest game in the world. It is important to Australians that everybody from the top to the bottom is seen to be given a fair go. As has been mentioned, two-up has been taken on board and made famous, not from the colonial days but, of course, by the troops in the First World War in particular, and in the Second World War. I think the qualities that have been demonstrated by our fighting forces over the proud history of the Australian military forces are demonstrated also in the abilities and the traits that are needed to play two-up and play it successfully.

Naturally, of course, you must have comradeship - something which Australian servicemen have been well known for over the years. You also need a little bit of ingenuity, particularly, of course, if you wish to have a game perhaps not on Anzac Day and perhaps not where the proceeds are going to go to a recognised charity. You also undoubtedly need a bit of perseverance, as anyone who has ever played the game of two-up will know. Perseverance is probably one of the greatest requirements of the game. And, of course,

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there is no question about the fact that, when you are on that roll and you are going for your sixth head, you certainly need courage. I think all those qualities have been well and amply demonstrated both by our servicemen over the years and by the Australian population generally whenever they go into a two-up ring.

I think it is appropriate that we have this legislation passed before Anzac Day, because there are links between the tradition of Australian military service and the habit of playing two-up on that particular day to celebrate it and, as I said, to get together with one's old companions and new friends to do what is traditionally an Australian thing to do.

As he was giving his speech, Mr Connolly struck me as the sort of fellow about whom, as I was watching, I would think, "I bet you that Terry could not throw three heads if his life depended on it". As a matter of fact, I would be prepared to have a go with him on Anzac Day myself if he would like to nominate the location. We could see how we went and we could see whether a bit of ingenuity, perseverance and, of course, courage could be demonstrated by Mr Connolly. We might well be able to do that.

The game, of course, has many sayings that have crept into the Australian idiom and the Australian way of life. We all know what the phrase, "Come in, spinner" refers to, and many is the time that I have felt like saying that here. "Come in, spinner", of course, is what always comes to my mind whenever I see, for example, Mr Berry jumping to his feet on a point of order after a comment made by, for example, the Attorney-General. One feels that the hook has well and truly been bitten. We have ringmasters and, of course, there is always the cockatoo, and we certainly know that we have one in this house. As a matter of fact, this is very similar to a two-up ring, in a lot of ways. We have the ringmaster and we have the "come in, spinners" around the place, and I know that we have a cockatoo over in the corner.

Dr Kinloch: The spruiker.

MR DUBY: Yes, unfortunately, she is not here at the moment, but I am sure that she would be a good cockatoo for any two-up game. There is no way a policeman could get past her without people knowing about it.

So, all in all, I welcome this particular piece of legislation. I think it is good to see that the Assembly has taken it in an attitude that really reflects what it is. It really is a piece of fun legislation. It is almost, in effect, a celebration by this Assembly of some of the best things and best features of the Australian way of life. I certainly endorse the actions by the Attorney-General in making sure that this tradition, which I think

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is going to continue to grow over the years, will be maintained and will be part of the Anzac Day celebrations for many years to come. Mr Speaker, I support the Bill 100 per cent.

MR BERRY (11.16): I was not going to speak on this legislation because it is probably one of the most trivial pieces of legislation to have come before this Assembly in its existence. It was very interesting that the main claim to fame today of one of our grand politicians, who has brought so much discredit on this place, was his having some knowledge of two-up. I refer to Craig Duby.

Ms Follett: An illegal game.

MR BERRY: It is an illegal game. He has an understanding, of illegalities and brushes with the law, I know, and he has told us about his hands-on experience in these matters before. What is true about this is the words of my colleague Mr Connolly that it is more appropriate for any responsible administration to pass legislation to deal with an issue than it is to ignore the illegalities.

It is very obvious from what Mr Duby has said that he has been prepared to participate in the illegalities - - -

Mr Collaery: On a point of order, Mr Speaker: This member not only has lowered the tone of a sombre, and also light-hearted, debate. He is a disgrace to the Assembly. I ask that he withdraw the allegation that Mr Duby participates in illegal activities. That is a profoundly offensive remark and, once again, this member lowers the tone of this Assembly. He is a disgrace.

MR SPEAKER: Your objection is upheld, Mr Collaery. I ask you to withdraw the imputation, Mr Berry.

MR BERRY: Mr Duby admitted that he had participated in an illegal game.

Mr Duby: I never said any such thing.

MR SPEAKER: Order!

MR BERRY: I withdraw that. Mr Duby has indicated that he has played two-up on many occasions.

Mr Connolly: In Canberra.

MR BERRY: In Canberra. And I draw it to the attention of the Assembly that it has been, up to date, illegal to do so in the ACT. We know that that is - - -

Mr Duby: You are a wimp and a wowser, Wayne.

Mr Connolly: A law-abiding citizen.

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MR BERRY: Yes, I am a law-abiding citizen, in contrast to Mr Duby.

Anzac Day, of course, is a very special day for Australians. It is celebrated by our returned servicemen, and many other people who have not been part of the military, in a special way and they, with a lot of nostalgia, do the things and remember the things that occurred in wars gone past. Peacemakers celebrate Anzac in a different way, remembering all of those things that are bad about war, as well as those things that are good amongst comrades drawn together as a result of wars.

What I find most amusing about this Government is that it makes such a fuss. The number of speakers that we have had today on this issue has been absolutely amazing. But what about a bit of activity from this Government on socially advantageous legislation - something that deals with the problems in society. Where was Mr Duby yesterday when his colleague Mr Collaery was avoiding dealing with the difficulty of drunkenness in the streets? He was not here. But he was able to jump up today to talk about the issue of two-up.

Mr Collaery, of course, will remember that yesterday he refused to pass legislation or deal with legislation to take inebriates in our streets into care and detention. One of the things that, of course, occur on Anzac Day is the consumption of alcohol. Alcohol is part of the Australian society and, of course, it is socially acceptable. When the Labor Party moves to provide socially advantageous legislation, to deal with a social problem, we have a Minister over here who rises quickly to block that sort of legislation. Yet today we see a huge number of members on the government benches rising to talk about a trivial matter - a trivial piece of legislation, though most appropriate. It is most appropriate because it is, as my colleague Mr Connolly said, more appropriate to make practices legal than it is to ignore them. But what demonstrates the gross hypocrisy of this Government is the attention that it gives to this sort of legislation, when it ignores and fails to bring forward socially advantageous legislation. That is the cross that you have to bear, Mr Collaery.

MR KAINE (Chief Minister) (11.22): Mr Speaker, I simply cannot believe that in a debate of this nature I have heard what I just heard from this man. It is unbelievable, absolutely unbelievable, and a very large percentage of the ACT community out there is going to be greatly interested that Mr Berry believes that Anzac Day and the things that are associated with it are trivial.

Mr Connolly: On a point of order: That is not what he said. He, in fact, acknowledged the importance of Anzac Day to the community. He said that your legislation is trivial and that you are trying to make cheap points out of Anzac Day. It is appalling.

Members interjected.

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

Mr Kaine: Sit down, you mug. I think - - -

MR SPEAKER: Order, Chief Minister! Mr Connolly, I warn you that, if you participate in debate in that manner again, I will have you removed.

MR Kaine: I believe, Mr Speaker, that the *Hansard* will speak for itself.

Ms Follett: It will.

MR Kaine: It will, indeed. I think that there are a great many people out there in the community, returned service personnel, male and female, legatees, people who have borne the brunt of war, who will read with great interest Mr Berry's assertion that this is a trivial matter. His words were, "This is a trivial matter". I do not believe that it is trivial, and I believe that most of the population out there does not believe that it is trivial. You will live to regret those words, Mr Berry.

I was not going to get into this sort of heated debate and I was going to say very little. But what I was going to say was that, quite frankly, I would have put this in the category of heritage legislation, because it is preserving something. The game of two-up will forever be associated with the Australian and New Zealand Army Corps, and Anzac Day is the celebration of the events of World War I when the Australian and New Zealand Army Corps distinguished itself and represented Australia and New Zealand. To deal with that as a trivial matter is unbelievable, absolutely unbelievable. The game of two-up is peculiarly Australian. It grew out of World War I.

Mr Berry: Liar.

Mr Jensen: I raise a point of order: The interjection.

MR SPEAKER: I did hear an interjection and I believe, Mr Berry, that I should ask you to withdraw that.

Mr Berry: Mr Speaker, I will deal with the misrepresentation later. I withdraw the word "liar".

MR Kaine: The game grew out of World War I. It is one of those things that demonstrate the ingenuity of Australians in difficult times when they had to find something to amuse themselves. It is an Australian game. Those of us who have travelled extensively overseas know that there is nothing like two-up anywhere else in the world. It is truly an Australian game, invented by Australian soldiers on the field of battle. To trivialise that I find unbelievable.

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I believe that it is forever associated with Anzac, and that is why it is appropriate that the game should be legalised in conjunction with Anzac Day. That is what this does - no more and no less. For Mr Connolly, Mr Berry and Mr Moore to deal with this matter as though it is a trivial matter - -
-

Mr Collaery: No, not Michael.

MR KAINE: I withdraw that in connection with Mr Moore.

Ms Follett: Sit down.

MR KAINE: I do not need direction from you. It is the lack of comment that came from your contemporaries. They are the ones that should have been told to sit down. I did not hear you telling them to sit down. You sat there and listened to them. Mr Connolly for the first time showed that he can lose his temper. You are losing your cool, mate; watch it, because she will get you if you do it again.

I believe that this might have been put appropriately under the heading of heritage legislation. For that reason I support it, and I know that the bulk of the ACT community supports it. Mr Berry and Mr Connolly are isolated entirely in terms of public opinion on this issue.

MR COLLAERY (Attorney-General) (11.26), in reply: Mr Speaker, I expected that this debate would have some sombre and some light-hearted moments. It strayed, thanks to Mr Berry; but I will return to that. On the sombre aspect, the Bill is timed appropriately, and I am sure community sentiment would agree with that. I wholeheartedly endorse the comments in the Assembly of my other colleagues and Mr Moore.

Mr Speaker, this is a commemorative event. I think Mr Kaine put it very aptly when he described it as heritage-type legislation to commemorate the day when returned service people, relatives, friends and the general public join together to remember the people who did not return from the war and to commemorate the comradeship, bravery and deeds of service in war. It is with some pleasure that I have introduced this Bill. It provides Australians particularly, and returned service men and women, with the legal right to commemorate the comradeship of the day.

Everyone knows that two-up is a tradition, and it is for that reason that the definition in the Bill is one of those unique definitions in law. It says:

"two-up" means the game commonly known as two-up.

I can think of no more apt way to put it than that. The Chief Minister, when he refers to heritage, clearly indicates that this Bill calls upon the maintenance of an

Australian tradition. We are, in effect, enshrining the notion in an historic concept, that is, that it means the game known as two-up. It is very unusual to see legislation in that form these days, and I think it is most appropriate.

Legalisation does reflect community standards for two-up on Anzac Day, and I do not think anyone has argued against that. Because there has been some misunderstanding, I stress that the Bill allows two-up to be played in a public place - for example, a street corner, a sports ground or a park - and in licensed clubs and hotels. It does not allow the playing of two-up in an illegal gaming house. But - and this is where the misunderstanding may have arisen - only in a licensed club can there be a payment, benefit, commission, percentage or fee sought from the right to play two-up. Any such payments must be made to charity or a non-profit community organisation.

Once again, the Bill puts a good deal of faith and trust in those who hold the events in licensed clubs to make those payments; clearly, we are not going to assign inspectors to go out and supervise the games. There again, there is a call upon the Australian tradition and the generosity of that day, and that day only. So I stress that the game can be played in all those other places, but only where a licensed club is involved - our concept being that that is usually a properly supervised and conducted premises - can a fee or reward be sought for the game. That is the manner in which we have done it in this Territory, and I expect that charities should be a major beneficiary of any such funds - RSL-type charities, in fact.

The concept of pennies from heaven and the light-hearted aspect of the debate I thought was most appropriately put by my colleague Mr Duby. If ever there was a characteristic, idiosyncratic Australian speech, it was the speech by Mr Duby. It was a delight to hear. We do not often hear that type of speech in an Assembly, complete with the vernacular and the knowledge of the tradition. I was saddened rather than angered - I know that Mr Connolly lost his temper at one stage - that Mr Berry took the debate away from that and made a bitter attack on Mr Duby when reasoned debate was going on. I thought it was a low moment in the Assembly, and I congratulate Mr Duby for having the presence of mind and the dignity not to respond in the way some people did over there.

On the subject of triviality, I thought I would respond to Mr Connolly's unfortunate and regrettable comments, coming as they do from the right wing of his party, and unsupported as they will be by the mass of Labor voting ex-servicemen. I am sure they will get to hear about this, and I think Mr Connolly did himself a disservice in his speech.

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I often read through Gavin Souter's book *Acts of Parliament* in spare moments in the Assembly. I have found a couple of things that reflect on this debate and the question of who really sees serious things. Curtin, the Prime Minister of the day, had his own problems. At a Caucus meeting in September 1942, according to the author of this work, Mr Curtin was giving a resume of the war position in New Guinea, Australian troops having recently begun a counteroffensive on the Kokoda Trail, when one of the Labor members present in Caucus, Rowley James, moved a motion to suspend standing orders to discuss beer supplies. That is what I call triviality, and I think Mr Connolly and certainly Mr Berry continue that regrettable streak in the Australian Labor Party when they cannot put their minds to what are central issues and values in society.

Ms Follett: Is this relevant?

MR COLLAERY: Ms Follett, who has avoided debate on this again - Miss Nip and Tuck - interjects "Is this relevant?". This is a very relevant discussion.

Ms Follett: I rise on a point of order, Mr Speaker, as you commented on Mr Berry's relevance, to say that Mr Collaery is not relevant.

MR SPEAKER: Mr Collaery, I ask you to address the Bill.

MR COLLAERY: I have almost concluded my remarks anyway, Mr Speaker. Ms Follett is clearly uneasy with this debate, coming as she does - - -

Ms Follett: I am; I am bored.

MR COLLAERY: She is bored. She is clear; she has put in the record that she is bored. That is another item on the record that we will use in due course. Again, in terms of the Labor Party's approach to the war, I am reminded in Gavin Souter's book, at page 372 - - -

Ms Follett: Mr Speaker, I raise a point of order. We are not debating the war; we are debating the game of two-up.

MR SPEAKER: I think you are straying a little, Mr Collaery.

MR COLLAERY: Thank you, Mr Speaker. I wanted that statement on the record. Ms Follett, coming from the Labor Left, is not prepared to debate the war or any aspect of it. That is all I wanted her to say and she has put it on the record.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PERSONAL EXPLANATIONS

MR BERRY: Mr Speaker, I raise a standing order 46 matter. I claim to have been misrepresented. The Chief Minister misrepresented the position I put to this Assembly. I did call out "liar" in the heat of the moment. I withdrew that and I regret having said it. I was moved to that exclamation because of the mischievous nature of the Chief Minister's comments.

What I said in the course of the debate was as follows: It is true, as my colleague said, that it is more appropriate to pass legislation to deal with an issue than it is to ignore the law. That was not acknowledged by the Chief Minister, and I think the Chief Minister misrepresented me in his comments on the issue. What I said about Anzac Day was that it is a special day for Australians. That was not acknowledged by the Chief Minister, and in ignoring those facts he misrepresented me.

The issue of war is not a trivial matter; it never was. It has never been trivialised by the Labor Party; it has never been trivialised by me. For the Chief Minister to malign me in the way he did in his speech is very clearly misrepresenting my position. The legislation that is before the house today in relation to two-up is a trivial piece of legislation.

Mr Collaery: Mr Speaker, he is now debating the issue.

MR SPEAKER: Yes, I believe that that is so.

MR BERRY: The Chief Minister misrepresented me by suggesting that my complaint about the triviality of the legislation had something to do with the traditions of Anzac Day and wars of the past. It had nothing to do with that. This is a trivial piece of legislation. I also said that there was some hypocrisy amongst the members - - -

Mr Jensen: I raise a point of order, Mr Speaker. I refer you to standing order 47, which says in relation to a personal explanation:

... no debatable matter may be brought forward nor may any debate arise upon such explanation.

Frankly, Mr Berry has gone over the top in his personal explanation here.

MR SPEAKER: I do not uphold your objection, Mr Jensen. I believe that Mr Berry is explaining his position. I think he is entitled to do that.

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MR BERRY: I also made it clear to government members that I felt that there was some hypocrisy in their position. They have not been able to bring forward socially advantageous legislation, yet many of them have the time to speak on this piece of legislation, which I described as trivial.

MR CONNOLLY: Mr Speaker, I also seek leave to speak under standing order 46.

MR SPEAKER: Do you claim to have been misrepresented?

MR CONNOLLY: I do, indeed.

MR SPEAKER: Please proceed.

MR CONNOLLY: The Chief Minister, in opening his remarks in this debate, said that Mr Berry and I had sought to say that Anzac Day was trivial. I found that most offensive and, in interjecting, I lost my temper. I apologise to you for that. I do not normally lose my temper in this place, but a statement that Mr Berry and I thought Anzac Day was trivial I found most offensive. I found it personally offensive because my grandfather was one of those Australians who were on the beach at Gallipoli. I have always had particular reverence for Anzac Day because of that family connection.

What I said and what Mr Berry said was that this legislation dealing with two-up was trivial. We said that Anzac Day is a very special day for Australians, and we maintain that. It annoyed me to see the Government trying to make cheap political points by glorying in Anzac Day and accusing the Opposition of somehow being anti that. It was as petty and as grubby as the attack that was made on my colleague Mr Berry in another debate, when a despicable statement was made suggesting that he in some way favoured the loss of Allied lives or would favour more Allied troops losing their lives in a conflict.

When conservatives, to make cheap points, attempt to wave the flag and cover themselves in patriotism and accuse the Labor Party of being somehow unpatriotic, I get annoyed. I was misrepresented by the Chief Minister saying that I felt Anzac Day was trivial. I said no such thing. The record will show that. If the Government wants to go out into the electorate - which it has clearly indicated it has done this for - and show these debates to the people, the community of the ACT will be disgusted at its cheapness.

MR JENSEN: Mr Speaker, I wish to make a personal explanation.

MR SPEAKER: Do you claim to have been misrepresented?

MR JENSEN: I claim to have been misrepresented by Mr Connolly in his most recent remarks.

MR SPEAKER: Please proceed.

MR JENSEN: Mr Speaker, I do not believe that the *Hansard* will show that my approach to this matter in the house - and Mr Connolly was general; he was not specific in his remarks - treated the subject in the way Mr Connolly suggested. I would like to put on record that I resent being tarred with the sort of brush that Mr Connolly sought to use in his personal explanation.

Mr Connolly: It was the Chief Minister, Mr Jensen.

MR JENSEN: You did not exclude me, Mr Connolly.

PUBLIC ACCOUNTS - STANDING COMMITTEE

Review of Report of Committee of Inquiry into Assets and Public Debt

MS FOLLETT (Leader of the Opposition) (11.41): Mr Speaker, I present the following papers:

Public Accounts - Standing Committee - Review of the Report of the Committee of Inquiry into the Assets and Public Debt of the Australian Capital Territory -

Report No. 4, dated 10 April 1991.

Copies of extracts of minutes of proceedings.

I move:

That the report be noted.

In presenting this report I would firstly like to express my thanks - and I believe the thanks of the entire Public Accounts Committee - to our secretariat, and most notably, of course, to our secretary, Ms Karin Malmberg. It is always a pleasure to acknowledge the work that Ms Malmberg does for that committee because it is outstanding. I am happy to put that on the record yet again.

Mr Speaker, I would also like to thank those members of the Else-Mitchell committee who met with the Public Accounts Committee to discuss their inquiry and report. The members that we met with were Dr Galligan, Mr Mackintosh and the inquiry secretary, Mr Bryant. The committee thanks them for making their time available.

I think it is a fair comment to say that the Public Accounts Committee found the work of Justice Else-Mitchell and his committee to be very good and useful work. I might just remind the Assembly of the scope of Justice Else-Mitchell's report, Mr Speaker. It was basically, in the judge's own words, an inquiry on behalf of the ACT into what we own and what we owe. In looking at those two central issues, the Else-Mitchell committee went through matters such as the recording of the ACT's assets and an

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examination of the condition of those assets. They examined the management of the ACT's assets and explored some of the issues that arose in management. They looked also at the process of transferring assets, and finally they looked at the ACT's public debt and liabilities. Mr Speaker, as I said, we found it a most useful piece of work. There are two aspects that I would like to comment on in particular in regard to the Else-Mitchell committee. The first is that the report produced by Justice Else-Mitchell was produced at very little cost to the ACT. In particular, the Else-Mitchell committee used no consultants, so the major cost to them was that of the secretariat which was provided by the ACT Administration. So, for a very good piece of work, the ACT community has had to bear very little in the way of real cost.

It is also notable in Justice Else-Mitchell's work that all of the documents that they used are made available. You can go and have a look at their minutes, and all of their own source documents and so on, and they have made a point of saying that. They have conducted themselves in a very open and accountable way. I think that that approach is in stark contrast to the other major report that we have dealt with recently - the Priorities Review Board report - where the cost, largely in terms of consultants' fees, was well over \$300,000 and where it was very difficult to examine any of the documents that the Priorities Review Board had used.

It is also a sad fact that Mr Kaine and his Government have had to disassociate themselves from the Priorities Review Board report, although I personally feel that that is still the agenda which his Government is following. No such disassociation has been necessary in regard to Justice Else-Mitchell's report. I would commend the work done by Justice Else-Mitchell's committee for its usefulness, its frankness and its lack of a political bias. I think it is notable for that.

Mr Speaker, in examining the work of the Else-Mitchell committee, the Public Accounts Committee first of all examined the methodology used by it, which I have referred to. We also examined the findings and the recommendations of the Else-Mitchell committee, and of course we reviewed the response which the Government had made to the Else-Mitchell report.

In brief, Mr Speaker, the Public Accounts Committee has come down with recommendations which largely relate to the implementation of the Else-Mitchell committee's report. What we have asked for in most instances is for the Government to keep us and the Assembly advised on progress in relation to the matters which the Else-Mitchell committee has raised, particularly those matters dealing with the management of assets, the recording of assets, and the process of identification and declaration of public land and the granting of executive leases. We feel that it is appropriate for the Government to continue to make available progress information on all of those matters.

Perhaps the most notable recommendation of the Else-Mitchell committee related to government financial relations between the ACT and the Commonwealth. Justice Else-Mitchell's report found quite strongly that the ACT had been dealt with differently from, say, the Northern Territory and that there was definitely a need for clarification of the financial relations between the Commonwealth and the ACT after self-government.

The Else-Mitchell committee had noted that both my own Government and Mr Kaine's Government had presented cases to the Commonwealth for a financial agreement between the two governments, and it is, I think, a matter of regret that such an agreement has not yet been reached. The Public Accounts Committee concluded that Mr Kaine's Government and subsequent governments should continue to raise these issues very strongly with the Commonwealth because we feel that the ACT has not been dealt with particularly well by the Commonwealth and that there is a need for the kind of financial agreement that I set out in my initial approach to the Prime Minister and that I know Mr Kaine has followed up. So we have asked for that matter to continue to be pressed by the ACT Government.

Mr Speaker, the report that the Public Accounts Committee has produced is not a lengthy one. As I say, it relates mainly to follow-up, to monitoring, to progress by the Government on the recommendations made by the Else-Mitchell committee. Mr Speaker, I am not sure whether other members of the committee wish to speak on this matter, but I think it is fair for me to say that it has been a reference where the committee has not found itself divided, where we have been unanimous in our view that the report of the Else-Mitchell committee was a very good piece of work - a piece of work that is useful, not just to the Government but to the Territory as a whole, and will continue to be useful until and unless all of the tasks it recommends have been completed.

MR JENSEN (11.49): Mr Speaker, in commencing my remarks on this matter I would like to endorse the comments by Ms Follett in relation to the committee staff. I will be making some more general remarks on that matter in another debate today. As Ms Follett has said, the committee staff, particularly the Public Accounts Committee staff, provide effective, efficient and very useful research and information for the members of the committee on which we base our recommendations. I think that is a credit to Ms Malmberg and those who support her in that role.

I also support Ms Follett's comments in relation to Justice Else-Mitchell's role in this particular report. Justice Else-Mitchell, Mr Speaker, is a distinguished Canberran who has contributed much to debate on matters affecting the ACT, not only in matters financial; I seem to recall him being involved in matters planning at various stages during community discussions on planning matters, particularly related to appeals.

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However, I have some difficulty in supporting Ms Follett's comparisons between the Priorities Review Board report and the Else-Mitchell report. The time scale for the preparation of the two reports is one factor, but it is important to recall that Justice Else-Mitchell had a long and detailed knowledge of matters under investigation because of his role on the Commonwealth Grants Commission as it affected the ACT.

Justice Else-Mitchell, over the years, had been responsible for a number of detailed reports in relation to ACT financial matters. It was probably quite appropriate for Justice Else-Mitchell to be appointed to that committee, bearing in mind, of course, that the genesis of that report was established by the previous Leader of the Opposition, now the Chief Minister, Mr Kaine, back in September 1989 when the motion was put forward to the Assembly for its preparation. So, there are two factors, Mr Speaker. It was an appropriate motion to be moved by Mr Kaine, and it was an appropriate vehicle for the then Chief Minister to use to resolve that issue. Let us give credit where credit is due on this particular one. Top marks to both members for that particular exercise.

In relation to the Priorities Review Board report comparison, I think it is important to remember, as I have already indicated, that Justice Else-Mitchell did have a knowledge of matters like this because of his role in the Grants Commission. It was really just a matter of providing the judge with a vehicle with which to put his views, built up over a long period of time, into effect. That, I think, is what we see in the Else-Mitchell report on this matter. We see great knowledge, built up over a period of time, being put into a report which quite clearly has obtained general support from the community. It is a much needed report.

I endorse the suggestion made in the report that similar inquiries should ensure that the material on which they base their reports is made available. That is the way, with very few exceptions, that the committees of the Assembly operate. All the submissions are made available and I think that is appropriate.

I think the deal that the ACT people have been given with self-government, particularly in relation to matters financial, is nothing short of shoddy. From my point of view and my reading of the matter, quite frankly I think we were duded in matters financial by a Federal Government in the run-up to self-government.

Everywhere you read, even if you go back to the task force committee that was chaired by Mr Craig, I think, it was necessary for financial arrangements to be finalised and for a financial agreement to be established between the ACT and the Federal Government if we were going to have a fair and reasonable financial arrangement following self-

government. Quite clearly, the Federal Government of the day put that in the too-hard basket or deliberately ignored it - I am not quite sure which. I have my own feelings about that and maybe I would tend towards the second view.

I think, as Ms Follett says, that we must continue to press harder and harder for a better inter-government relationship between the people of the ACT and the Federal Government so that the issue of financial arrangements and transitional arrangements for the ACT can be satisfactorily resolved to the total benefit of the people of the ACT. I think that this report recognises that and that it supports statements along these lines that have been made over a number of years since self-government was put to the people of the ACT. In general terms I would support the remarks of the Leader of the Opposition, the chairman of the committee, with the exceptions that I have indicated, and commend the report to the Assembly.

MS MAHER (11.56): Mr Speaker, I also would like to thank Karin Malmberg, the committee's secretary, for the work that she has done, and all other staff who have been involved, as well as those who came before the committee. I agree with most of the comments that the chairman of the committee, Ms Follett, made, except those with regard to the comparison between the Priorities Review Board report and the Else-Mitchell report. I agree with the comments made by Mr Jensen in that respect.

Mr Speaker, this inquiry was initiated by the current Chief Minister, Mr Kaine, in 1989 when he was Leader of the Opposition. The inquiry received unanimous support from the Assembly and has proved to be a worthwhile exercise.

Justice Else-Mitchell, in his report, clearly identified a number of issues relating to the assets and public debt of the ACT which, prior to his inquiry, were hidden and unknown. Like Ms Follett and Mr Jensen, I would like to commend the committee for their work. The Else-Mitchell report made a number of important and far-reaching recommendations. The PAC committee, in its examination of the report, has endorsed many of those recommendations and has made further recommendations which, if implemented, will lead to the ACT finances being placed on a much sounder footing. Mr Speaker, I support the recommendations of the committee and I commend the report to the Assembly.

Mr Kaine: Mr Speaker, I would like some clarification. I understood the chairman of the committee to say that she was tabling both the report and an extract from the transcript of evidence.

Ms Follett: Extracts from the minutes.

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

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BUDGET

Ministerial Statement

Debate resumed from 21 March 1991, on motion by **Mr Kaine**:

That the Assembly takes note of the paper.

MS FOLLETT (Leader of the Opposition) (11.58): Mr Speaker, I welcome this opportunity to respond to Mr Kaine's statement on the 1990-91 ACT budget. I welcome it particularly as it again gives me an opportunity to express my concern about the Government's approach to budget management. The approach that I am concerned about is encapsulated by the Treasurer's statement in this Assembly that he considers the budget as simply budget estimates of expenditure. This is not a view that is shared by the Labor Party.

The budget, as embodied directly in the Appropriation Bill and indirectly in the supporting material provided to the Estimates Committee, is an enactment of this Assembly. It is legislation which this Assembly debates in considerable detail. Indeed, it is probably the most important legislation that we deal with. When this legislature debates the Appropriation Bill we do so on the basis of the information provided to us by the Government - information on the uses of the funds allocated to each division of that Bill.

Mr Speaker, we in the Assembly debate it in good faith, on the assumption that the information provided was and will remain accurate. I believe that the Government must also act in good faith. If, for unforeseen circumstances, it must adjust what funds are allocated within a division, it has a moral responsibility to inform this Assembly of such changes.

I am not denying, Mr Speaker, that it is prudent financial management to revise the budget in the light of changing circumstances and new information during the course of the year. What I am saying is that this Assembly and the people of Canberra we represent have a right to know the detail of such revisions. To some extent, almost solely in relation to the reallocation of funds resulting from underspending in the capital budget, the Treasurer has provided this detail. Regrettably, in the main, he has simply glossed over the changes.

Mr Speaker, will this Assembly be informed of the "potential off-setting reductions elsewhere" which Mr Kaine referred to when attempting to explain how the Government intended to deal with the blow-out in the health budget? Mr Speaker, I believe that the Treasurer is morally, if not legally, obliged to provide that information.

The Treasurer also gave no indication of how the expenditure blow-outs in elements of the community services program will be funded. If funds are being diverted by finding savings in other elements of the program, then the Assembly should be informed. The Treasurer did not explain what will be, in his words, the "other economies" which "will be sought" from the education budget in order to deal with the entirely predictable failure of the Alliance Government's school closure program to achieve savings. I would ask, Mr Speaker: How is the Government going to fund the additional \$1m for bushfire control? How are they going to fund their inability to implement some of their restructuring initiatives and their poor estimation of wage increases?

I should reiterate, Mr Speaker, that I am pleased that Mr Kaine has provided an update on the implementation of the ACT budget. The information that he has provided is indeed useful. I also do not oppose the view that the budget must change throughout the year to reflect changing circumstances. That is only commonsense. But what I do oppose is that the budget should be viewed simply as budget estimates, as a broad outline which can be changed at the Government's whim. While the Assembly does provide broad appropriations to expenditure programs, it does so on the basis of the information on the detailed expenditure of those programs provided to it by the Government.

I believe that the Government of the ACT has an obligation to this Assembly and to the people of the ACT to keep them informed of changes to the program expenditure outlined in the budget. I believe that such an open approach to the budget would be in the best interests of good government in the Territory.

Mr Speaker, I would like now to turn to some of the initiatives which Mr Kaine announced in his statement. As I stated earlier, most of these initiatives relate to the reallocation of capital funds as a result of delays in a number of major construction projects. The Labor Party supports the action being taken by the Government to ensure that these funds do not remain unspent.

The current and the prospective economic climate in the ACT, as elsewhere in Australia, requires that action be taken. The point must be made clearly, however, that the decision to reallocate these funds does not provide any real assistance to the economy above what could already have been expected from the original budget. There are in fact no additional funds being allocated. Mr Speaker, given that this is the case, it is hard to justify Mr Kaine's claim that these decisions will be an additional benefit to the ACT.

I would also urge the Government to carefully consider its capital expenditure program. They must be aware - I do not see how they could not be aware - of the increasing concern being expressed in the community over the proliferation of

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changes to road and traffic arrangements which have been occurring recently. I know that the Labor Party offices have been flooded with questions from residents over why, in their view, money is being wasted on many of those projects.

Mr Speaker, Mr Kaine also reannounced his deputy's decision to establish a referral or counselling service for businesses in financial difficulty. As I stated here on 19 March, I believe that, while this proposal deserves support, it is simply treating the symptoms and not the causes. I believe that the proposal will have no effect on the ACT's economic climate and that what we need in the ACT is positive action. There has been no action from this Government, for instance, on commercial tenancies - a measure which is desperately needed to protect businesses from unjustifiable rent imposts.

The Government is not taking positive action to deal with the current economic downturn. Even where there is some sign of action, the Government's pace is far too slow to be of use in boosting the ACT's economy in difficult times. We have only to look at two examples. One, of course, is the section 19 decision announced yesterday by Mr Kaine. The result of Mr Kaine's inability to deliver on that project, brought about through sheer ineptitude and by a divided government, is that 1,000 jobs in the ACT will simply not be created. The tourism industry, the construction industry and the ACT economy will have to do without the boost that that project would have provided to the ACT. Mr Speaker, I believe that the delay, the incredible delay, in considering section 19 really

- - -

Mr Collaery: You set the tender conditions.

MR SPEAKER: Order!

MS FOLLETT: I believe that the incredible delay in considering section 19, together with Mr Collaery's obdurate opposition to that project, has denied the people of the ACT the benefits that that project would have won.

Mr Collaery: I have in no way influenced the tender.

MS FOLLETT: Mr Collaery's repeated and aggressive interjections obviously indicate that he feels that he is guilty. Mr Speaker, also on the question of delay and lack of decision making through sheer ineptitude, we still have the incredible mess of the ACT planning and development legislation. The Government, who made this a major plank of their platform on their dismissal of my Government, have not been able to produce the legislation that is required by the ACT, and they have certainly not been able to produce it in a timely fashion.

In conclusion, Mr Speaker, I do welcome Mr Kaine's statement - it is useful to have an update on the budget from time to time - but I believe that it begs more questions than it answers. I believe that we have yet to see from Mr Kaine's Government the kind of decisive and thoughtful action that the ACT's economy needs. The two examples that I have referred to - the failure of the section 19 project and the lack, at this stage, of any planning or approvals legislation that would be appropriate to the ACT - condemn this Government. They stand condemned by their own ineptitude, their failure to take crucial decisions, their divisions internally and the total lack of leadership from Mr Kaine in steering the ACT ship of state.

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

Sitting suspended from 12.09 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Casino Project

MS FOLLETT: My question is to the Chief Minister, Mr Kaine. I refer to Mr Kaine's statement in the house yesterday that he had failed to achieve development of the section 19 project. I ask Mr Kaine: What are you doing about Mr Collaery undermining the possible new process for establishing a casino before you even discuss the matter in Cabinet?

MR KAINE: That is an interesting question. There has been, and I suppose there will continue to be, speculation about what might happen on two fronts: First of all, what might happen about the casino itself and, secondly, what might happen about section 19 and the constituent elements of that, one part of which is the North Building.

Ms Follett: When are you going to sack Mr Collaery?

Mr Collaery: Is that a supplementary question or an interjection?

MR KAINE: Mr Speaker, I thought I was in the middle of answering the question. If everybody wants to have a debate about it, I am prepared to sit down and let them talk about it.

MR SPEAKER: Order!

MR KAINE: Of course, there is the question of the casino and there is the question of section 19. It is my personal view that we have to regenerate the section 19 development proposal in some other form that is more acceptable to developers and hopefully that will include the casino as provided in the original proposal. The Government will reconsider that, and it will do so very quickly.

As

I

said

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yesterday, I have already asked the members of the public service to consider alternative proposals. Until those proposals come to the Government and until the Government considers them and informs everybody what its view is, there will be speculation. Individual members of the Government and the community will, no doubt, be pushing their own particular pet projects.

On that particular issue, I just note that the Government has recently announced its intention to build a new civic centre right next to the Griffin Centre. Work has already begun on the forward planning for that and I do not see moving that or any part of it to the North Building or any other location as being an option at the moment. We have given a commitment to our community groups to build a new facility for them adjacent to the Griffin Centre.

However, in fairness, I think I should say that the joint party room of the present Government is an open forum for debate. There are, in fact, three political groups within it. There are different views about what should happen on every topic that comes before us. Until it is debated there, and in the Cabinet room, there will be different views. I accept that. If it comes to a question of differences of view, of course, I do not think that our position is any different to that of the Labor Opposition. I am well aware of the fact that within their Caucus meetings there are differences of view, as one would expect in a Labor Party that is almost evenly divided between the Left and the Right, and with one unaligned member. I am sure you have some interesting debates in there about all sorts of issues, just as we do in the joint party room.

I am not critical of that. I think it is healthy debate and it is healthy debate in the context of our joint party room as well. While I do not agree with Mr Collaery on that issue, he belongs to a particular political group that has its own views on development projects and he expresses them - - -

Mr Berry: How weak.

MR SPEAKER: Order, Mr Berry!

MR KAINÉ: It is not weak at all. I suppose you go to water in your party room and do not put your views strongly. That is clearly nonsense. As I was saying, while members of our joint party room have different views, when it comes to a final discussion and a final decision on the matter, members of the joint party room will be bound by whatever that decision is. In the meantime, members are entitled to, and I am sure will, express their views. I may well express a few views of my own during the next few days while we are developing a new approach to section 19 and the casino.

MS FOLLETT: I have a supplementary question, Mr Speaker. Mr Kaine has said that he does not agree with Mr Collaery on the subject of a casino.

Mr Kaine: No, that is not what I said, Mr Speaker.

MR SPEAKER: Order!

Mr Kaine: I said that I did not agree with Mr Collaery on the question of the use of North Building. I will not be misquoted.

MR SPEAKER: Order, Chief Minister!

MS FOLLETT: Mr Kaine cannot have it both ways. Is Mr Kaine able to exert his leadership in this Government, or will he continue to allow the Residents Rally to dictate his Government's policy and to sabotage the ACT economy?

MR KAINE: I am glad that Ms Follett has asked that question because, first of all, the Residents Rally does not dictate this Government's policy.

Mr Berry: You just told us that it did.

MR KAINE: No, I did not say that. Ms Follett has misquoted me. In terms of not agreeing with Mr Collaery, what I said was that I did not agree with his view on the use of the North Building. That is what I was talking about. The fact is - and I thought I dealt with it quite satisfactorily - that until the Government takes a view on any subject the constituent members are entitled to express their opinions. We are reviewing where we should go with section 19.

Members interjected.

MR SPEAKER: Order, members, please!

MR KAINE: As I said, Mr Speaker, if they want an open debate I will sit down and everybody can have a good chat. I do not mind in the slightest.

I do not feel at all aggrieved at the question. I think that our position on this side of the house is clear. This is a democracy. People are entitled to individual views. But, when the joint party room and the Cabinet decide on the outcome, that will be the end of the matter. I will exert my influence within the context of the processes of our joint party room, which is a democratic process, unlike that of the Labor Caucus. I am quite sure that my view will carry due weight.

Energy Conservation

DR KINLOCH: My question is also to the Chief Minister. In the light of the Commonwealth Government's initiative in providing an energy conservation guide to every Australian home, what is the ACT Government doing for our community?

MR KAINE: First of all, let me say that the Government supports the Commonwealth's initiatives in this matter which they have taken to inform and educate the community on how we can all contribute to energy conservation. The ACT is not excluded from that. We have a responsibility, just as everybody else does. We support the initiatives of the Commonwealth Government in that matter. We would want to see people in the ACT following those guidelines and conserving energy in the national interest and in the interests of this community.

The Alliance Government has already taken some significant initiatives of its own that go, perhaps, beyond what the Commonwealth is now proposing. If you only look at this year's budget you will see that we are spending about \$1m in this fiscal year on energy efficiency measures in our schools, in ACTION depots, and in our motor vehicle registries, to be specific. We are spending \$1m and we expect to save about \$350,000 a year as a result of that expenditure. That is not only an investment in the environment; it is an investment in future expenditure reduction as well. In fact those measures, I am told, will reduce by nearly four tonnes a year the amount of carbon dioxide released into the atmosphere. That is a very significant achievement.

In the area of public transport, ACTION has already got programs going to replace its buses. It is investigating the use of compressed natural gas powered vehicles. These, of course, will be less polluting than the ones that they have now. Again, they will result in financial savings as well as having some positive environmental effects.

Ms Follett: He is reading very slowly.

Mr Berry: He does not want any more questions; the pressure is on.

MR KAINE: The only environmental pollution that is coming at the moment is from opposite.

The Government is also giving priority to examining and responding to the recommendations of the Standing Committee on Conservation, Heritage and Environment which, as members will recall, only recently inquired into energy issues. We are also looking at the further development of comprehensive and effective energy conservation policies for the ACT itself to supplement those of the Commonwealth. I think it is obvious that, whether we have any guidelines specifically on that issue or not, we are already taking some very significant measures.

Casino Project

MR CONNOLLY: My question is to Mr Kaine. Would Mr Kaine agree that the failure of the ACT casino project is of significant benefit to his Liberal colleague in New South Wales who has announced that two casinos are to proceed in Sydney? Can the Chief Minister inform the Assembly of any discussions he had with the Premier of New South Wales regarding the prospects of a Canberra casino while at the constitutional conference the week before last?

MR KAINE: I will answer the last part first. I have not had any discussions with Mr Greiner on the question of a casino in the ACT because, quite frankly, it is none of his business. I did not ask him what he is doing about his either; that is his business. I do not know that it will be of great benefit for New South Wales or for anybody else that - - -

Members interjected.

MR KAINE: I have heard a lot of people in the ACT over the last year saying that the - - -

Members interjected.

MR KAINE: Again, Mr Speaker, I am prepared to sit down if somebody else wants to carry on a discussion.

MR SPEAKER: Order, members, please!

MR KAINE: I am prepared to answer the question or not. I do not care one way or the other.

It has been interesting that there has been a continuing debate over the last year on the merits of a casino in Canberra. There is, surprisingly, a point of view that says that the casino is not going to be a goldmine for the ACT; that it will be an increment in terms of the tourism attractions in Canberra. It is not going to be a Hong Kong style casino. I do not think that was ever intended. It was always proposed, as I understand it, to be a fairly small operation.

I do not see that that kind of operation is a threat to anybody. I do not see anybody in Wrest Point, the Northern Territory or Adelaide closing down their casinos because we are going to get into competition with them. I do not think it will worry the New South Wales Government one way or another whether we have a casino or whether we do not.

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From our viewpoint, it is more important that we consider the extent to which a casino will be an added tourism attraction in Canberra and the contribution that it will make to our economy, without worrying about whether it has an effect on New South Wales or vice versa. We should not allow our decisions to be coloured by what somebody is doing somewhere else.

My view has always been, and remains, that a casino will be useful, and that we have to regenerate the section 19 proposal in some suitable form. I believe that the bulk of community opinion supports the provision of that casino, and the Government will now examine ways and means by which - - -

Mr Berry: No, no. They want the jobs.

MR KAINÉ: They want the jobs too.

Mr Berry: They want the construction jobs.

MR SPEAKER: Order, Mr Berry!

MR KAINÉ: You could have heard me yesterday, Mr Berry, but I know that you never listen to what I have to say. All you want to do is talk, not listen. I made it quite clear that I was of the view that amongst those who would have been disappointed by the decision were the trade unions because they saw this - and so did I - as an opportunity to generate some employment and to inject some finance into this economy of ours. I still hold that view. I am sure that the view of the trade unions and my view on the matter would be coincident in that regard. So I do not think we need to be attacking each other or throwing rocks at each other on this issue.

I think most of us would agree that it is a sad thing that the project has not yet come into being. We will be doing our best to generate a construction program as quickly as we can. My view is that within that construction program there will be a casino. I know that not everybody agrees with that viewpoint, but I believe that to be so. We will get on with it as soon as we can.

Tuggeranong Community Health Centre

MRS NOLAN: My question is to Mr Humphries in his capacity as Minister for Health. Can the Minister advise the Assembly what the current situation is in relation to the Tuggeranong Community Health Centre?

MR HUMPHRIES: Yes, I can. The Tuggeranong Health Centre building was commenced in 1988. Due to delays in construction it was not completed until 3 December last year. Alterations to some service delivery areas were commenced immediately and completed on 24 February this

year. The handrail for the central staircase, which is a matter that has been the subject of some debate, did not comply with building regulations and, therefore, had to be replaced. Naturally, it goes without saying that this Government would not allow a building to be opened unless occupational health and safety issues of that kind were fully addressed.

Officers of the Board of Health have been working since early 1990, ordering equipment and arranging for the installation of telephones in order to have the building operational as soon as possible. Community health services will be relocated from the Chisholm and Kambah health centres. Chisholm is a temporary demountable building which houses a community nursing team and, on two days a week, a women's health service. Kambah has a number of private tenants who will continue to operate from that site. Kambah is not conveniently located to provide a service on a regional basis. The new Tuggeranong Health Centre is located opposite the bus interchange and is easily accessible to people who live in the Tuggeranong region. Services will be provided from that centre. They will include a doctor, nurse practitioner, physiotherapy - - -

Mr Berry: Found out again; another health bungle.

MR HUMPHRIES: Mr Berry is not very concerned about health in the Tuggeranong Valley, but other people in the chamber certainly are.

Mr Kaine: I do not think he has ever been to Tuggeranong.

MR HUMPHRIES: I do not think he has either, Mr Chief Minister. Those opposite are not really interested in hearing what these services are, but people in Tuggeranong probably are. I would like to explain what they are, Mr Speaker, for the benefit of the record. We will provide, on that site, a doctor, nurse practitioner, physiotherapy, immunisation and baby health clinics, speech pathology, nutritionist-dietitian, social worker, child health medical officer, dental, mental health, women's health and community nursing. Services on that site will be phased in from today.

Donations to Australian Labor Party

MR STEVENSON: My question is to the Attorney-General and concerns the \$8,500 that the Attorney-General revealed was paid to the ACT Labor Party from people associated with the pornography industry during the ACT election. While I am aware that there have been reports in the media and statements in this house about the matter, would the Attorney-General have the following matters fully investigated, if he has not already done so? How and when was the money paid; by what route; and who were the people

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involved? Was the money solicited or offered; by whom; and under what conditions? Were any of the people or businesses I named in this Assembly as having connections with the Mafia in the United States connected in any way with that payment? As the \$8,500 was paid to the Labor Party during the election period when all moneys received had to be declared, why were no charges laid? Lastly, in or since 1988 were any other moneys or donations in kind received by the ALP originating from people or companies operating in the pornography industry, associated with it, or on its behalf?

MR SPEAKER: Mr Stevenson, there is some doubt as to whether the Attorney-General is responsible for this question.

MR COLLAERY: I am happy to take it on notice, Mr Speaker - more than happy.

MR SPEAKER: All right; please proceed.

MR COLLAERY: Mr Speaker, I thank Mr Stevenson for the question. He gave me the courtesy of giving me a copy of the question before question time. It is a comprehensive series of questions. They seem to be matters that lie in the public interest. I have just been going through the *Hansard* of another debate before the Follett Government was removed from office. Clearly, some of those matters may - I stress may - be relevant to the material Mr Stevenson has made available.

Mr Connolly: You are heading towards the bottom of the barrel, Bernard, and scraping hard.

Mr Kaine: Come on, Luigi.

MR COLLAERY: I will refer these questions in the relevant context to the Electoral Commission or the police, as the case may be. I undertake to provide a response to the house.

Mr Connolly: On a point of order, Mr Speaker: The Chief Minister interjected, "Come on, Luigi". I presume that that was some sort of snide interjection suggesting some sort of ethnic slur.

Mr Kaine: We are talking about the Mafia.

Mr Connolly: It is in the record, though. We will show that to the ethnic communities, Chief Minister. They will like that.

Mr Kaine: It is the Mafia who are ethnic, whether you like it or not.

MR SPEAKER: Order! Please proceed. Mr Collaery, have you concluded?

MR COLLAERY: I have not finished, Mr Speaker, but I have concluded my answer.

Mrs Grassby: On a point of order, Mr Speaker: I make the point that "ethnic", in the dictionary, means "people, folk, human". I think we all are that.

MR SPEAKER: Thank you. That is not a valid point of order.

Deputy Chief Minister

MR BERRY: My question is to the Chief Minister. It is about the continuing and irreversible damage that is being done to the ACT by this perk and power hungry group opposite. I have to say that Minister Collaery is at the centre of it. He and his Residents Rally party have destroyed the job prospects of thousands and caused permanent damage to the ACT economy - and they are laughing about it - by the instability his party is causing to government in the Territory.

Mr Humphries: On a point of order, Mr Speaker: I have not heard any question, just a series of statements from Mr Berry. Could we have a question out of all of this?

MR SPEAKER: Mr Berry, would you please get to the point.

Mr Berry: Speaking to the point of order, Mr Speaker: I would just like to have the same tolerance given to questions as is given to those who answer them. I would also like the same tolerance to be given to the question as was given to Mr Stevenson.

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

Mr Kaine: If you have a question, get on with it.

MR BERRY: The question will be coming, Chief Minister, and it will be up to you to answer it. The issues, of course, are most important. The report today of Mr Collaery's attack on Mr Humphries is just another example of the disloyalty and instability in the Government, and the inability of the Chief Minister to deal with it. My question is: When will you, Chief Minister, show some leadership and a little bit of courage and sack this person for the disloyalty and instability that he is causing in the government of the Territory?

MR KAINE: I think I show leadership and courage every day of the week. I am constantly defending myself against the attacks from the Labor Opposition - most of them ill-founded, most of them without justification. Nobody has ever accused me of cowardice before. Maybe I had better go back and look over my history to see whether I have any record of it. Of course, when it comes to loyalty, Mr

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Berry would not know what loyalty is. There is an old saying about people who live in glass houses. I think that the crux of this really is the question of loyalty. What we are talking about here, Mr Speaker, is integrity. I do know that there are some members - - -

Mr Berry: I have not seen any. I was not talking about that.

MR Kaine: I do not see any of it from your side of the house at all. You seem to believe that politics has to do with nothing but smear tactics, destroying people's characters and tearing down everything worthwhile that has been done. I would like to see - just once - a member of the Labor Opposition support something that the Government does.

Mr Connolly: We do it regularly; you know that.

MR Kaine: No, you do not. You have this dog in the manger attitude that nothing that the Government does is right; that nothing that any member of the Government does is right.

Ms Follett: On a point of order, Mr Speaker - - -

MR Kaine: Mr Berry asked the question; he is getting his answer.

MR SPEAKER: Order, Chief Minister!

Ms Follett: The question was, Mr Speaker: When will he sack Mr Collaery? I do not believe that his answer so far has been in any way relevant.

MR Kaine: Mr Speaker, I would sack the Leader of the Opposition before I would sack any one of my Ministers.

Ms Follett: You did.

MR Kaine: We did that. As far as I am concerned, she will stay sacked too. She was sacked because she could not perform. Mr Berry was there. He could not perform either. He is trying to demonstrate now that he has a grasp of health and financial matters, when he had no grasp of them whatsoever when he was Minister. He does himself no credit by the kind of attacks that he makes. Mr Speaker, the people opposite are concerned. They know that this Government is doing the things that needed to be done. They know that we are facing up to the things that have to be done. They know that we made the hard decisions and that we will make them again in this coming year's budget. We recognised the budgetary gap that the former Leader of the Opposition and former Treasurer denied existed. We recognised it then, we still recognise it, and we will continue to do the things that need to be done. They are dead scared. They are running scared, because

they know that most people out there in the community recognise that we are doing the things that have to be done. We did not run away. We did not deny that there was a problem, and we are not running away from it.

Mr Moore: On a point of order, Mr Speaker: The answers to questions shall be brief and to the point. I was just wondering whether he is going to sack Mr Collaery.

MR KAINÉ: Mr Berry's question was very long and he is going to get a long answer, Mr Speaker, with your - - -

Ms Follett: Because you are terrified of getting another question.

MR KAINÉ: Question time can run for quite some time. I always give you plenty of time, but you very rarely use it to any advantage. All you do is carry on this personal attack. If it is not Mr Collaery, it is Mr Humphries, and, if it is not Mr Humphries, it is Mr Duby. And, finally, today, you are trying to have a go at me.

Mr Moore: On a point of order: I refer to standing order 118. The Chief Minister really is being rather flagrant about not being concise.

MR KAINÉ: I will wind it up in a minute, Mr Speaker.

MR SPEAKER: Thank you. Please do so, Chief Minister.

MR KAINÉ: The fact is that the members of this Government are performing very well. Unlike most of the members of the Labor Opposition, they are doing the job that they are being paid to do. They are not shirking their job like members of the Opposition who will not go to the committees to which they were elected. They are doing the job, and they are doing it well. I am trying to get to the end of this answer. I know that Mr Moore is getting a bit agitated and I would like to get to the end of it. In conclusion, Mr Speaker, all three of my Ministers are doing such an excellent job that I am not contemplating firing any one of them.

Australian Federal Police Women's Forum

MS MAHER: My question is to the Attorney-General in his capacity as the Minister responsible for ACT policing. Attorney, have you had a report from the Commissioner of Police regarding the recent Women's Forum for the AFP and, in particular, whether any conclusions were reached regarding the portrayal of women police?

MR COLLAERY: Mr Speaker, I thank Ms Maher for the question. Yes, I have received advice and been otherwise informed that the second Australian Federal Police Women's Forum was held from 25 February to 1 March 1991 at the AFP

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College in Barton. It was attended by 22 members and other staff members from around Australia. I understand that the forum was opened by the Honourable Ros Kelly, as keynote speaker, who related her own experiences in a male dominated profession to those of women in a policing environment.

The outcome and report of the Women's Forum is interesting. It deals with the role and the position that the Australian Federal Police should take from an administrative point of view in according management responsibility, in according the usual equal opportunity roles that policewomen, of course, are entitled to. The forum recommended that suitable courses be developed and scheduled to give women members and staff members opportunities for career development which are not catered for within current training curricula.

The forum otherwise recommended that information and opportunities and processes for career development be advanced. Also, there are other recommendations dealing with methods of training, regionalised training, and enhanced contacts between women who perform such a difficult role in our community policing function. Mr Speaker, perhaps somewhat amusingly, one of the strategies that may be developed is to provide a female counterpart to Kenny Koala. Whilst I have not been informed, as Minister, how it is intended to do this, the mind boggles. Wendy Wombat? No doubt, we could have some useful suggestions from the Leader of the Opposition.

Mr Speaker, the forum also discussed the issue of flexible working hours for all personnel in view of the particular demands of the situation in which women in the police force find themselves. The forum was attended by interstate policing elements. I am very pleased to see the Australian Federal Police move importantly on this issue. One topic discussed, of course, was the fact that there is still some confusion as to the effect that recent amendments to the Australian Federal Police Act - a Federal Act, of course, I stress - have had on maternity leave entitlements. I am taking that matter up. I will be paying it close attention, with the support, I trust, of my colleague Carmel Maher in these matters.

Leases Legislation

MR MOORE: My question is directed to the Chief Minister. In fact, I gave him notice of this question yesterday. Chief Minister, I understand that Professor Max Neutze has written to you expressing his concerns about the ability of the ACT Government to control leases in the ACT. In his letter he refers specifically to section 11A of the City Area Leases Act and the relationship between the Supreme Court and the ACT Government. His concerns are most aptly put in the following paragraph:

The result seems to be that the ACT Government has no way of objecting to the non-purpose-clause changes that will be possible under the new section 11A(2)(a). Thus the Supreme Court will have to make up its mind without any clear guidance from the ACT Government; indeed the ACT provides no appropriate criteria to the court.

Can the Chief Minister confirm that he has received this letter, and, if so, what is his response to that problem?

MR KAINE: Yes, Mr Speaker, I have received that letter from Professor Neutze. As I understand it, his concern is based on a false premise in that he has misread, I believe, the nature of the amendment on which he bases his comments. I am writing to Professor Neutze to explain what I believe his misconception to be. I will give you a copy of that letter so that you can read the explanation for yourself.

Deputy Chief Minister

MR WOOD: I direct to the Chief Minister a further question concerning these internal disputes within the Government which damage, perhaps even destroy, any attempt to promote the future well-being of Canberra. Chief Minister, what will you do to prevent Mr Collaery repeating the public comments he made as Acting Chief Minister that he did not want a casino and again sabotaging the attempts to raise finance for the project? What more damaging evidence could you have when finance is a problem and he is sabotaging your efforts? When will you take him under control and stop shrugging your shoulders and saying, "Well, I am stuffed. I cannot do anything about it"?

MR KAINE: As usual in questions of this kind coming from the Labor Opposition, this is based on a false premise. The implication of Mr Wood's question is that the project failed to be financed because of something that Mr Collaery said. That is absolute rubbish. If there were any validity to the implication of Mr Wood's question, the people simply would not have put in a proposal. They certainly would not have proceeded with it over many, many months and persisted with the objective of gaining the contract - - -

Mr Wood: So you think he is a help, do you?

MR KAINE: He is a great help, yes. The fact is that Mr Collaery's views, public or private, have nothing whatsoever to do with the outcome. As I said, these people simply would not have persisted month after month, they would not have persisted even over the last 28 days, to raise finance for this project if they had been in any way influenced by what Mr Collaery or Mr Wood, or even Mr Connolly, had said on the issue. So, it really is an entirely irrelevant point that Mr Wood is trying to make.

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Civic Square Redevelopment Project

MRS GRASSBY: My question is also to the Chief Minister. How do you tolerate Dr Kinloch's claims to have had a victory over your attempts to redevelop section 19? And remember that flattery is the food of fools.

Dr Kinloch: Not so. Quote it. Table the statement. I just said the very opposite on the ABC news at noon.

MR SPEAKER: Order, Dr Kinloch!

Dr Kinloch: I am entitled to answer that.

MR SPEAKER: Order, Dr Kinloch, please!

MR KAINE: It is all right, Mr Speaker; I will answer.

Dr Kinloch: I ask you to quote the noon ABC news as to what I said.

MR SPEAKER: Order, Dr Kinloch! Please listen. You can make a personal explanation at the end of question time if you wish, but you cannot do it without getting leave of the Chair. Please proceed, Chief Minister.

MR KAINE: Again, as is so often the case, the question from the Opposition is based on a wrong premise. A misstatement, a distortion, anything will do. I am surprised that Mrs Grassby would frame such a question.

To answer the question specifically, everybody in Canberra knows that Dr Kinloch has a very strong and personal view on the casino. He has held his position publicly and consistently. I do not happen to agree with him, but I am not going to tell him that he must change his mind on a subject such as this on which he has such a strong view.

I find it appalling for Mrs Grassby to raise the question as though, somehow or other, it is reprehensible to hold such a view. I certainly do not intend to publicly chastise Dr Kinloch. Perhaps it might satisfy the Opposition if I take him behind a playshed and beat him up once or twice. That is about the level of the question, and that might be the only solution.

Civic Square Redevelopment Project

MS FOLLETT: My question is also to Mr Kaine. We have heard at quite some length today about all the people that Mr Kaine does not agree with but is not going to do anything about. In relation to Mr Collaery's earlier dorothy dixer, Mr Kaine is looking more and more like the Rally's own glove puppet. But, Mr Kaine, let me ask you a question about someone whom you might agree with: When will you take the advice of the chairman of the Liberal Party Strategy Committee, Mr Bob Winnel? I quote:

Get your act together over the tenders for section 19.

Do you not agree with him either?

MR KAINE: I thought I already had my act together over the tenders for section 19. As I said, what we saw yesterday was the culmination of a process set in place by your Government. You laid down the ground rules; you determined the process. Had I changed the ground rules at any stage during the evaluation, you would have nailed my hide to the wall, and you know it. Now you want a two-way bet. You would have nailed my hide to the wall if I had attempted to intrude in any way in the process that you started. Now you want to nail my hide because I followed it implicitly.

I do not accept your argument. I did what you set up. You were the one that set the ground rules for that process. You set up the arrangements that made it almost impossible to find anybody to comply. It was your proposal that went forward for consideration - not mine; yours. You wear the consequences. Stop trying to nail it onto my wall. I do not buy it. You carry the consequences of your own actions.

Mr Berry: Bob Winnel does not agree with you.

MR KAINE: Mr Winnel agrees with me that we should have a section 19 program in place right now, but the reason we did not have that was that you lot set the ground rules.

Mr Connolly: Labor's fault when something goes wrong; your credit when something goes right.

MR KAINE: Reference to the *Hansard* will show that when I was Leader of the Opposition I very often supported actions that the Government took. That was in a situation where you lot had a minority government. I supported you when you did something that was right, and I said so publicly; but all you lot do is criticise. You do not support anything that the Government does, right or wrong; and you think that is being political. It simply shows how shallow you are and that you have not a single philosophical thought in your brain; you just react on a knee-jerk reaction to everything.

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Mr Berry: Was Bob Winnel right or wrong?

MR KAINE: Bob Winnel is right when he says that the section 19 project should be going ahead; I agree with him wholeheartedly.

Schools Amalgamation

MS MAHER: My question is to the Minister for Health, Education and the Arts. Can the Minister inform the Assembly as to how the amalgamation of Melba Primary School and Spence Primary School is progressing?

MR HUMPHRIES: That is a very interesting question from Ms Maher, who, I think, has had some interest in that particular proposal to administratively amalgamate those two schools. So I am happy to answer that question. The Mount Rogers Community School - as it is now known - has been established with representatives from both campuses on its school board. The new school community has been very hard at work to produce an important and viable school community for students. They have issued a mission statement which reads:

Through the co-operative involvement of the staff, parents and community to endeavour to ensure that the students of the Mount Rogers Community School will:

achieve their potential;

develop a lasting concern for others and a respect for their rights;

meet the challenges of our rapidly changing society and world; and

make a positive contribution to their environment.

I have to say "Hear, hear!" to those very laudable sentiments and very positive goals for that school. The school will be participating in the school performance, review and development program, or SPRAD program. There are 520 students enrolled at that school - 254 at the Melba campus and 266 at the Spence campus. After-school care is being provided for children at the Melba campus.

Mr Speaker, I have been out to the school. I have spoken to the teachers and the board members out there. I am extremely impressed by the dedication they have shown to their task. I have to say that I think it is a very good example of a school community taking the problems that face them, dealing with them directly and bravely, and succeeding in having created a very good school as a product of that work.

Dental Services

MR STEVENSON: My question is to the Minister for Health, Gary Humphries, and concerns what would appear to be a severe lack of dentists available to the people of Canberra who are on social security pensions. Is the waiting list for an appointment to see a dentist some 14 months in the health authority building in Civic? This dental service is available, of course, to people who have a health care card, a health benefits card or a pensioner card, all issued from the Department of Social Security. Is it also correct that the other two dental clinics in the ACT dealing with pensioners, Woden and Belconnen, have a waiting list of about 12 months? While I realise that in emergency cases patients are dealt with quickly, does the Minister agree that there are exceedingly long delays otherwise, and is something being done about that to increase the number of dentists available?

MR HUMPHRIES: Mr Speaker, I thank Mr Stevenson for that question. It is a very good question about the status of dental services in Canberra. I cannot answer the question about the length of time that people are waiting for services. I will happily take that part of the question on notice. I certainly am aware that there are problems with long waiting times in Canberra, for dental services provided by government services. There are a number of reasons for that.

As is the case in many other areas of our health services in Canberra, we are experiencing difficulties in recruiting to current vacancies for dentists in the ACT. Restructuring of dental services to enable more flexible use of professionals between school and adult dental services is going on at the present time, which is both a way of improving services in the future and, of course, of some minor disruption as that goes on.

We have also been looking, as a way of dealing with this problem, at making an application to the Industrial Relations Commission to increase rates of remuneration for dental professionals to bring the ACT up to a competitive level with other States. Unfortunately, Mr Speaker, a major problem we experience is that dentists who are floating around the system, so to speak, tend to want to go to places like New South Wales where there are better rates offered to dentists in that same position. Until we can get some better arrangement to get them to come to the ACT, we do face a problem. We also need to improve career paths for professionals under the structural efficiency guidelines, to make it attractive to be a dentist in the ACT Government Service. I am concerned about these problems. I have met with staff from the dental service to discuss the situation there. I would like to see some progress made on that matter. I can assure Mr Stevenson that I will be giving my attention to that question.

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Mr Speaker, we do have the possibility of contracting prosthetic services to the private sector, as recommended by the Priorities Review Board inquiry. That particular possibility, as a way of easing some of our problems, will be explored in the context of a management improvement plan which is currently being administered by the Chief Minister's department. I can assure Mr Stevenson that that plan will be available within the next six months. I am sure it will go a long way towards easing some of the problems. As far as those other matters are concerned, such as the length of time on waiting lists, I will have to get back to Mr Stevenson.

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

Quarterly Financial Statement

MR Kaine: Yesterday I was asked a question without notice by the Leader of the Opposition concerning the Treasurer's quarterly financial statement for the period ended December 1990. I took that on notice because I could not recall the details. I called for a copy of the report, which I thought I had seen. I now have a copy of it. I did see this report some time ago. There appears to have been a failure to publish it. It will now appear in the *Gazette* on next Monday, 22 April. I table a copy of it for the information of members.

Belconnen Remand Centre

MR COLLAERY: I have an answer to a question. Mr Speaker, on 19 March Mr Stevenson asked a question regarding what seemed to be unnecessary expenditure of taxpayers' money concerning a training course recently completed at Warrambui for staff from the Belconnen Remand Centre. Mr Stevenson went on to ask a number of questions.

Mr Speaker, my answer to Mr Stevenson's question is that the training courses referred to are an essential adjunct to the construction of special care cells at Belconnen Remand Centre. Both have been designed to improve the quality of care and custody that we provide for behaviourally disturbed detainees. All custodial staff were required to undertake one of three courses. Each included sessions on basic descriptions of the various forms of mentally ill behaviour; strategies for dealing with those suffering from mental illness; the basics of psychiatric treatment programs; simulation exercises to practise new skills; and support networks available for mentally ill persons in the community. The courses were designed by newly appointed training and nursing staff and were delivered with the assistance of experts from interstate.

I have to inform Mr Stevenson that it was important that all custodial staff complete the training with the minimum disruption to the centre's operations. It was considered that the best way to do this was to hold the course away from the centre and to further foster teamwork on a residential basis. The training room opened at the centre last year was but a small part of improved facilities for staff and new office space. It does not have the capacity for groups of the size involved in this activity. It will, however, continue to be used for smaller intakes of new recruits and the material from these courses will form part of that initial training.

The overtime costs, and some of the costs associated with the training, would have been unavoidable wherever the course was held. By holding the courses at Warrambui, it was also possible for other correction staff to participate. The total cost of the Warrambui courses was \$14,675 and this worked out at \$60 per day for each participant. I consider this a sound investment towards improving service delivery in this important area.

HEALTH SERVICES DETERMINATION

Mr Berry: On a point of order: Mr Speaker, yesterday in the debate over the financial delegations to senior officers of the health department, Mr Humphries, at about 10.46 am moved that the debate be adjourned. At that point the question was put that the debate be adjourned. That was put by the Speaker. You said, Mr Speaker, that the Ayes had it, and I called for a vote. "The Noes have it, I think" were my words. You then went on to say, "The question is: That the resumption of the debate be made an order of the day for the next day of sitting", ignoring my call for a vote. Mr Speaker, I call on you to put again the question that the debate be adjourned.

MR SPEAKER: Thank you for that point of order, Mr Berry.

Mr Berry: It is in the *Hansard*, sir.

MR SPEAKER: Thank you, Mr Berry. I will answer you; but I believe that Mr Collaery wants to speak to that point of order.

Mr Collaery: I think you know what action is required, Mr Speaker.

MR SPEAKER: The situation is, Mr Berry, that - as has happened in the past - you were too slow with voicing your opposition.

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Mr Berry: It is in the record.

MR SPEAKER: It may well have been, but I did not hear you say that before I had taken that decision. Unfortunately, that was the timing of the action. If it did in fact occur, I can only apologise for not hearing it; but the point is that I understood that you called after I had actually declared the motion passed.

Mr Berry: Well, the record shows differently. Will you put the question again, sir?

MR SPEAKER: I do not believe that that is appropriate at this time.

PERSONAL EXPLANATIONS

DR KINLOCH: I wish to make a personal explanation.

MR SPEAKER: Do you claim to have been misrepresented?

DR KINLOCH: I claim to have been misrepresented in two ways, and I do not think these were deliberate. I just want to say that I have been misrepresented. In no way has the Residents Rally sabotaged the process that began under Ms Follett's Government and concluded yesterday. We were not part of that process. I was certainly not involved with that process. There were two committees set up. I do not know what those committees did, because I was not a member. I can only say that we sat patiently for many months, since July 1989 - - -

Ms Follett: On a point of order, Mr Speaker: In what way does Dr Kinloch claim to have been misrepresented?

MR SPEAKER: I believe that Dr Kinloch is getting to the point.

DR KINLOCH: The word "sabotaged" was used. I have not sabotaged anything. Ms Follett used the word "sabotaged", and I believe that it was repeated by Mr Wood. I am not responsible for any sabotage.

Mr Berry: Come on, of course you were.

DR KINLOCH: I am sorry, Mr Berry; I am not responsible for sabotaging anything. I need to make this point in order to answer the second misrepresentation. The first misrepresentation is to imagine that the members of the Residents Rally were involved in any way with affecting, or meeting with, or having any connection with those two committees. There was a process that was started, and that process concluded yesterday. We had nothing to do with it.

Ms Follett: What about your leader's public statements?

MR SPEAKER: Order!

DR KINLOCH: We are entitled to individual opinions about all kinds of matters. I will certainly not regard any attempt to curb freedom of speech as anything that ought to come from the Leader of the Opposition or the Labor Party. I do not accept for one minute that we have sabotaged anything. I am a member of an organisation which happens not to agree with the government proposal. That organisation, of which I am a loyal member and which I support, has steadily opposed over 15 years - not two years, not three years - the establishment of a gambling casino in this city.

Ms Follett: And you sabotaged it.

DR KINLOCH: The word "sabotage" is totally inappropriate. To me the word "sabotage" has memories of World War II, and implies something very savage and unpleasant. We have done no such thing. I am not going to accept it for one moment.

MR SPEAKER: Order! Dr Kinloch, I believe that you have made your point on that issue. Do you have a second point?

DR KINLOCH: I will now go, necessarily, to the more serious misrepresentation. I have given, at their request in every case and was happy to do it, two interviews to 2CC, one to the ABC, one to the Canberra Times, one to Capital, one to WIN, and I think there was another camera in the offing when we were talking to WIN. I am not in the business of claiming victory over anyone, but I want to make the point that Mr Kaine has properly followed the processes of those committees in looking at the tenders over the period from when that process began. That process began a long time ago. He has properly kept the whole matter at arm's length. He has allowed the matter to proceed.

I now wish, in particular, to refer to my interview with Claudia Oakley, which I did early this morning and which was played on the ABC at 12.30 pm. In that interview, I publicly - - -

MR SPEAKER: Order! Dr Kinloch, are you claiming that someone in the house has misrepresented you?

DR KINLOCH: Yes.

MR SPEAKER: All right; please proceed.

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DR KINLOCH: Mr Speaker, I ask whether the transcript of that broadcast could be tabled. I am now paraphrasing what I said because I do not have the words in front of me. I ask the people in the Public Affairs Unit to discover what was said either on the 12.30 or one o'clock news. I am not sure which one I was listening to. The paraphrase is roughly this: I wish to applaud the Chief Minister on the careful way, over a long period of time, in which he has kept an arm's length distance from this matter and the way in which he has conducted himself in the matter of the casino tender. That is what I said publicly.

MR CONNOLLY: Pursuant to standing order 46, I seek to make a statement. I claim to have been misrepresented.

MR SPEAKER: Please proceed, Mr Connolly.

MR CONNOLLY: Mr Speaker, during question time this afternoon, the Chief Minister on several occasions was stating that members of the Opposition, in contrast to his party when in Opposition, never support the Government and never have a positive thing to say about the Government. I will refer him to the following pages of *Hansard* of this year only, where members of the Opposition expressly support or congratulate the Government on aspects of administration: Mr Berry at page 323 in relation to the Poisons and Drugs (Amendment) Bill, Mr Berry again at page 327 in relation to the Drugs of Dependence (Amendment) Bill, Mrs Grassby at page 1009 in relation to the Stock Bill, Ms Follett at page 1042 in relation to the administration of the Canberra Festival, and me at pages 790 and following in relation to weapons when I spoke in quite glowing terms of the Attorney-General's legislation. That is from just two minutes' research. Mr Speaker, the statement that the Opposition never is supportive of Government initiatives is simply false.

MR KAINE (Chief Minister): Mr Speaker, I would like to respond to that.

MR SPEAKER: Do you claim to have been misrepresented too?

MR KAINE: Yes, I think I have been misrepresented. In the heat of the moment we often do overstate the case. I must admit that the occasions are so rare that for the moment they escaped me. I am appreciative of Mr Connolly bringing those matters to my attention.

LEGISLATIVE ASSEMBLY - SECRETARIAT Report

MR SPEAKER: I table for the information of members the 1989-90 annual report for the ACT Legislative Assembly Secretariat.

PAPER

MR HUMPHRIES (Minister for Health, Education and the Arts): Mr Speaker, I seek leave to present a petition which does not conform with standing orders as it does not contain a request.

Leave granted.

MR HUMPHRIES: Mr Speaker, I present an out-of-order petition from 136 residents, objecting vehemently to the removal of Ms Carol Grout-Smith as principal of Theodore Primary School.

ROADS - ACCIDENT BLACK SPOTS
Ministerial Statement

MR DUBY (Minister for Finance and Urban Services), by leave: Mr Speaker, the *Canberra Times* of today, 18 April, carried an article which appeared to suggest that the ACT Government is not allocating Federal funds to reduce road accidents in an appropriate way. Mr Speaker, I would have imagined that a matter so important as, for example, the deaths and injuries of ACT citizens on our roads and the reduction of motor vehicle accidents would have been raised as a matter of public importance or at least would have rated today a question without notice addressed to me. But no, that was not to be.

Mr Speaker, this inept, incompetent, lazy, factionally divided and disaffected Opposition, this Ashton's Opposition, this Barnum and Bailey bunch opposite, simply were not the slightest bit interested in something affecting the well-being of the citizens of the ACT. However, I for one am very keen to set the record straight by providing this statement to the Assembly which details the reasons for my selection of locations for accident reduction treatment.

The projects nominated by me to the Commonwealth Government for funding under the black spot program, and which the Federal Minister for Land Transport, Mr Bob Brown, approved yesterday, all deal with significant road safety hazards. By the way, while we are talking about road funding for this particular program, it should be worthwhile pointing out that originally our Federal Labor colleagues across the lake in no way intended to include the ACT in this black spot reduction program.

Mr Jensen: Shame!

MR DUBY: Indeed. They were then shamed - the word Mr Jensen uses - into offering a measly \$1m over three years for this program. I am very pleased to be able to say that, as a result of consistent efforts on my part, that amount has been raised to some \$2.4m over the next three years.

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In developing my proposals I had to take account of the Commonwealth Government's rules concerning the expenditure of these funds. These are quite specific and limit the choice of projects to those which satisfy criteria which include the following: That projects should desirably be of low cost - that is, less than \$200,000; that the physical condition of locations with a history of serious injuries, in addition to deaths, should be treated; that funds should be spent where the highest benefits can be achieved - this, of course, is not necessarily where most fatalities occur; that, in addition to road improvements works, funds can also be allocated to road safety enhancement projects such as pedestrian safety measures and the purchase of breathalyser units. There was an additional requirement that all funds allocated this year had to be spent before 30 June 1991.

In framing our work program my department took all these criteria into consideration. Each project was carefully evaluated against guidelines laid down by the Commonwealth and which are applied nationally to ensure that maximum benefits to the community would be realised by reduction of all accidents, not just fatalities.

I am keen, of course, to reduce the death toll in the Australian Capital Territory; but the majority of fatalities which occur on our roads can be addressed only by other than physical improvement to roads, such as driver education and enforcement. This was recognised in the provision of \$150,000 of black spot funds for the purchase of additional breathalyser units. In fact, Mr Speaker, it needs to be remembered that this funding is only one part of the Commonwealth's 10-point road safety program. Other elements deal with issues such as the introduction of graduated licences, the use of bicycle helmets, increased levels of random breath testing and adoption of the 0.05 blood alcohol level across Australia. This package demonstrates the wide range of issues which all impact on road safety.

The black spot program is of three years' duration and our works projects have been selected to reflect this. For example, four locations that have been the scene of fatal accidents in the past four years will be considered for black spot funding in later years. These include improvements to intersections - the Barton Highway and Gold Creek Road, the Monaro Highway and Mugga Lane, and Ainslie Avenue and Doonkuna Street - and the Tuggeranong Parkway between Sulwood Drive and Hindmarsh Drive. Two other locations that have been the scene of fatal accidents have already been upgraded or will be upgraded this year as part of my department's capital works program. These include Athllon Drive and Marconi Circuit. Both locations were referred to in today's article in the *Canberra Times*.

The assessment of the circumstances behind each fatal road accident, Mr Speaker, I can assure you, is most rigorous, with a senior engineer from my department attending the location of each fatality and discussing possible causes with the police in attendance at the scene. The purpose of attendance at the scene is to enable the engineer to assess the extent to which road conditions may have contributed to the accident and to what extent other driver-related conditions played a part.

The police are extensively consulted concerning road fatalities and the need for improvements. In particular, improvements at the intersections of Johnson Drive and Tharwa Drive, Mugga Lane and the Monaro Highway, and Antill Street and Challis Street resulted from these consultations. Fatal accidents which recently occurred on Kingsford Smith Drive, the Federal Highway, Ginninderra Drive, Mugga Lane, William Slim Drive and Hindmarsh Drive were all assessed by my officers and the police to be significantly contributed to by driver error as a result of either excessive speed or alcohol, or a combination of both.

In addition to allocating black spot funds to locations with a demonstrated significant level of deaths and serious injuries, it was agreed with the Commonwealth that it would also be appropriate to address locations where there was a demonstrated pattern of potential for serious accidents, especially those involving pedestrians. The inclusion of a project to install a pedestrian refuge in Anketell Street in the Tuggeranong Town Centre, to assist existing and future office workers and shoppers to cross this road to and from the Tuggeranong Hyperdome, falls into this category.

Mr Speaker, my department has an ongoing traffic management program to address road crashes in the ACT. Funding from the Commonwealth represents a small - it is small, but it is significant - contribution to this program. I am confident that the black spot funds are being used appropriately on locations with bad accident records and will realise significant benefits to the ACT community in reduced road trauma and expense. I think it should be pointed out that this year alone the ACT Government has spent some \$30m on road maintenance and remedial works, along with road construction. Compared to the \$800,000 that the Commonwealth is contributing under the black spots program, it is seen that the ACT Government itself is bearing the brunt of these remedial works.

Mr Speaker, I shall now table details of each project which has been approved for inclusion in the 1990-91 Commonwealth black spots program. The justification for each is clear and significant and the estimated benefits will be well in excess of those required by the Commonwealth for eligibility for funding by the black spots program.

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MRS GRASSBY, by leave: Before I say anything about this, I am quite happy to table the question that I had to ask on black spots. Unfortunately, as there was so much ruckus from the Government, I got only one question in today. I did not get the opportunity to ask a second question. The question was: Did you nominate the 18 traffic black spots which have been selected for the Commonwealth funding and what were the criteria for these selections? I also had two supplementary questions, no matter what his answer was.

Mr Duby: It is a bit late now, Mrs Grassby. The horse has bolted and the question was not asked. You had no interest.

MR SPEAKER: Order, Mr Duby!

MRS GRASSBY: The point is that you want to check first. Mr Speaker, the *Canberra Times* on 18 April 1991 carried an article which appeared to suggest that the ACT Government is not allocating Federal funds to reduce road accidents in an appropriate way. I am keen to set the record straight by providing this statement to the Assembly which details the reasons for my selection of locations for accident reduction treatment. The projects nominated by me to the Commonwealth Government for funding under the black spots program, and which the Federal - I am sorry.

Mr Duby: Ha, ha! She read the wrong thing.

MRS GRASSBY: It is all right, Mr Speaker. I am sorry.

Mr Jensen: That is one for page 3, Ellnor.

MRS GRASSBY: I will give you that one; it is one for page 3. I am sorry, Mr Speaker. It is one for page 3. You can have that one, Mr Jensen. I have more on you, though.

Mr Duby: It was such a good statement that you wanted to make it again.

MRS GRASSBY: That is all right. Once we made a statement in the house three times and you never woke up to it. It was the same statement. So, never mind; at least you are awake.

MR SPEAKER: Order!

Mr Kaine: We just take it as read. You do it all the time.

MRS GRASSBY: We are good at it, though, are we not, Chief Minister? Mr Speaker, let us be very clear about two points of this matter: Firstly, the allocation of these funds on these particular traffic black spots represents yet another Alliance Government debacle and a typical wasteful use of money; secondly, the responsibility for

this debacle rests firmly on the shoulders of the Minister for Finance and Urban Services. He is not listening to me anyway; I am wasting my time reading the speech. Would you like me just to give you the speech, Mr DUBY?

Mr Humphries: That would be nice. Whose is it?

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

Mr Humphries: I would not mind.

MR SPEAKER: Order! Mrs Grassby, please proceed.

MRS GRASSBY: Thank you. If I can have silence, I will. This debacle rests firmly on the shoulders of Mr DUBY, not the Federal Minister for Land Transport, the Hon. Bob Brown, MP, or his Commonwealth department.

I do not deny that the 18 traffic areas which have been approved for the Commonwealth funding require attention. They are not 100 per cent safe. Let us face the facts. Can anyone nominate a truly safe stretch of road anywhere in Australia? But I do not believe that the 18 particular traffic spots nominated for the Commonwealth funding represent the most dangerous traffic spots in Canberra. Consequently, there is a problem with the priority here, and for one reason or another the Minister appears to have not yet given priority to the most dangerous traffic spots in Canberra.

Mr Speaker, this is not just my thinking on the matter. The Minister's decision clearly goes against the best information available. It does not recognise the statistics collated by the Australian Federal Police on which are the most dangerous traffic spots in Canberra. Nothing which Mr DUBY says can refute this fact. I am sure Mr DUBY realises that the Federal Police have pointed out that the really dangerous black spots have not been affected by the money spent.

Mr Speaker, to clarify my belief that the responsibility for this debacle lies with the Minister, let me briefly outline the process involved to obtain Commonwealth funding for upgrading dangerous traffic spots. It is not a very complicated process. Having agreed and adopted a package of national reforms, the ACT became eligible for the Commonwealth funds. The responsible ACT Minister then had to nominate traffic black spots in the ACT and forward them to Mr Brown's department. Mr Brown's department then had to ensure that the nominated black spots met the necessary criteria. If they did, moneys would be allocated. This basically is the process which was followed to reach the unfortunate decision which we are now debating.

As you can see, Mr Speaker, there was no role for the Commonwealth in any way to question the nominations put forward by the Minister. This is because the Commonwealth expected that the responsible Minister in the ACT, Mr DUBY,

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would have consulted widely before determining which traffic spots needed the most urgent attention. This is where the process fell down, and this is why the responsibility for the wasteful use of Commonwealth funds lies firmly with the Minister. I cannot begin to understand how he could have arrived at this decision without consulting the Australian Federal Police, but he has done exactly this.

Mr Speaker, the police are the people who attend all the accidents in Canberra. Therefore, they obviously are the people who would know what was the most dangerous area. I am sure Mr Duby's department, which is a very good department - I know it well - has done an excellent job in finding these spots; but I suggest that the Minister, next time, spend a little bit of time talking to the Federal Police before the decision is made for this amount of money to be spent on the black spots.

HIV, ILLEGAL DRUGS AND PROSTITUTION - SELECT COMMITTEE
Interim Report - Illegal Drugs

MR MOORE, by leave: Mr Speaker, I move:

That the Assembly authorises the Select Committee on HIV, Illegal Drugs and Prostitution to present an interim report on illegal drugs in the ACT.

The committee feels that it would be appropriate to take the second two parts of our task - illegal drugs and HIV - in two parts, reporting first on the illegal drugs, which we would hope to do before the winter break.

Question resolved in the affirmative.

HIV, ILLEGAL DRUGS AND PROSTITUTION - SELECT COMMITTEE
Interim Report - Prostitution

MR MOORE: Mr Speaker, I present the interim report on prostitution in the ACT of the Select Committee on HIV, Illegal Drugs and Prostitution, together with copies of the relevant minutes of proceedings, and I move:

That the report be noted.

The first thing that people will note when they look at the report on prostitution is the title, "Prostitution in the ACT". Some might well read it as "Prostitution in the Act". If you decide that you wish to read it as "Prostitution in the Act", then I suggest that you distinguish between the legal Act and the physical act. If you are in that boat, then I suggest that it has no relationship at all to the second chapter, which is called "The Current Position", and that you be very careful about

chapter 5, and be pleased that we called it "Other Jurisdictions", not "Other Methods". It is quite clear, Mr Speaker, that whenever one deals with something like this there is always going to be the possibility of double meanings and so forth.

A few days ago I finally got around to watching *Pretty Woman*. The film is a far cry from what I have seen of prostitution. That film is a Cinderella story. The prostitute there finally gets treated as a person, rather than an object, and I think that has some relevance to us today.

Mr Speaker, in tabling this report there are a number of people that I would like to thank. The first of those is Peta Roberts, the original secretary of our committee who got the committee moving; Judy Starcevich, who really was a backup, perhaps an anchorwoman, to the committee; Marion Terrill, who did a significant amount of work on the interim statement that was published on behalf of the committee in the *Canberra Times*; and, most importantly of all, the secretary of the committee, Ron Owens, who has worked absolutely tirelessly.

Mr Speaker, when I hear some people making disparaging comments about public servants I think of people like Ron Owens when I take them to task. I know that Ron worked the other night until around 3 o'clock in the morning in order to make this report available to be tabled this week. This is something that we should recognise. I know that all members here recognise the significant contribution that all our public servants make to us. I think that is a good example. I think Ron Owens is a very good example of somebody who has made a major contribution.

The secretariat staff have to put up with members, and dealing with members is, on many occasions, not the easiest of things to do. Of course, there are exceptions to that rule, Mr Speaker, and those exceptions I shall not name. I do have Bill Wood sitting in front of me. Mr Wood and Mrs Nolan are the other people that I would like to thank. At times we had difficult and very frank debate on issues. This committee does require open minds and because of their open minds we have been able to come to an agreed report. That is something that I feel very pleased about.

I also wish to thank the Attorney-General for his constant positive responses and positive remarks about what the committee was doing. This has made for a positive attitude in the community and a logical and rational debate. The Attorney-General also made available the police force for comment. We have been very pleased with the police force and how they have contributed in many ways. In fact, as late as lunchtime today, they informed the committee of the opening of a new brothel in Mitchell. Even as this report is tabled, in fact there are not seven brothels as identified by the committee; as of today, I understand, there are eight. The one opened in Mitchell is called Silk International, for those who are interested in the detail.

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Finally I would like to thank the members of the community whom the *Canberra Times* recognised in an editorial on 3 February, part of which I included in my preface. The editorial said:

It is, perhaps, a measure of the maturity of the Canberra Community that public debate surrounding this inquiry has been conducted in such sensible and low key language.

We do not expect everybody to agree with us, but we have had a very positive, logical and rational debate.

I turn now to some of the concepts, Mr Speaker. One of the things that have concerned me in my dealings with prostitution and other areas is the concept of marginalisation of groups. When this was being discussed in the committee hearings with, I believe, Bishop Power of the Catholic Church, he presented prostitution as dehumanising. Perhaps there is some reality in that; perhaps there is some truth in it. But I think that even more dehumanising than prostitution itself is society's view of what goes on as far as prostitution is concerned and the way that society has been treating women in particular, because the vast majority of prostitution - not all of it - concerns women.

Mr Speaker, in the ACT, I think prostitution is the last private sexual act between two consenting adults to which legislation applies. That being the case, it is important for us to realise that the position of the law in relation to a private sexual act between two consenting adults is worth tackling. The other issue, and probably in many ways the most important issue, is that of public health. The public health issue really is one that we, as a committee, weighed up against, amongst other things, the morality issue. Whenever public health and morality are put in opposition, it seems to me that public health at all times must come out as the dictating factor.

When I spoke to this Assembly and put the motion to establish this committee, I talked about the clear link that would exist between prostitution, illegal drugs and HIV. In fact the committee has discovered very little link, in reality, between the spread of HIV and prostitution at this stage. However, I think what is critical is that the potential for the spread of HIV still exists. It is something that the committee has dealt with by way of regulation. It is one of the overriding factors in our consideration.

Another factor in our consideration, of course, is the position of the power relationships that exist with illegal brothels and the power relationships, which we discussed in our earlier statement, between men and women as far as the issue of prostitution goes. Perhaps we have dealt with that at the point where we have suggested that street

prostitution - at this stage we can find no evidence that it exists in Canberra, and we want to keep it that way - ought to be illegal. But it should be illegal on this basis: Both the person who would prostitute and the client should be guilty of an offence, and should be guilty of the same offence. That has not been the case in any jurisdiction that I am aware of, and I believe that it is the most appropriate way to deal with it.

This committee has not attempted in any way to be an inquiry in the same sense as a royal commission or something of that nature. It has not attempted to conduct an inquiry in a way that perhaps Mr Fitzgerald would have done. It has been looking at the social aspects of prostitution and how it fits into our society, and we have recommended that prostitution be decriminalised and regulated.

The role of the police in prostitution has been most awkward and difficult. The police have had legislation; but, because of a refusal by the Director of Public Prosecutions to prosecute except under certain circumstances, they could well have been seen to not be doing their duty. In fact, from the evidence we have seen and from the discussions with the police, we believe that they have carried out their duties in a most exemplary way under the most awkward of circumstances. It is most important that they be congratulated. I hope that the police will receive this report in a very positive way, as it is intended to be. The recommendations of the committee are that the police have no special powers with reference to any licensed brothel or escort agency that exists in the ACT.

I refer to a "licensed brothel or escort agency" because our recommended method of control or regulation is the establishment of a licensing board, and that licensing board ought to be self-funding. The police, of course, would still have the same powers as they have always had with anything else. If they are suspicious, for example, if they have evidence that a brothel has any other places involved in, for example, the use of drugs, then it will be quite appropriate for them to seek a warrant and to raid the place, if that is the appropriate word.

It is also important to note that it has been quite common practice for police to be invited to brothels in order to sort out problems with unruly customers. The managers have told us that they have a good relationship with the police, and I presume that that good relationship will continue. There is a civil liberties issue raised by the committee about the keeping of records on prostitutes. The police tell us that there are some 400 prostitutes in the ACT. The rest of the evidence that we can gather shows that there are some 150. This indicates that the records of the police, although they are not available broadly, relate to some people who are not working as prostitutes. We have

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recommended, therefore, that those records be destroyed. In order that the Assembly be satisfied that they have been destroyed, we have also recommended that the Chief Police Officer for the ACT actually assure the Minister, and through him, the Assembly, that those records have been destroyed.

We have dealt with taxation and immigration issues and have attempted to clarify them. It is certainly inappropriate for illegal aliens to be working as prostitutes anywhere in Australia, but in particular in the ACT, because it is our area. One of the major overriding reasons for that is that we are aware that prostitution in South East Asia in particular has been a major conduit for the spread of HIV, and we certainly do not want that to continue here.

I briefly mentioned street prostitution before. It does not exist in the ACT, to the best evidence that we can find, unless somebody can provide better information for me. We believe that the community wishes that situation to continue. We have recommended a quite heavy fine for street prostitution so that it will continue as a non-issue for the ACT.

We have dealt with young people. Many of the submissions that were presented to us suggested that prostitution goes on amongst young people, particularly street children. We have distinguished between that sort of sexual activity - it really is sexual exploitation - and prostitution, which is a formal exchange of money for a sexual service. At the same time, we have considered it appropriate to recommend as a serious offence any attempt to procure young people for prostitution, and we have defined young people in the only sensible way - as people who are not yet adults, who have not reached the age of 18.

In conclusion, Mr Speaker, I believe that the report speaks for itself. The 90 recommendations are detailed in such a way that the decriminalisation and regulation of prostitution can be handled in a very positive way in our society. We have drawn particular evidence from Victoria where they have attempted a similar thing. We believe that they have not done well because of the nature of the regulation and because of the nature of the relationship between the State Government and the councils on planning issues. I believe that in recommending that no brothel be larger than having 40 workers we will overcome many of the problems associated with the legalisation of prostitution in Victoria. We recognised those problems and that was why we decided to go down the road of decriminalisation and then regulation. Mr Speaker, I would welcome the comments of my colleagues who worked so hard on this report.

MRS NOLAN (3.59): Mr Speaker, in speaking today on the interim report on "Prostitution in the ACT" I will, at the outset, make some general comments and then I specifically want to address the one area in the report where I was not in agreement with the other committee members.

Firstly, I express my thanks to the other two committee members, Michael Moore and Bill Wood, and to the committee office, in particular Ron Owens for his tireless efforts, especially over the last week, in ensuring that this report was tabled today. I am sure, Mr Speaker, that the minutes tell the story. There were many hours of debate, especially during the consideration of the report. Also, I would like to place on record my thanks to all who assisted us during our inquiry, both here in the ACT and interstate.

Mr Speaker, as I stated in my additional comments, through my membership of this committee I encountered a very different side of human nature than I had originally anticipated. Throughout the inquiry and during consideration of the report my major concern was for public health. Any moral judgment could only be viewed in that health context.

Mr Speaker, I neither condone nor condemn prostitution. However, I believe that in recommending law reform those involved in the industry, including brothel owners, workers and clients, should be able to adopt a lifestyle of prostitution, if that is the lifestyle they so choose, without harassment. I would like to read into the record part of what is said at paragraph 12.4 in the report because I think it is really quite important. I quote:

... for as long as society remains sexist in its orientation, for as long as women remain portrayed as saleable objects, for as long as men continue to have the financial dominance to buy their sexual release, then for so long will prostitution remain a part of our society.

It is in that context that we have looked at law reform. There is no way that prostitution will not remain part of this society; it has certainly been around for some 2,000 years. I think it is time that we looked at it and made sure that in recommending reform we make it a situation whereby those people who have that involvement do so without harassment.

Mr Speaker, I would also like to acknowledge the difficulties, as Mr Moore has done, in relation to the police. They have had to operate, I believe, in very difficult circumstances in relation to the prostitution industry in more recent years, and they certainly have done an excellent job here in the ACT.

In the early sections of the report details are given in relation to current laws, both in the Territory and around Australia, and I will not comment further on those. The report then considers in some detail the relationship between HIV and prostitution - and that potential is certainly still there - and illegal drugs and prostitution. While little evidence came before the committee in relation

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to illegal drugs activity and the link with prostitution, it will continue to remain a concern. I believe that this issue will be canvassed more fully when the committee tables an interim report on illegal drugs.

The report also contains a detailed chapter in relation to sexual exploitation of young people - a concern, I am sure, for many in our community. I will not discuss this issue in the short time available today, but I would like to bring it to members' attention as it certainly is an issue of major concern to me.

Mr Speaker, it is now appropriate that I discuss the law reform issue, and in particular the differences I have with other members of the committee on the implementation and maintenance of that law. I consider it appropriate that there be only one enactment for the control of prostitution in the ACT. A licensing system does seem to be an appropriate mechanism and, as a consequence, a small advisory body should be set up by the Minister for Health to recommend granting, reissuing, transferring and monitoring licences issued to own or operate a brothel and/or an escort agency.

Licensing, I believe, would be the best means of regulating the operation of brothels and escort agencies to ensure that they remain free of criminal activity and to give the community the public health protection that is so necessary in today's society. It is also the committee's view that a limit on the number of workers in each brothel or escort agency would assist in the health arena. As I said earlier, public health has to be of paramount importance.

Mr Speaker, I do not believe it appropriate for the licensing body to have statutory power. We are talking here about the ACT, and I am conscious of the small size of the prostitution industry in the ACT. It is in that context, as I stated in my additional comments, that we must consider the prostitution industry. I think it is appropriate that I remind members that there are many other boards and committees here in the ACT that do not have statutory power. I think we have to put it all in that sort of context.

We can think of the Tourism Commission. The tourism industry generates over \$500m in revenue and employs 8,000 to 10,000 people. Then there is the Taxi Industry Advisory Committee and the Health Promotion Fund, to name but a few. They do not have statutory power. Remember that we are talking about the seven or eight brothels that currently exist in the ACT. There are, in fact, several more escort agencies. I do not believe that the community would support a statutory authority to regulate prostitution.

One of my other concerns, Mr Speaker, is that throughout the report a path of law reform was advocated, as I have already mentioned, to remove discrimination from those in the industry; yet the report recommends that brothel and

escort agency owners reside only in the Territory. We recognise throughout the report that brothel and escort agency owners are small business operators. We do not restrict any other small business owner to residing only in the Territory and I do not believe that we should restrict brothel owners or escort agency owners.

I am aware, of course, of the clause in the draft legislation put forward in the Northern Territory where it was proposed that escort agency owners be residents only of the Northern Territory. I think it is fair to say that the Northern Territory and the ACT geographically are poles apart. I also believe that this could pose a constitutional question. However, my concern is not in relation to the Northern Territory but in relation to the ACT.

As I said, Mr Speaker, we are a small Territory surrounded by New South Wales. Constantly we are promoting the ACT as a region and I do not believe that we should be creating a hurdle that may cause problems. I would suggest that people have the right to reside wherever they choose. Mr Speaker, I do support an advisory committee to make recommendations to the Minister. Provided that the licensing body does that, then other recommendations in relation to law reform are appropriate.

In regard to the committee report, there will be some sections that not all members are in total agreement with, and I do not intend to go through these paragraph by paragraph today. Overall it is a report that represents the consensus view of the committee. I, like other members of the committee, am aware that these recommendations before us today represent substantial social change in our society. I also agree that there may well be issues relating to regulation of the prostitution industry in the ACT that we really have not addressed. Perhaps we just have not considered them; perhaps they have not been brought to our attention. We are well aware that that may well be the case.

Mr Speaker, in concluding, there are two other issues I want to address briefly. As Mr Moore stated earlier, to our knowledge there is little or no street prostitution in Canberra; but in any form it must not be tolerated. Any reforms proposed in this report or any references to prostitution include only brothels and escort agencies, and then only those located in industrial areas, as in Mitchell, Hume and Fyshwick. I do not support brothels and escort agencies being located anywhere in residential areas.

MR WOOD (4.09): Mr Speaker, initially I found the proceedings of this committee interesting. I suppose we were looking at aspects of life of which I had only very vague knowledge. We saw aspects that, frankly, I would prefer were not there. I have to say that, while it was interesting, for a time, it was never enjoyable because of

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the nature of the industries we were looking at. Nevertheless, this Assembly has to consider those matters. In particular, the onset of HIV infection requires that we keep a very close watch. This report is a response to that need.

I want to give a note of caution, the same caution that Mr Moore gave in his preface. We were not an investigative body; we developed policies. We did so on what data was available to us; but, in fact, the data was never as much as perhaps was absolutely desirable. Data simply was not available and we did not have the resources or the time to go and get it. I will give you an example. The prostitutes and the brothels told us that they insist on the use of condoms. Now, we do not know any better than that. We cannot gather evidence on that, so, in some measure, we have to make a judgment about the honesty of those people who were talking to us and act accordingly.

In other areas, in the matter of drug use, a lot of what we accepted was accepted somewhat on the basis of trust. I do have confidence in what the police told us; and where they maintain a watch they gain some knowledge. I accept that. I want you to understand that the data base of the report is a little slender.

I had not expected at the outset that I would vote to decriminalise and to regulate prostitution. I went into the inquiry with something of a closed mind, and that is not my usual stance on committee work. I had an inbuilt aversion to prostitution and I thought that it should be possible to prohibit that trade. I find no redeeming features in it; it is degrading of people and of the workers and clients who meet in it.

I am quite pleased that some picture of prostitution emerges in the report. I can see that some of my colleagues have found some part of the appendix that indicates the nature of prostitution in this Territory, and I think it is an important addition because people need to know the nature of that trade.

I believe that a government should have fine ideals and should be working to improve society. I know that prostitution does nothing for the improvement of society. So, on that basis I had expected not to support any decriminalisation and regulation. But, quite simply, it is clear that we cannot ban prostitution. I think there is ample evidence over many, many centuries, indeed over millennia, that banning does not work.

Secondly, we cannot sustain the existing policy. My colleagues have pointed out that the policy of the Director of Public Prosecutions has imposed restraints on the policing of brothels, and the police consequently are in a very difficult position. So, the present situation has to change. Consequently, the only option left is to decriminalise and regulate.

If I have some difference from my colleagues in the way that that should be done, it is that I would see a need for strong policing. (*Quorum formed*) The nature of the business is such, and the generation of money from the business is such - the evidence is clear in other places - that there is a potential for criminal or undesirable activity. Hence, I believe that it does need to be carefully policed, more carefully than the body of the report would suggest. I think the police do need to have some particular role in that.

I would also wish, as the report indicates, involvement of unions through the workers' membership because I think union protection would be a very powerful force in protecting workers and maintaining a strong defence against criminal infiltration. Additionally, designated work groups, as required under occupational health and safety legislation, will be an important factor in improving the operation of those "businesses".

Mr Speaker, I believe that this has been a sensible response to the needs that we have seen. I, too, would add my thanks for the work of the secretary, Mr Ron Owens, who has worked very hard over a long period. Indeed, that work was intensified in recent days.

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

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE AND CONSERVATION,
HERITAGE AND ENVIRONMENT - STANDING COMMITTEES**

Joint Report - Planning Legislation

MR JENSEN (4.17): Mr Speaker, pursuant to order, I present the following papers:

Planning, Development and Infrastructure and Conservation, Heritage and Environment -
Standing Committees - Planning Legislation -

Joint Report, dated 17 April 1991.

Copies of extracts of minutes of proceedings.

I move:

That the report be noted.

Before directing my remarks to the report and its recommendations and making some brief comments on the dissenting comments by members - if time permits - I would like to put on record my personal thanks, which I am sure will be fully supported by all members of the committees, to the joint secretaries of the committees, Mr Greg McIntosh and Mr Bill Symington, and, of course, Mrs Kim Blackburn, who provided keyboard support for the work of the committees. My colleague Mr Moore mentioned in relation to his committee the great effort made by all the

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members of his committee's secretariat. Ours too worked long hours under considerable pressure to ensure that the committees were able to meet the very tight timetable which was set for us.

All committee members are fully aware of the efforts put in by the committee staff in keeping our committee system functioning. The problem, of course, is compounded by the small numbers of members available for committee service and a very limited number of committee staff compared to our colleagues on the hill. At this stage I would like to make a plea for some reconsideration of that aspect of the staffing of our Assembly, because I think committees are a very important part of it. It would be appropriate for us to look at that matter, now that we have been going for in excess of two years. I would encourage all members of the Assembly to bear this in mind when allocating tasks to our committees and during their participation on committees. Of course, I would be remiss if I did not thank members who participated in the deliberations of the committees and, of course, those groups, organisations and individuals who submitted papers to the committees and appeared before us in the public hearings that we had.

This report addresses issues related to a package of legislation which is rightly acknowledged as having a major effect on the future of our city and has been on the community's agenda for some years. In fact, the concepts and thoughts within the legislation have been debated at length over a number of years - well before the Assembly was put in place. Because of the limited time we had in which to report - that is, from 21 February, the date of the motion which established the joint reference, to today - the committees took the view that we would concentrate on the issues raised in the second round of public consultations that were still of concern to the community, rather than the more detailed legal and technical aspects of the legislation. We thought it was more appropriate to consider the major issues rather than nitpick, if you like, in relation to the legalities of this or that.

Before I go further, I would like to make one comment on something that Mr Moore referred to in his comments in relation to the participation of one of the organisations. That was one thing that particularly caught my mind. Mr Moore, of course, is no doubt aware of the situation - in fact, I am sure he is, because he received, as a member of the Conservation, Heritage and Environment Committee, copies of all submissions in both rounds of the community consultation process. The organisation that Mr Moore referred to - that is, the Royal Australian Planning Institute, ACT Chapter - in fact made a submission to that first round of public consultations. That organisation, having been given copies of the report of that round of consultations plus the second set of Bills, obviously decided that it did not need to make any further comment.

I happen, Mr Moore, to know personally, quite well, the president of that organisation that made its submission in the first round of public consultations. From the various discussions that we had - in fact, I seem to recall that we had a discussion on the day of Mr Harrison's funeral where we actually discussed these issues - I am sure that that organisation would have decided to come before the committees if it felt it necessary. I just thought I would put that matter on the table because we did, of course, receive a number of submissions from various groups and organisations, such as the Conservation Council and BOMA, for example, who also conducted seminars for discussion within the community. So, it was not as if the issue of the planning legislation was not out in the public arena and being debated.

Let me now start to comment briefly on some aspects of this report. The first aspect is the title, and I will briefly cover that. The committees indicated that we thought it was appropriate to add further to the title so that it was quite clear that the legislation covered more than just planning. The consultation process was one aspect that did give us some concern. While it was quite clear that there was sufficient time for the consultation process to take place - that is, the total consultation process on the Bill since the first set of Bills, as opposed to drafting instructions, was tabled back in February 1990 - a problem was caused in a way by the fact that that first lot of legislation was tabled over a period of time. I think the committees agreed that it probably would have been much easier if that legislation had been tabled in one bunch, and I think that probably would have removed some of the confusion.

Of course, the Institution of Engineers also made some comments in relation to the aspect of insufficient information in relation to the Bills, particularly in relation to additional guidelines. As the report has clearly indicated, the guidelines that they were referring to are just that - guidelines - and are not appropriate for inclusion in the actual legislation itself or even, in this particular case, in regulations. But I will come to regulations a little later on.

One other concern, of course, was the fact that we received a report from an independent group of solicitors from outside of the ACT, which I thought was quite appropriate because it was probably not a bad idea to have a fresh view on the legislation as it stood, as opposed to looking at it from a very close point of view. We all know that sometimes if you are too close to something you do not actually appreciate fully what you are looking at. It is better, I think, sometimes to step back and take another view. That is why that was probably appropriate, and I support the fact that that consultation was undertaken.

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However, we were concerned that the report of that consultation did not reach the committees until a week ago. I think that is unfortunate. I also think we would have been assisted if we had received a copy of the Government's response, if you like, to the second round of public consultations as we did for the first round of public consultations.

The committees strongly supported the need for general promotion of the package. I think it would be fair to say, however, that the community in general - and I mean in general - does not necessarily need to understand the legal complexities of legislation. But I think it is very important that they know what the legislation means, and the committees were pleased to see that the officials who came before us are in the process of developing that sort of user-friendly-type knowledge, if you like, and information on the legislation as it is finally tabled. So I am very pleased with that.

In the general issues section of the report we deal with the issue of offences and penalties. One of the things that we were concerned about in that regard was the fact that the offences and penalties were not specifically stated. We had some difficulty in assessing whether the penalties were appropriate or not because we did not know what they were. This made it difficult to make an assessment as to the degree of their severity, as seen by the drafters. That was one thing that we had some concern about.

I think it is important, as the committees have indicated, that the cost of the package should be borne by the total community. There should not be one part of the community that is made responsible for bearing all the cost associated with the implementation of this legislation. Also, a very important factor in terms of the availability of public information to the people is that documents related to the implementation of the planning package and associated factors should be available to members of the community at a reasonable cost. If the community accepts the need for a detailed and appropriate planning and land management system, it is appropriate that the community meet some of the cost associated with it.

I would like to comment on one further important aspect of the report - one on which there was some disagreement amongst members of the committees, which has been identified in the additional comments - and that is subordinate legislation. The committees did agree, in fact, that the process of subordinate legislation should be such that no subordinate legislation should be able to take effect until the disallowance period completed. However, there was some divergence as to what should happen if, in fact, a member put a motion of disallowance on the table.

It was my view, as well as that of my colleague Dr Kinloch, that there should be a requirement for such a matter to be brought forward for debate within the Assembly and that it should not be just a matter of the instrument or the plan, for example, being allowed to continue, if you like, or take effect by virtue of the fact that the matter was not brought up for debate. That was one of the key aspects on which there was a slight disagreement between us, and I think that has been clearly identified.

Another area where we disagreed slightly was in relation to the Planning Advisory Committee. It was our view that five was probably not enough, and 15 was too many. We considered that the figure of seven was probably more appropriate. My colleague Dr Kinloch and I considered that to be more appropriate.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Mr Collaery: Mr Speaker, I require that the question be put forthwith without debate.

Question resolved in the negative.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE AND CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEES

Joint Report - Planning Legislation

Debate resumed.

MR JENSEN: I turn now to the heritage section which deals with ministerial directions and declarations. This is one of the most important aspects of the legislation in relation to the open public process. We thought that there was a need for consistency there, and that is why we made the recommendations that we did.

In relation to the membership of the Heritage Council, I think it is important that there is some aspect related to economic expertise. There was some disagreement as to where economic expertise should be brought into the equation. It was the view of Dr Kinloch and me that the heritage significance factor should be decided on significance grounds by the Heritage Council. Once the issue leaves the Heritage Council, that is when consideration can be given to economic factors - in those

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final stages. But it is the Heritage Council that makes that assessment, based on the heritage significance and nothing else. It is for others to decide the economic aspects of the legislation.

Another problem I will cover briefly relates to Aboriginal heritage. Members of the committees had some concern about the ability to identify representatives in this area. And the problem is greater in areas such as the ACT, where European settlement has long since destroyed the obvious evidence of its prehistory. So, my colleague Dr Kinloch and I considered that there was probably a need for some direct involvement, particularly in areas where comments from the custodians of heritage are important, particularly Aboriginal heritage. (*Extension of time granted*)

I am referring to restricted information and the establishment of a keeping place, which was one of the items identified by the Aboriginal group that appeared before us, and that is clearly provided for within the legislation. Dr Kinloch and I considered that the Government should establish an Aboriginal Heritage Council of three members - and I am referring to paragraph 12 of our additional comments in the report.

A related matter, of course, is the need for an Aboriginal person, rather than a non-Aboriginal person, to participate in the Heritage Council deliberations. I think it is not just a matter of having experience in Aboriginal heritage matters; it is also important that members of that council - or at least one member of that council - may even be a member of the Aboriginal community.

I think that is one aspect that the committees have agreed on. In view of the time, I think I will allow the comments that my colleague Dr Kinloch and I have made in relation to leases and land management - which are quite clearly identified in the additional comments - to speak for themselves. I do not think we have the time here this evening to go through that in any great detail. On this very important aspect of the legislation, I think it is important to remember that, on the whole, my colleague Dr Kinloch and I, and all members of the committees, agreed with the general thrust of the report as it is written.

However, both groups of members that were involved with the committees decided that it was appropriate for us to make some additional comments on certain matters, just to make sure that matters were quite clear where there were some differences of opinion in that area. I do not think that that is inappropriate; I think it is quite appropriate for that to take place - and that, in fact, is the way that the committees handled that issue.

In closing, let me express my disappointment in some respects that other members of the two committees decided not to participate. I think that is unfortunate. They will now see, by virtue of the report that they see before

them and the additional comments, that there may have been a little more common ground amongst the various groups of the committees on some of the issues. However, they chose not to do so, and I think that is an unfortunate factor. However, I do not believe that the general thrust of the report and the recommendations contained therein will be greatly affected by that. I think it is important for the community to read the whole report, so that they can examine all the issues that were raised by the seven members of the committees.

MR STEFANIAK (4.37): Mr Speaker, I would endorse the remarks made by the committee chairman in relation to the hardworking staff of the joint committees; namely, our joint secretaries, Greg McIntosh and Bill Symington, and our keyboard-clerical assistant, Kim Blackburn, who carried out the work involved in typing up this report. The committees had a fairly limited amount of time. All members who actually participated worked very hard, as did staff, and a comprehensive report has been handed down.

I will say a number of things in relation to that report. Firstly, in producing a report such as this in an area as complex as planning legislation, I think it would be impossible for such diverse groups as we have in this Assembly, and such diverse individuals, to reach anything like unanimous agreement. However, I suppose I am heartened by the fact that four members of the committees who did participate certainly agreed on the vast majority of points. A number of very sensible compromises and suggestions were reached and made by the joint committees as a result of reviewing this planning legislation, and some very useful additional comments were made.

I have had a very brief look through the additional comments made by Mr Moore and the Labor Opposition. I think it is unfortunate that they did not see fit to play with these committees. Again, the Labor Party has restated its position in relation to Executive Deputies, and again I would say to them that there is no legal basis for their opposition.

Mr Jensen: They just need to read the report.

MR STEFANIAK: Not only the report. If they read the legislation setting up the Assembly, *Hansard* or the statements made by the Chief Minister on numerous occasions, it must be painfully obvious to them by now that there is just no basis for their continuing opposition and the myths they are putting out about the Executive Deputies being part, in any way, of the Executive and having any executive responsibility. So, again, I think it is a shame that they did not play.

I now come to the Bill itself. Generally, this consolidation into one Bill of the very complex issues involved in planning legislation will lay the foundation for the continued development of the ACT into the twenty-

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first century and beyond. This is vital legislation. It affects everyone who lives in the ACT. It is essential for the legislation to be as balanced as possible to ensure that the interests of all citizens of the ACT are catered for and to ensure that the controlled development of the ACT proceeds in an orderly fashion. Legislation that favours one group is not particularly effective legislation and will not help in the development of a self-governing ACT.

I remind members that it is, in fact, now nearly two years since this Assembly commenced operations. I think all members of this Assembly appreciate that the ACT has changed, and will continue to change, as a result of self-government. In fact, most members of the Assembly over the last two years have indicated that the private sector will become increasingly important in the growth, development and the providing of employment opportunities in the ACT. I will say a little bit more on that later because there is one area where Mrs Nolan and I differentiated from our two working colleagues on the report in relation to that.

Overall, I am very happy with the report. The consolidation of this legislation into one Bill was a mammoth task, and I commend the officials who worked very hard on that task. I think they should be commended and congratulated.

I come now to one of the specific parts of Mrs Nolan's and my additional comments, and that is the renewal of leases. Basically, the Liberal members of the committees could see no reason why renewal of residential and commercial leases should be different. Those provisions are contained within clauses 224 and 225 of the Bill. In relation to residential leases, subclause 224(2) states:

The Executive shall not require any payment for granting a lease under subsection (1) other than payment of a charge to cover the administrative costs reasonably incurred by the Executive in granting the lease.

I do not think anyone really has any problem with that. Subclause 225(f), however, which deals with commercial leases, states:

Where before the expiration of the term of a lease of Territory Land that has not been granted for residential or rural purposes -

... ..

(f) the lessee has made any payment required by the Executive for the grant of a further lease of the land;

the Executive shall grant the lessee a further lease of the land to commence on the day of the grant.

However, a further unspecified payment is required by the Executive for the grant of a further lease of the land. I believe that there are some problems there which need to be addressed by the Government when considering the ultimate Bill to be put before the Assembly.

A large number of submissions were received, not only for these committee deliberations but also in previous consultations in relation to this Bill. In relation to the question of renewal of leases, it is worthwhile to quote from evidence given before the committees on 4 April 1991 by the representative of the Master Builders' Construction and Housing Association (ACT). At page 185, he said:

There would be no residential owner in this town who could tolerate a position where they went to buy a house which had a 99-year lease and they were a first home buyer and therefore they were buying an old place that was a bit cheaper, and it had had perhaps 15 years to run on its lease, they clearly would not buy it if we did not know what would occur at the end of the remaining 16 years. The bank would not give them a security value. It would mean that old houses would just decay and sit there like rent control properties sat in the inner cities, like they sit in Harlem, they just become empty and they become dead properties.

And yet, knowing what the implications would be for residential property, we say, well, we are not going to do it, but we somehow think that the commercial property world is different, and we say that we will make the charge reasonable.

He went on to say, at page 186:

Now when we have old buildings, we often have a need for refurbishment, and if you have legislation which allows a percentage, and let us say it is a reasonable percentage, make it 10 per cent, very reasonable, but it is a percentage. Any Government at the stroke of a pen can change that percentage. So when the bank looks at a security which might have 15 years to run, it can't place any value on it because how do you know what Government will be in power in 15 years time.

Further, he went on to say, on page 186:

Unless we create an atmosphere where commercial land is the same in terms of security as residential land, you threaten the ability of the development industry and investment industry to get financial backing for facilities that are needed in Canberra. And I think the reason is simply that the world is a competitive place and

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money is mobile. It has a completely free choice. It can not only choose between Canberra and Sydney or Melbourne - and we might even have an edge on Melbourne at the moment - I think it can choose between Australia and elsewhere.

We have seen the mobility of the capital markets. We see it in interest rates, we see what it means. And capital is mobile. Now, we used to have a town where everything was done by government and now we have a town where government is not going to provide things like office buildings, most entertainment facilities, et cetera, factories. These are going to be provided by the private investment community. And the security value of the land is vital. It just astounds me that we could leave legislation in place which leaves open the sequestration of all private commercial property in the town by a government deciding that 10 per cent is not a fair fee, that it should be 100 per cent. To leave the matter for debate around the percentage instead of the principle of whether private property means what it says, it seems to me confusing as to why we do it.

CARD has made very similar comments in relation to the hypothetical 10 per cent renewal fee possibly going up to 100 per cent. And, indeed, on the legislation as it stands, that is quite possible. Mrs Nolan and I, as the Liberal members of these committees, accepted that argument. We thought there was strong merit in those suggestions by both CARD and the MBA. It is especially relevant now that we have self-government; we have to look after ourselves. We no longer have the luxury of the Federal Government taking care of our needs as it did until recent years. We believe that this is recognised by most members of this Assembly, and we believe that business needs every encouragement to invest in Canberra to ensure a bright future for this city.

Non-residential leases can be treated differently from residential leases by means of betterment tax, land tax, rates and stamp duties, and we do not believe that it is appropriate to have in this legislation sections that differentiate between non-residential leases and residential leases when it comes to renewal of the lease.

In relation to another issue, that of betterment, all witnesses who appeared before the committees accepted the theory of betterment tax; they accepted it as a unique ACT tax, but they accepted it nonetheless. There are, of course, various comments in relation to what it should be. What I would say in relation to that is, of course, that betterment tax has to get the optimum amount of money in for government and also encourage the optimum amount of investment; it has to be balanced. Obviously, from time to time, whatever betterment tax is levied in legislation will have to be reviewed and altered, depending on the economic circumstances at the time.

I think one can say that this whole package of legislation, because of its complexity, will continue to evolve. I think that will happen by necessity. Some of the public servants who appeared before the committees, who were the people who drafted it - especially the people from the Government Law Office - indicated in their evidence that this legislation will be amended from time to time because of its complexity and because of various court cases which might eventuate.

I was particularly pleased to see the committees' recommendation in relation to the question of third party appeals, which was to review the process after two years. This is fully supported by me and my party colleague. Indeed, in relation to those third party appeals, I believe that that is an area where there might well be a particular need to see how the legislation evolves and see what amendments are necessary.

Concerns were expressed in relation to third party appeals by a number of people who appeared before the committees. They were concerned that there was quite a lot of room there for abuse. I think that is something that has to be carefully monitored so that the appeals are in fact real and relevant. People whose interests are threatened certainly have their right to appeal protected, but not just anyone can have a right to appeal - for instance, someone who has no interest whatsoever. I think it will be interesting to see how that pans out in practice as the years go on. I think the two-year provision there is a very sensible one indeed.

I go now to a few other additional comments in relation to this draft Bill. I would say that they are reasonably minor ones. Indeed, on most of these Mrs Nolan and I, as Liberal members, were quite in accord with what was in the Bill. Firstly, clause 26 of the draft Bill deals with the consideration of the plan by the Legislative Assembly. We did not see any need for that to be altered. I think the reality of the situation is that if a controversial proposal were put before the Assembly for a six-day period it would certainly be raised for debate by opponents. And they have a number of ways in which they can do that, including MPIs, questions, putting it on the notice paper, and conducting media campaigns.

I believe that the question of any opposition to the plan could be aired, and the legitimate fears expressed by our two colleagues Mr Jensen and Dr Kinloch were perhaps more pessimistic than they necessarily should have been. I think that is a reasonable provision. Indeed, if a government were successful in allowing the effluxion of time to push through any unpopular plan, it would have to answer to the electorate.

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At present the Planning Advisory Committee consists of five people, including the disciplines of town planning, architecture and engineering. We believe that that committee of five is adequate, as provided for in clause 54. A large committee may become unwieldy and we can see no real justification, certainly at this point in time, to have that number raised.

In relation to heritage, the Bill is very comprehensive and it gets a good pat on the back from the Melbourne firm of solicitors who looked at it in terms of its comprehensiveness and also - - -

Mr Connolly: We still want to know how much you paid them, and how you chose them.

MR STEFANIAK: I did not buy them, Mr Connolly, and, indeed, whilst the ACT Law Society felt it was unduly complex and made some excellent suggestions on how it still can be refined, it got a reasonably good pat on the back from that Melbourne firm.

I think there are some issues there. The Bill is comprehensive in relation to heritage; it is comprehensive in relation to the environment, and rightly so. But we heard evidence at those committee hearings of people who have had what I would consider to be quite just causes and just plans for alterations to their homes but who have had huge problems with heritage legislation and other legislation which I do not think would necessarily be changed by this Bill. I refer, of course, to the evidence given by Bronwyn McCaskill, who was successful in an appeal to have \$30,000 of repairs done to her house. It was suffering from rising damp, and she was suffering some medical conditions as a result of being unable to have necessary repairs made, which included, I think, alterations to a chimney and also widening a window.

The streetscape of where she lived was very important, but in her particular case her house had been modified since it was built about 50 years ago. It was an old weatherboard house, I think, which had had some metal cladding put around it at some time in the past. At any rate, it was questionable what sort of heritage value it would have. Mrs McCaskill spent \$16,000 on her appeal; she got only \$5,000 back. I think those sorts of questions need to be addressed, and I am glad to see that the committees, in fact, considered that.

Subclause 73(2) provides, under the listing of heritage, for the payment of a fee for an application for a place or object to be included on the register. (*Extension of time granted*) Subclause 73(2) provides for the payment of a fee and, unlike my other two colleagues, the two Liberal members felt that that fee should remain, although we did state in our additional comments that we believe that it should be a small one. There is a need not to discourage people from placing objects on the register, and they

should avail themselves of the position. However, I think payment of a fee, even a small one, is important. Firstly, it helps defray some of the costs which will accrue to government as a result of this legislation. It will also be some discouragement to frivolous or mischievous attempts by people to wrongfully use the legislation and wrongfully place other people's objects or places on the register.

The Heritage Council was also an area where we had some slight difference. The Heritage Council comprises no more than 11 members - and I do not think any member of the committees had a particular problem with that. A question was raised, however, as to the various disciplines and the various areas of expertise. (*Quorum formed*) I think nobody had any problems with 11 members, and the question was raised as to what disciplines and areas of expertise should be represented among those appointed members. In clause 149, I believe nine disciplines are actually listed.

The Liberal members of the committees felt that it would be sensible, even at this stage, for one of the members on the Heritage Council to have economic and business expertise and experience. I think that is a most relevant area to consider, even when looking at the heritage matters. The committees did have a slight difference of opinion in relation to that. I think that would enhance that particular council.

In relation to the Heritage Council, we are delighted to see, as one of the disciplines listed among the nine, in subclause 149(b), expertise in the Aboriginal area. Comment has already been made in the report that there was not much consultation up until our hearing in relation to rural lessees and also the Aboriginal community. I think that that is very important.

Whether or not Mr Jensen's and Dr Kinloch's suggestion in relation to a separate committee of three members of the Aboriginal community is sensible is something which I think needs a lot more investigation. Indeed, as a result of the comments of the one Aboriginal person who appeared before the committees I made some inquiries - - -

Mr Jensen: Two.

MR STEFANIAK: Yes, two; but one from the area, and one from Alice Springs, I think. I made some inquiries from other members of the local Aboriginal community. They were certainly, one could say, in the very early stages in terms of determining who they would like to see on that committee, and certainly in relation to an additional three-person committee there was no agreement whatsoever as to whether they would necessarily see that as relevant. That is certainly something I think they should be consulted on before any further steps are taken there. Accordingly, the Liberal members of the committees at this

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stage could not go along with the suggestions made by the other two members in relation to that. I think the Aboriginal community really needs to be fully consulted in relation to that particular issue.

Another area where we made additional comments relates to clause 187. That is the clause dealing with the environment which permits the environment Minister to exempt proposals from the environmental assessment process. We see no reason not to support that ministerial discretion. Ministerial discretion is, in fact, a fundamental tenet of parliamentary democracy. Accordingly, we thought that the legislation should not be altered and that that clause should remain. If a Minister exercised his discretion inappropriately, or if a Minister were to totally disregard an environmental assessment, with all the provisions in this Bill, he really would be going out on a limb and he would have to have pretty good reasons. If he acted inappropriately, maybe his Cabinet colleagues would have a say and, if not, the electorate would have a say in relation to that government. However, I think there are legitimate occasions when clause 187 is necessary, and we could see no reason why that right should be taken away from a Minister of the Crown.

In conclusion, I would like to talk a little bit more about the complexity of the legislation. Whilst there were some heartening comments from the Melbourne firm of solicitors who stated that the legislation was comprehensive, fair and effective, the Law Society of the ACT - - - (*Quorum formed*) The Law Society of the ACT was concerned about the legislation still being very complex. (*Extension of time granted*)

The Law Society made a number of very valid recommendations in relation to how to improve this legislation further and simplify it, and those comments are endorsed by the Liberal members. Finally, overall, we believe that the officials have done a good job in getting this package into one Bill. It will need further refinement; it does need to be balanced. I would expect that there will indeed be further amendments from time to time; but, overall, it is not a bad Bill.

MR MOORE (5.00): Mr Speaker, my strong recommendation to anybody who is looking at this report is to read thoroughly the minutes and the dissenting report in conjunction with the report. I think that is a most critical and most important factor. I thank my colleague Mr Berry for giving me the opportunity to speak at this juncture.

Mr Speaker, the committees failed to deliver on the task that they were set, as far as I am concerned. That was the reason I chose to write a dissenting report. It is very important not to point the finger at the committees themselves for this failure. Certainly, it is absolutely critical not to point the finger at the secretariat because the committees were set an impossible task.

The reality is that, in using its numbers to push these committees in the way that it did, this Government - in its approach to the timing of these committees and the fact that it decided willy-nilly that it was going to have legislation by 1 July - set an impossible task. It was a task in which the committees, right from the beginning, were never going to have any chance of reaching or meeting any reasonable objectives.

The reason for this, Mr Speaker, is that the planning legislation is such a complicated piece of legislation that it would require a significant amount of time and a significant amount of discussion to sort out the problems. What we have instead is an approach of picking out a couple of major areas within the legislation and attempting to deal with those. At least the committees did attempt to do that. The time factor was the critical one, and I feel that we all felt that pressure. I did not participate in the committees, as I had indicated that I would not do so as long as there was a conflict with Mr Jensen chairing the committees and also retaining his position as Executive Deputy in charge of planning matters.

Although many people seem to find that they can dismiss the issue very easily, it is an issue that has become critical. I think that our committee system is hanging on this particular issue. It is something that ought to be resolved. It is a great shame that the quality of this report has been diminished greatly because Mr Jensen was not prepared to compromise and the Chief Minister was not prepared to compromise as well in allowing him to step aside and perhaps have Dr Kinloch or Mr Stefaniak take the chair of these committees.

In rereading my own dissenting report, I found that I actually misspelt the names of Butler, Mant and Syme. I apologise to those people. I was given the report from the committees on Tuesday night after the Assembly adjourned. I came back here on Wednesday morning and wrote the report. I started at 5 o'clock on Wednesday morning and continued, with the secretary breathing down my neck, waiting for the report. They were very patient with me. In fact, they photocopied the rest of the report and then came back and photocopied mine and added that to it. I appreciate their understanding and their tolerance. It gave me the opportunity to write what, at first glance, may be some extensive comments but, in fact, barely touch on the range of issues that the legislation raises.

Of course, we will have the opportunity in this Assembly to debate it clause by clause. I believe, in the direction that we are going, that that will now be necessary, unless the Government sees fit to adopt my first recommendation. That recommendation is to try to get this report done properly with enough time, and to establish a select

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committee of this Assembly to actually look at this issue properly, and to ensure that there is no conflict between the chair of the committee and the Executive Deputy with charge of that matter.

I believe that we have had a very cynical Government in this exercise. The cynicism of the Government has been demonstrated most clearly in the last round of sittings, when the Chief Minister sat at that table and waved a copy of the single Bill around. He waved it around. He realised how little time his committees had. Nobody received a copy of that single Bill until something like two weeks ago. If that is not a cynical exercise, and if it was not designed to ensure that this report was inadequate, then why did he take that approach? It was a cynical exercise, designed specifically to muck up the work of these committees, because the Bill itself is conservative - held by a conservative government - instead of us having a bipartisan approach which had been established originally by Rosemary Follett when she was Chief Minister. There was only lip service paid to a bipartisan approach by this Chief Minister and by Mr Jensen as Executive Deputy in charge of planning.

The other part that demonstrates the extreme cynicism of this Chief Minister is the fact that he had a legal opinion from the Melbourne firm of Dunhill, Madden and Butler, which was not handed to the committees until only seven days ago. It is an absolutely appalling lack of concern for the processes of this parliament and the processes of the committees. Had that information been presented to the committees a week earlier, or two weeks earlier, then I am sure that the committees may have considered questioning that firm of solicitors, because the sort of praises that they heaped upon the Bill really need to be questioned. The sorts of questions that go with that are: What do they know about planning in Canberra? What do they know about the leasehold system? What is their understanding of the way things operate in Canberra, which is so different from every other place in Australia?

Their report indicates to me that they knew very little. I believe that a reasonable cross-examination of them would have shown them up for having done a second-rate job, because it is a second-rate job that they have provided. Instead of drawing attention to ways in which the Bills could be improved, they have said, "It is a wonderful set of Bills". They have taken the easy way out and these committees have not taken the opportunity to take them to task, to question them, to double-check what they are saying and to investigate just how well they had looked at those Bills and just how well they had been able to come to grips with the issues that face Canberra.

The most critical issue that faces Canberra at the moment, with reference to planning, is the fact that we not only have new legislation being proposed, but also have a draft plan being prepared for this Territory. To consider this legislation without looking at a reasonable draft Territory Plan is absolute nonsense. We need to have, first and foremost, a strategic plan of what is going to go on in Canberra. That needs to be established and we ought to know, very simply, how much development, where and when.

Those are the issues that are facing us, and those issues are resolved with three main tools: Legislation, the draft plan and the leasehold system. They have to be considered in conjunction, and they have to be worked together. These committees have not attempted to deal with the two together. They have to deal with the two together, and the reason why they have not done it is that they have not had the time. There are a million issues - a million reports to read. The reports were so thick - I can understand it. The point was that they were pushed for time, and I believe that they were pushed deliberately by a cynical Government and a very cynical Chief Minister who is in charge of planning and who is not even here to listen to this debate.

That draft plan for Canberra, as I understand it, is at a stage where they are proposing a system of PLUZ - proposed land use zones. Those proposed land use zones will put a whole new range of bureaucracies over the system we have now. I ask my Liberal colleagues over here whether they want to introduce yet another - and this is what is going to happen - whole range of bureaucracies. (*Extension of time granted*) There will be a whole new range of bureaucracies in order to facilitate a diminution of the controls in planning that we have in this town. What those PLUZ things are going to do is provide for a situation where they are going to say, "In this zone we are going to have residential" - a nice broad concept - and your next-door neighbour is going to say, "Well, residential is good, but I can make some money out of this. I am going to do what is happening in almost every other city in Australia. I am going to build a set of flats and they are going to be two storeys - because the control mechanism is two storeys - and they are going to contain 12 people, 20 people, or 20 families, or whatever".

That is the possibility that this system offers. We do not want Canberra to be like that. The Executive Deputy for planning says that it is not true. He has seen that plan and he knows that those proposed land use zone systems are part of this plan. He has seen that; nobody else has. He has a conflict of interest and he should have stepped down from the committees.

Let us first, before we do anything else, resolve this committee problem. Let us resolve this problem so that we can attempt to work together, so that when considering this report Mr Berry, Mrs Grassby and I could have been there, along with the other four members. We could have talked

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this out. We would have had to take some time and we would have had to come back to this Assembly and say, "We cannot do the job in the time; we cannot do it appropriately. You are going to have to change your dates or accept that we are not going to give you a report". In lots of ways it would have been better not to have given a report than to give one that establishes confidence in something that ought not to have confidence in it.

With reference to appeals, it is quite clear to me that the situation that has developed in Tuthill Place, Calwell, would not be resolved by the new legislation.

Mr Jensen: That is not so.

Mr Collaery: Come to my office tomorrow; I will explain it to you.

MR MOORE: That is true. It seems to me that what we have to establish is that any appeal system is available to all people to appeal on any development. The appeal system would be an absolute disaster for development if it were not quick, efficient and cheap. What you have to do is make sure that it is quick, efficient and cheap.

Every development should have a public notification. It should go in the principal newspaper of the Territory, at this stage, the *Canberra Times*. It should be notified; it should go on the same day each week and in the same place - perhaps the public notices section of the paper, perhaps on a Thursday, perhaps the *Canberra Times*. Not only that; it should happen on the site. There should be at least a one-metre by one-metre sign on the site that says to people, "This is what is going to go here and these are the methods that you can use to appeal". It is not too late; those things can be put into the legislation.

Mr Jensen interjected before, "It is not true", and Mr Collaery joined him. I would be delighted to find out that I am wrong there. I certainly respect Mr Collaery's knowledge of appeals and appeal systems, and I would be delighted to have him explain that to me. I shall take up his offer and hope that, in fact, I am wrong.

The other issue that I would like to raise this afternoon, Mr Speaker, is that of the Chief Planner and a lease administrator. I believe that the leasehold system is so critical to our planning that this legislation should include the appointment of a lease administrator, and that he and the Chief Planner ought to be - straight out of Rally policy, Bernard - directly responsible to the Minister in charge.

Finally, I have spoken on many occasions about the leasehold system, Mr Speaker. I would like to quote, on the leasehold system, from the Territory Planning Authority's key issues paper on the Territory Plan which David Hall drew attention to. It said:

... the Territory Plan can identify opportunities for development and set aside land for different purposes, it cannot guarantee that the development will actually take place, or the essential community needs will be met.

David Hall's comments were that that is precisely what the leasehold system should enable it to do - make plans happen. That is a critical factor. Those three things - the plan, the legislation and the leasehold system - have to be considered together. You have not done it and, because you have not done it, you have failed. Because of that I think these committees have failed in their task, and it ought to be approached again for the benefit of Canberra.

MR BERRY (5.15): The first issue that I want to deal with is the issue of the timing that was imposed on these committees by the Government. It was - as Mr Moore has said - a cynical exercise and, of course, the end result will be that there will be little confidence in this report because of the cynicism of the Government. It is most interesting, Mr Speaker, that the Minister responsible for planning, who was indeed responsible for rushing this legislation through the planning process, cannot even be bothered to be here to listen to the comments of not only the Opposition but also his own government members, so that his attention can be drawn to the problems with this report.

That issue of timing, of course, causes a lot of concern, and I doubt whether the committees have had time to deal properly with the issues before them. I think that the report has suffered because of the Government's cynicism and stubbornness about this issue. It is in a big hurry, but I will deal with that a little later on.

The next issue I want to deal with is the independence of the chair of these committees. I heard Mr Stefaniak warble on, a little while ago, about there being no legal problems with the independence of the chair on these committees. But, as Mr Stefaniak knows, it has long been held by the courts that independence not only is required to be set in law but also has to be seen to be the case. It is very clear that the chair of these committees is not independent of the Government; there is no doubt about that. This is a government report; these are government committees, and they were bound, from the outset, to toe the government line.

The following comments confirm the lack of independence of the chair of the committees. Julie Derrett, on 14 April 1991, said:

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I invited Norm Jensen, the ACT Government spokesperson on planning, to join me - the Alliance spokesperson on planning - but unfortunately he wasn't able to do that, saying that he was the chair of the planning committee in the ACT and that this matter may be referred to that particular committee and he felt that it would be inappropriate for him to comment at this stage on the proposal to sell school sites.

He was quite right to say that.

Ms Follett: He had a conflict of interest.

MR BERRY: He had a conflict of interest. Mr Speaker, I will draw to your attention another matter which confirms the conflict of interest. I have in front of me a letter to a constituent under the letterhead of the Australian Capital Territory, Office of the Chief Minister. Guess who it is signed by; it is signed by Norm Jensen, MLA, Executive Deputy assisting the Chief Minister on the environment, land and planning.

Mr Connolly: Office of the Chief Minister.

MR BERRY: It is from the Office of the Chief Minister. Will you deny now, Mr Jensen, that your chairmanship of these committees was, in fact, a conflict of interest? No, you will not deny it, because there is a conflict of interest. It is clear that there is a conflict of interest. It is a government report; it is a rush job.

I will just touch on a few of the points that were raised in the additional comments that were placed with the report by Labor Party members. I think the first issue that we should accept is that Canberrans are justly proud of this planned city, and the leasehold system has provided a unique planning mechanism to create an urban environment unlike anything else in Australia or, indeed, the world. In granting self-government to the Australian Capital Territory, the Commonwealth has required retention of the leasehold system and Labor strongly endorses this system. This Government has been about wrecking some of the basics in Canberra, and Labor will continue to fight to protect them.

Mr Collaery: After you sold the Belconnen Mall and ripped the city up, you must be joking! What a joke!

MR SPEAKER: Order!

MR BERRY: Labor accordingly opposes any moves towards the introduction of a de facto freehold regime by substantially altering the basis of the existing leasehold system.

Mr Collaery: You have enough money in Western Australia to buy the whole city.

MR SPEAKER: Order, Mr Collaery!

MR BERRY: That is twice. Though the present planning process is clearly inappropriate for modern conditions, the challenge for Canberra post-self-government is to retain the advantages of the existing system while at the same time making the system more open, accountable and accessible to the citizens of Canberra. This was the process - you guessed it, Mr Speaker - that was started under the Follett Labor Government more than 15 months ago. The planning legislation now under consideration had its genesis in the drafting instructions issued for public debate by the Labor Government. They set the framework for the present Bills involving commitment to the leasehold system, an open, transparent appeal system, low cost Administrative Appeals Tribunal rather than the Supreme Court, with general third party appeal rights, provision for open environmental impact inquiries, and a degree of certainty to the planning and development processes.

Mr Speaker, this is extremely ironic and, dare I say it, embarrassing for the government members opposite, particularly Mr Collaery and those Liberal members. I will leave Mr DUBY out of this, because his interests are entirely different to those involved with planning and it would be difficult to make him blush. Well, there are ways of doing it.

It is supremely ironic that these committees are examining the Alliance Government's draft planning legislation some 15 months after that Government took office because of one of the alleged failures of the Follett Government cited in that grab for power. Of course, the failure was supposed to have been the - - -

Mr Collaery: I will give it to you. You could not make any decisions; you only issued a discussion paper.

MR SPEAKER: Order!

MR BERRY: That is the third time. The alleged failure was that the planning legislation was not in place within six months of forming the first ever Labor Government. While Labor was condemned for not finishing the job inside six months, the Alliance, after a further 16 months, is still trying to come to grips with the issue. It still has not come to grips with it. It has taken 16 months and we still have not seen the legislation laid on the table. All that has happened is that we have been promised a revised draft. It has been waved around in this Assembly, but it certainly has not been tabled.

Mr Moore: It has not been made public.

Mr Jensen: It has been made public.

MR BERRY: It has not been made public!

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Mr Jensen: To a few selected people.

MR BERRY: To a few selected people!

Mr Moore: To a few selected people, and I would like to know exactly who.

MR BERRY: You will not be told that.

Mr Jensen: It is in your letter.

MR SPEAKER: Order, Mr Jensen, please!

MR BERRY: We have been promised it and it was waved around in this Assembly, tantalisingly; but it has never been handed out for general public view. It is farcical in the extreme to go through a process of committee hearings on a legislative package while sitting on a totally new version of the legislation. What a joke!

Mr Speaker, the Government has failed to deliver on this report. It has dominated the committees. But a few other issues, of course, need to be dealt with. (*Extension of time granted*) I do not like to ask these people for favours, because they might want one back and I am never quite in the mood to do that. Proponents of the - - -

Dr Kinloch: Come in, spinner.

MR BERRY: I am glad that Dr Kinloch is awake, because - - -

Mr Collaery: I raise a point of order.

MR BERRY: I withdraw that.

Mr Collaery: That is a reflection on the member.

MR SPEAKER: Mr Berry, please resume your chair.

Mr Collaery: I ask that it be withdrawn.

MR BERRY: I said, "I withdraw that".

I have a couple of other comments that I will draw from the additional comments, Mr Speaker. The proponents of an automatic renewal of the commercial leases argue that the need to renew operates as a disincentive to development in Canberra. No data was produced to substantiate this claim, and it is interesting to note that the same claim, also without data, was made in 1988 reviews.

Labor is committed to the imposition of a betterment tax where the lessee obtains a capital gain upon the approval of a lease purpose variation. Labor notes that no figures can be produced to show that the present or proposed tax regimes will adversely affect the community by hindering development. This party, unlike the conglomeration opposite, is committed to jobs and appropriate development.

This week we have seen another disaster which has arisen as a direct result of the joining of those parties opposite. We have seen the deliberate undermining of the best prospects in the ACT for improved employment and for appropriate development that we have seen in a long time.

Dr Kinloch: And destroying our heritage.

MR BERRY: I heard Dr Kinloch interject again. Dr Kinloch played a key role in undermining that project. He was supported by Mr Bernard Collaery and Mr Norman Jensen. The Residents Rally, as part of this Government, has caused great pain in the Territory. Its members have been directly responsible because of the effect they have had on the Government - the instability that they have caused in governing the Territory. They have directly caused one of the greatest difficulties that we will have in the foreseeable future in providing employment for the residents of Canberra.

Dr Kinloch, Mr Collaery and Mr Jensen can be happy in their undermining of the Government on the issue of the creation of employment in the Territory, but I wonder whether they will be happy if they are able to see the effects that the loss of employment prospects is having on those thousand people who will not have jobs as a direct result of their actions. I do not know how Dr Kinloch's conscience will affect him on that issue. He does not seem to be worrying; he is basking in the warmth of a victory. But he is the one - - -

Dr Kinloch: Mr Speaker, I believe that you have already - - -

MR SPEAKER: Order! Mr Berry, please resume your seat.

Mr Collaery: Dr Kinloch's point of order, Mr Speaker, is relevance. It is also my point of order.

MR SPEAKER: Mr Berry, I uphold Mr Collaery's point of order. Please continue to the point.

MR BERRY: The issue, of course, is entirely relevant, Mr Speaker, because it is about planning in the Territory. It may be an embarrassment to the Residents Rally members, and it should be embarrassing for the Residents Rally because they have let the people of Canberra down.

My final comments, Mr Speaker, I will reserve for the Chief Minister and the Minister responsible for planning. He has not even bothered to take the time to come here and listen to the comments of the members of this Assembly concerned about the future of planning in the Australian Capital Territory. He has not even bothered to grace this Assembly with his presence. He does not care. This planning process has been a joke from the outset, and a rush job. The committees have been merely an extension of the Government and, Mr Speaker, I think this has proven it.

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MRS GRASSBY (5.30): Mr Speaker, I also take the opportunity to dissent from this report. I have taken note of the planning legislation, and an area of particular concern to me and to my party is the treatment of Aboriginal sites and artefacts. I have been in contact with the Aboriginal community, and the view shared by members of the Institute of Aboriginal Studies and the community, the ACT Heritage Committee and the Archaeology Society is that their input to the committees has been ignored completely.

The Aboriginal community is one of the most important communities of the Australian community, as it was our founding nation. Yet, when we are presented with the opportunity to do something meaningful and important to protect Aboriginal sites and heritages, we do not do it. We absolutely ignore the people who have something to say about this. Archaeological history in Canberra should be important to this house and also to the people. I think we should go out of our way to do something for them, rather than ignore them, which this report has done. Not only has it ignored them, but John Mant, who wrote the very first report that this report has been based on, was not even called to give any evidence to the committees. He was absolutely ignored. But then, that is typical of this Government.

This report was rushed through. You have to look after the big boys, your big friends with the money, and get things rushed through. As I said, the Residents Rally's policy gets changed every day to suit whatever is going. Mr Speaker, the so-called consultation process of the Liberal Alliance Government is really an absolute joke.

As a member of the Conservation, Heritage and Environment Committee, I dissent from the findings of these committees on the planning legislation, along with the other members of my party. I am sorry that the Chief Minister is not here. I understand that he has left. So he will not have heard any of this. I suppose that he can always read it in *Hansard*. I would have thought that, as he is the Minister for planning, he would have been here. I am just doing a quick count. Maybe we could do something and there might not be enough members present for the vote, because I am not sure Mr Duby is still in the house either. He has probably left too.

Mr Collaery: Oh, these dreams. Dreams are made of this.

MRS GRASSBY: That is what you think. I do not know. We did it once before, remember, and you ran around like mad trying to find people.

Mr Collaery: Yes, and we know why that happened, don't we, Mr Berry?

MRS GRASSBY: Yes, we know exactly why it happened. You cannot organise yourselves better. You do not know what you are here for.

Mr Speaker, I am saddened to think that, as I say, our founding nation, the Aboriginal community, has been absolutely and completely ignored. It is fine to say that you are putting somebody on the board; but I understand from all these people that I have spoken to that they gave evidence, but what they have seen in this report is not what they believe in and they do not really want to be any part of this. It has been a thorn in their side to believe that here was the opportunity to do something for these people - as I say, our founding nation, our black brothers and sisters - here was a chance to do something for them, and what have we done? We have absolutely and completely ignored them, to suit the big businesses in the white world of this city.

Therefore, I feel that we should completely dissent from it. I cannot be part of this, just as my party, my leader, Rosemary Follett, Wayne Berry, Terry Connolly and Bill Wood, feel that they cannot be part of this. We feel that the only way around this is to put in a dissenting report saying how sad we are. That is the part that I feel very badly about, seeing as I serve on the Conservation, Heritage and Environment Committee, along with Dr Kinloch, Mrs Nolan, Mr Stefaniak and Mr Moore, who, of course, has also put in a dissenting report. I felt that they would have given more note to the fact that these people had been absolutely ignored.

I have spoken to quite a few of them in the last few days who were absolutely disgusted and felt that they and everything that they had said had been completely ignored and that there was no good reason to come along and give evidence to something like these committees when the report is going to be, when it all boils down, nothing of what they had said it should have been.

I think the conflict of interest of Mr Jensen is very serious. As Executive Deputy, he also sits as the chairman of this planning committee. If Mr Jensen had any decency he would resign from this committee. But obviously the lollies were too good and he did not want to miss out on the extra cash that came with the job. Of course, he can run round and send out his letters on Chief Minister's paper as he felt that this would have an effect in the community with people receiving letters from Mr Jensen on Chief Minister's paper. Maybe the Chief Minister should be very worried about it. Maybe the Chief Minister should watch out. Maybe Mr Jensen is trying to take his place. I understand that the Chief Minister is trying to get him on the Liberal Party ticket. Oh, by the way, Mr Collaery, you are not on that ticket, I understand. Mr DUBY, Mr Jensen and - - -

MR SPEAKER: Order! Relevance, please, Mrs Grassby.

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MRS GRASSBY: It is relevant because I am worried about the Minister for planning and the sort of people that he is getting around him. It really worries me. And you have been let down, Mr Speaker. I think that is rather nasty. I do not think that is fair, particularly when you have joined the Liberal Party. I think it is very unfair that they should do that.

As I said, Mr Speaker, I have to dissent from this report, along with some of my colleagues and Mr Moore. I feel that it is very sad for Canberra that this is the line that this Liberal coalition is going along with. Of course, the Residents Rally members change their policy as quickly as they change their underclothing and it does not really mean very much to them. But I guess that the people of Canberra will tell them that next February when they throw them out of government.

MR BERRY (5.38): Mr Speaker, I move to suspend so much of standing orders as would prevent me moving a motion of censure of the Chief Minister, the Minister responsible for planning, for being absent from the house for this entire debate. I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Berry moving a motion of censure of the Chief Minister for not being present in the Chamber during the debate on this matter.

Mr Speaker, this is a very important move by the Opposition because this is a very important piece of legislation for the people of the Australian Capital Territory and it has been treated with contempt from the outset. The Government has taken 16 months and has achieved little in relation to it. It has dominated committees of the Assembly which have been set the task of looking at the legislation. It has restricted the time for those committees to look at the legislation and ensured that it could not be done properly. It has ignored the pleas of the Opposition to remove the smell, the taint, if you like, of conflict of interest on its committees in order that the committee process could be accepted by the community.

Mr Speaker, what is most insulting about this entire process is that the Minister responsible for planning, the Chief Minister, has not even bothered to be here during the course of debate over this issue. It is, therefore, absolutely necessary for this Assembly to consider a motion of censure for the contempt that the Chief Minister has shown this Assembly on the issue of planning. He knows that planning is central to the existence of many people in the Australian Capital Territory. It is certainly central to the quality of life in the Australian Capital Territory. I hope that the Chief Minister is aware of that. It appears that he is not interested in that; otherwise he would be here to listen to the debate on this subject.

Motion (by **Ms Follett**) agreed to:

That the question be now put.

Question put:

That so much of the standing and temporary orders be suspended as would prevent Mr Berry moving a motion of censure of the Chief Minister for not being present in the Chamber during the debate on this matter.

The Assembly voted -

AYES, 7

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Moore
Mr Stevenson
Mr Wood

NOES, 10

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

Question so resolved in the negative.

DR KINLOCH (5.45): Mr Moore, in his comments earlier today, praised Ron Owens in connection with another report, and I agree with every one of those comments in connection with not only Mr Owens but also the joint secretaries of these committees. We had one weekend meeting, one late night meeting, extra meetings specially called, and early morning meetings, and they both did a tremendous job. I want to note immediately that Mr Kaine has an important meeting in his office; these are ministerial duties. He was carrying out those duties during the time that members of the Opposition decided to abuse him. It was disgraceful. There was an attempt to censure him at a time when he was carrying out his duties.

I also note, in saying a particular "thank you" to the joint secretaries, that some members of our committees had particular problems. One member of the committees, Mrs Nolan, during this difficult week was trying to conclude three separate reports. We had had that kind of problem over the previous weeks. It did not help that members of the Labor Party were not in the committees to help us conclude them. They should have been there.

I now come to the question of whether or not it was proper for Mr Jensen to be on these committees, working on the committees and chairing the committees, and whether or not he was independent. I ask Opposition members simply to look at the report. If what you are going to say is that

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this was a government report, then presumably four people would have come up with some kind of joint government report. I want to assure you, on behalf of Mr Jensen and myself - I am sure Mr Stefaniak and Mrs Nolan can speak for themselves - that four out of the seven of us who were present operated on these committees in an independent fashion. That could nowhere be clearer than in the additional comments made in the report. Indeed, I stress that the four of us acted independently and spoke independently over many, many hours, and you can read the results of that here.

I come in particular to some of the criticisms made. Mr Jensen and I join with Mr Moore in paragraph 1.18, for example, in being critical of the late providing of the report from the Melbourne firm of solicitors. We are with you on that. We agree that that came in late. We have made a number of criticisms of the consultative process that we ourselves are saying should have been better done. In other words, we are acting independently on these committees. I give that as only one example. Any of you who know Mr Jensen, who have worked with Mr Jensen, who have seen him working up until two and three in the morning and being back here first thing in the morning, who recognise his excellence and competence on a committee, will know that he speaks, thinks, writes and talks independently. I will not accept those criticisms of him for a moment.

I now come to Mrs Grassby's comment about Aborigines. First of all, Mrs Grassby may be surprised, but we agree with her. Mr Jensen and I in particular, and I do not doubt, in their own way, Mr Stefaniak and Mrs Nolan, agree with her on the importance of the Aboriginal community. I want to thank Mr Jensen for going to considerable trouble to make sure that there was an Aboriginal representation before the committees. So I want immediately to repudiate the notion that there was no concern about Aborigines.

I want to take this much further. I also spoke personally to one of the most senior and revered figures in the whole of Australia on Aboriginal history, Professor John Mulvaney. I wish I had had a longer time to speak to him. I would like to do that on another occasion. I had only a quick talk with him, under strange circumstances. However, I want to assure you that Mr Jensen and I and our colleagues were greatly concerned about this issue. (*Quorum formed*)

I propose to say as little as possible. I hope I have made my point about the Aborigines. I ask Mr Berry to read the comments on leasehold. We go much further than the Labor Party in endorsing the leasehold system. I shall conclude there because I am really distressed about the poor performance on the other side of the house.

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Narrabundah College Drama Students

MS FOLLETT (Leader of the Opposition) (5.55): I rise to speak in the adjournment debate about an issue that I think will have the support of all parties and all members of the Assembly. The Narrabundah College drama students have been invited to the drama festival being held in Vienna in November this year by the International Schools Theatre Association. This is the first time that an Australian school has ever been invited to take part in the festival, so it is quite an achievement and a great honour for Narrabundah College. It is also a great achievement for the drama faculty at the college, under the direction of Peter Wilkins, and a huge achievement also for public education in the ACT. It shows that public schools are capable of excellence, and I believe that it is only appropriate that students in our public education system should benefit from programs of excellence such as the drama program at Narrabundah College.

The students and their parents are absolutely delighted about this invitation, of course; but they are currently attempting to raise some \$96,000 to send the 15 students and two adults on the trip. They will be visiting not only Vienna but also Paris, London and Stratford-upon-Avon. They have set themselves a large target of fundraising, and they will be setting out to raise those funds however they can in the Canberra community. I know that everybody in this Assembly will join me in wishing them luck in that fundraising venture because, if there is a shortfall in the funds they require, it will be up to their parents to make up the difference. Of course, that will involve quite a bit of hardship for some parents.

I believe that the Narrabundah group will be calling on a number of members of this Assembly to give them some support in various ways. I want to flag with the Government and other members that at some stage they will be called upon to help in this venture for the Narrabundah students drama group. I know that their plea for assistance will not fall on deaf ears. If the Government wishes to discuss any sort of arrangement for Narrabundah College, I would be only too happy to participate.

It is a great achievement for the Narrabundah College drama group. I know that Mr Collaery's daughter has been involved in that group, as have a number of young friends of mine, and I wish them well. It is a mark of the honour

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that has been done to them and the nature of their achievement that the patron of their tour is the very famous Australian playwright, David Williamson. It is a very exciting time for them. I am happy to inform the house of their great achievement, and I hope that they will get the support of everybody here.

Alliance Government

MR BERRY (5.58): It is appropriate to rise in the adjournment debate this week because it has been a very serious week, if one can use that term to describe what has occurred in the ACT, for the people of the Territory. This week, after a long wait, at least 1,000 jobs have evaporated, all at a time when the economic circumstances which have impacted on the Territory are causing pressure in the job market.

We have to focus our continuing attention on the reason for that loss of jobs. That is very clearly the instability in the Alliance Government. We have in turn to examine the cause of that instability. That clearly is the Residents Rally party and its members. It is particularly so on this matter because of the public utterances of the Deputy Chief Minister, Mr Collaery, and the utterances of Dr Kinloch, whom people seem to describe as the victor in relation to the casino project.

Mr Collaery: I raise a point of order, Mr Speaker. Mr Berry is reflecting on a previous debate, when Mrs Grassby was asked to withdraw, and withdrew, the word "victor".

MR SPEAKER: Order! Mr Collaery, I am not sure of the point you are raising. Please proceed, Mr Berry.

MR BERRY: Now Dr Kinloch will feel very satisfied with himself.

Dr Kinloch: This is a cracked record.

MR BERRY: It will continually flow, Dr Kinloch, until your conscience is pricked enough to have some concern for the people of the ACT and not just yourself. I think that is the important issue. You have a job; you have a pension; you are not worried about the rest. Those are the facts. The NIMBYs of this town can walk away from the responsibility to provide jobs, but the Labor Party will not. The Labor Party is about responsible development and the provision of jobs for the people we represent.

We are not worried about one little house near Rocky Knoll. We are not worried about our own personal preferences. What we are worried about is the people of Canberra, whom we represent. We heard during the week - or saw, rather; you do not hear a stab in the back, unless you hear the squish of the knife going in - another stab in the back

from Bernard Collaery when he gave it to the Minister for Health again. The reason behind the knifing of Mr Humphries was very interesting. It was that Mr Humphries had not provided adolescent beds for young people in our hospital system.

Where was Mr Collaery when Mr Humphries was ripping other beds out of the hospital system for the bulk of the people of the ACT? Where was Mr Collaery with his Residents Rally policy when Mr Humphries decided to close down the Royal Canberra Hospital and withdraw all of those beds from the hospital system? Where was Mr Collaery then? He had disappeared. Where was Dr Kinloch? He had disappeared.

Let us not let the silent Norm Jensen off the hook. Where was he? Was he lurking out in Tuggeranong, telling them that they had a great public hospital system and that he would protect it? No; he ignored the public hospital system because he does not care. He does not care, along with the rest of them. They have their snouts in the trough. They are not concerned about the future of the ACT. This week they have proved it.

Dr Kinloch: On a point of order, Mr Speaker: That is a reflection on us. I do not believe that any of us have our snouts in the trough. I wish that to be withdrawn.

MR SPEAKER: I uphold your objection, Dr Kinloch. Mr Berry, I ask you to withdraw that.

Mrs Grassby: You have let "snouts in the trough" go by before.

Mr Collaery: No; Mr Berry was very specific in his comments.

Ms Follett: He was speaking of them collectively.

MR BERRY: I speak of them collectively. This saying has been let go by in this Assembly on many occasions. I think the precedent is well set, Mr Speaker. I do not think you can break the precedent.

MR SPEAKER: I will review the *Hansard* on this issue. I do not recall having allowed that in previous times.

MR BERRY: I have said it myself.

Mr Jensen: Mr Speaker, you may have some assistance by referring to page 486 of the *House of Representatives Practice*.

MR SPEAKER: Order! Mr Jensen, I have already ruled that I will review the *Hansard*.

Executive Deputies - Committees

MR CONNOLLY (6.03): Regardless of comments about snouts in the trough, as I said the other day, Residents Rally policy has never stood between a Residents Rally member and a ministerial car. It was interesting that there were references yet again today to this vexed question of the position of an Executive Deputy chairing a committee. It is an issue that we continually return to. We have stated a case that is set out in some legal detail and some complexity in the committee report tabled today and in other committee reports. The simple proposition is that a committee chair must be seen to be not part of the executive government. We on this side of the house accept that Executive Deputies do not form part of the Executive of this Territory. They not only must be, at law and in truth, not part of the Executive but also must be seen to be not part of the Executive.

This Executive Deputy, Mr Jensen, seems to bend over backwards to be seen to be part of the executive government. It has got to the point where he sends out letters to constituents on a letterhead which says "Australian Capital Territory, Office of the Chief Minister", and signs them "Norm Jensen, Executive Deputy assisting the Chief Minister on the Environment, Land and Planning". I ask you, Mr Speaker, and members: Does it convey an impression that Mr Jensen has nothing to do with the Executive when he writes on Office of the Chief Minister letterhead and signs himself "Executive Deputy assisting the Chief Minister"? The clear intention that is conveyed by this letter is that Mr Jensen is in some way exercising ministerial responsibility, in some way assuming the role of the Chief Minister, and in some way entitled to speak for the Chief Minister, to the point not only of the title but also of the letterhead.

This week we on this side thought that we had seen a ray of sensibility from the government benches. When the ABC wanted to speak to Mr Jensen on school closures - a controversial issue relevant to planning and one very close to the Residents Rally policy - Mr Jensen said that he could not speak. He said, and I quote what Julie Derrett said on 14 April:

... he wasn't able to do that, saying that he -

that is Mr Jensen -

was the chair of the planning committee in the ACT and that this matter may be referred to that particular committee and he felt that it would be inappropriate for him to comment at this stage on the proposal to sell school sites.

That is an interesting reversal of our argument. We are saying, "Because you are an Executive Deputy you cannot serve as a committee chair". What Mr Jensen is, in effect, saying here is, "Because I am a committee chair, I cannot serve as an Executive Deputy. I cannot be a spokesperson on a government issue because I am a chair". It is the other side of the same coin and illustrates clearly that, even in Mr Jensen's view, he cannot, when chair of the committee, exercise what we are told is the only function of an Executive Deputy, and that is, being some form of policy mouthpiece for the Government.

Mr Jensen stands condemned by his own words. He has made it clear, in a public statement to the ABC which was broadcast to all of Canberra, that there is an inherent conflict between acting as a government spokesperson and being the chair of a committee. That is even assuming that all an Executive Deputy does is act as a government spokesperson. When you hold yourself out as some form of ministerial officer, when you hold yourself out, with the panoply of ministerial letterheads, as being part of the executive government, it makes it even clearer that you ought not to be the chair of the committee.

Mrs Grassby: As the poor residents of Calwell had to find out.

MR CONNOLLY: As Mrs Grassby says, when the residents of Calwell receive letters like this - "Office of the Chief Minister" - they assume that they are dealing with somebody who has some power and authority, somebody who can help them; but, of course, that is not the case. The case for the Opposition on this issue is continually made out, and today it has been made out by the words of government members.

Executive Deputies - Committees

MR MOORE (6.07): Mr Speaker, I would like to follow on from Mr Connolly's speech. Last night I had the pleasure of being at the soon to be condemned Lyons Primary School, along with a number of my colleagues from the Assembly, including Ms Follett, Mr Connolly, Mr Wood and Mr Jensen. We spent time speaking to members of the community about how they should respond to the draft variations proposed for cutting the heart out of their community.

Amongst other things, Mr Jensen mentioned that medium density residential development could provide for them another Burnie Court. It went down like a lead balloon for the residents of Lyons because they could see just what might come out of this variation. Not only do they lose their school, but this Alliance Government appears to be attempting to turn their suburb into a ghetto. We have to grant to Mr Jensen that he did go there and he did respond to people's questions, and no doubt he developed some scar tissue from the encounter.

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The most important and significant factor, following on from Mr Connolly, is that they took Mr Jensen to be the government voice on planning. There was no doubt about that in their minds, and question after question came along in the same sort of way. There were interjections - I am sure Mr Connolly will back me up on this - along the line "But you are the Government" to Mr Jensen when he pointed out that he could not achieve something or he could not do something or he would or he would not. Question after question went along the line, "Mr Jensen, as the government spokesman on planning ...". Often there is confusion - there was on this occasion and there has been on many other occasions - between just who is the Minister for planning and who is not.

There is a clear conflict for Mr Jensen; in the community mind it is absolutely clear. The only people who do not seem to be able to be convinced are those who do not want to be convinced. The reason they do not want to be convinced is that they have been lured by the Chief Minister. As long as he keeps Norm on as Executive Deputy, he can give him little jobs to do and give him little baubles. The bauble is the Executive Deputy position; he has him tied in. He can put him onto the chair of a committee and keep him busy. I am pleased to see that Mr Jensen has come back in, because that is not to reflect on him personally - except that he does have a choice: He can either resign as chair of the committee or resign as Executive Deputy with responsibilities in planning. In the community mind, and that is what is most significant, it is quite clear that Mr Jensen is the Government's voice on planning. He is it. He now has a choice.

I want to draw Mr Jensen back to the very early days of this Assembly - it may even have been before the Assembly actually started; I do not recall - when he wrote several things on committees and the significance of the committee system to this Assembly. Now, Mr Jensen, amongst others, it is fairly and squarely on your shoulders. You have seen how this planning report did not work.

Mr Jensen: It did not work because you did not participate, Michael.

MR MOORE: The responsibility is fairly and squarely on your shoulders to make it work. My Labor colleagues and I have been prepared to compromise. We say: Stick with Executive Deputy and come on to the planning committee; have a voice, but do not chair it, do not be the spokesperson. We have been prepared to compromise. We have come half way. Mr Jensen, come the other half.

Mr Collaery: Mr Speaker, I am closing the debate, and I was on my feet first.

Mrs Grassby: You cannot do that. I am sorry; Mr Speaker, you cannot do that.

Mr Moore: On a point of order: I clearly observed that Mrs Grassby was on her feet first.

Mr Collaery: I can do that, Mr Speaker.

Mrs Grassby: I was on my feet, Mr Speaker.

MR SPEAKER: Order! Mr Collaery, would you defer to Mrs Grassby, please?

Mr Collaery: No, I will not, Mr Speaker. I have something to table, and we have heard enough nonsense today.

MR SPEAKER: Order! I will just seek clarification on this from the Clerk.

Mrs Grassby: I was on my feet.

MR SPEAKER: I must admit that I did not see you; I was looking in that direction.

Mr Jensen: You were a bit slow, Ellnor.

Mrs Grassby: I was not a bit slow, Mr Jensen; I was on my feet.

MR SPEAKER: Order, members! Mr Collaery, under House of Representatives practice, it is usual for the closing Minister in the adjournment debate to defer to any other member who wishes to speak within the time scale that has been allotted. In this case the time for the conclusion of the debate is 6.25 pm.

Mr Collaery: With respect, Mr Speaker, I point out to you that one of the conventions which we have not managed to establish here is that the closing Minister, when he or she indicates that he or she wishes to speak, is given the chance. You may have noted - and I refer you to *Hansard* - that when we do have a debate on the adjournment I rarely have the chance to respond. Mr Speaker, I will defer to Mr Jensen; but, firstly, I will table a document, which is - - -

MR SPEAKER: Order! This is a point of order you are raising; you cannot table - - -

Mr Collaery: Mr Speaker, as a Minister I can table a document at any time. I table a Monitair document, dated 18 April 1991.

MR SPEAKER: Order! Mr Collaery, you will finish your point of order, and then table the document at any time, but please proceed with the point of order.

Mr Collaery: I have finished my point of order, Mr Speaker, and I now table a document, headed NJP Monitair, dated 18 April 1991 - - -

18 April 1991

MR SPEAKER: Order! Mr Collaery, are you seeking leave to speak on it?

Mr Collaery: I am tabling a document.

MR SPEAKER: No; I rule that you defer to Mrs Grassby and I will allow you to have the floor after she has completed her speech.

Casino Project

MRS GRASSBY (6.15): Mr Speaker, I rise to draw attention to a question that I asked today about Dr Kinloch, and Dr Kinloch then rose to say that he had not made the statement. I have checked, Mr Speaker, and I will be checking about the early morning news. We have not been able to get that. I refer to the WIN news at 6.00 pm on 17 April 1991, when Patrick McLoughlin said - - -

Mr Collaery: What did Dr Kinloch say?

MRS GRASSBY: I have to use the whole thing so that you will know exactly what was said, Mr Collaery. If you will just be a little patient, he said:

From the casino enemies, jubilation that the CBD site has emerged unscathed -

and I quote Dr Kinloch -

I think the people of Canberra should be happy about that.

If that is not claiming a victory over the attempted redevelopment of section 19, I do not know what it is. I will table the others which were on the early morning news from 6.00 am on. Dr Kinloch was again in jubilation that the redevelopment of section 19 would not go ahead. It was a declaration of a victory for the Residents Rally and for Dr Kinloch that this did not happen.

The fact is that the Residents Rally does not care about the people of Canberra who need the jobs. They all have a job - of course, not for very long, Mr Speaker. Come the second Saturday in February, they will not have one. They are not interested in the people who need jobs in Canberra. There are people in the building industry who need jobs, and these people have the right to have jobs; yet they are not given this right because the Residents Rally can crow over the fact that there is to be no casino and no development of section 19. They are not one bit interested in the workers of Canberra.

Mr Speaker, I go on record as saying that Dr Kinloch did crow over the victory, as I have said. I will show that again when we get the transcripts of the early morning news - - -

Mr Jensen: Will you apologise if you cannot do it?

MRS GRASSBY: I do not have to apologise. I have already quoted something which proves it, and I will also show the others. So, I do not have to apologise; I have already made my point, Mr Jensen, which you always find very hard to get through your thick head. As I have said before, just because you have a pointed head, that does not mean to say that you are sharp. Mr Jensen, you are not very sharp at all.

Mr Berry: I move to suspend so much of standing orders - - -

Mr Collaery: Mr Jensen got the call. He was on his feet. Sit down!

Mr Berry: I just want to suspend standing orders so that you can speak.

Mr Collaery: No, he was on his feet.

MR SPEAKER: Order, members!

Mr Berry: I think a motion to suspend standing orders should take precedence, Mr Speaker, and I think members will agree once I tell you the intent of it. It is to allow Mr Collaery to have his say, but there are also a couple of other speakers who wish to speak.

MR SPEAKER: Order!

Mr Collaery: I do not wish to speak, Mr Speaker. I will get my say.

MR SPEAKER: I have given the call to Mr Jensen in this case.

School Sites

MR JENSEN (6.19): Mr Speaker, I will be particularly brief in this matter. I rise to respond to some of the comments made by the members opposite in relation to my role as Executive Deputy and a member of this Government. Mr Speaker, I am a member of this Government, and I also see my role as a member of the Assembly as being to take every opportunity that I can to bring before the relevant government Ministers issues that affect the people of Canberra. That is why I am quite pleased and quite happy if I am in some way able to obtain support for people when they come to me with concerns about planning and

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environmental issues. I make sure that those issues are raised directly with the relevant Ministers responsible and within the departments. I am quite happy to do that, Mr Speaker.

As I said at that meeting last night, I am quite happy to make arrangements - - -

Mrs Grassby: What a mess you made of that meeting. They are still talking about it.

MR JENSEN: You were not there, Ellnor; you do not know.

Mrs Grassby: No, but I am hearing all about it and getting phone calls.

MR JENSEN: You were not there, Ellnor; so you do not know. Mr Connolly knows full well what went on there as well, because Mr Connolly tried to fit me up; but fortunately Mr Moore was on the ball, Mr Speaker, and stopped Mr Connolly from trying to fit me up.

Mr Connolly tried to suggest that I was involved in a vote that never took place, but fortunately Mr Moore was able - and I give Mr Moore credit for this - to say to the people of Lyons that, in fact, what Mr Connolly was saying was totally incorrect. It is a tactic that we are finding from these people opposite in relation to these sorts of issues. What they are prepared to do, Mr Speaker, is put half-truths on the table, and if they say them long enough and hard enough they think that people will believe them. But fortunately, Mr Speaker, there were enough people in that audience last night who saw through that nonsense of Mr Connolly's.

Mr Connolly, I stayed a little longer than you and I also stayed a lot longer than your colleague Ms Follett. I think the term that my colleague Mr Collaery has used is "nip and tuck". We certainly saw a bit of nip and tuck like that last night. It was nip in, say a few words and tuck off to somebody else, or to somewhere else. That is what we saw last night.

Mrs Grassby: You did not turn up at the Belconnen meeting, though, did you? No, you were not there.

MR JENSEN: I was not invited to the Belconnen meeting, but I was invited to the Lyons meeting. I was there, and, provided other commitments do not stop me, Mr Speaker, I will make myself available to be at other meetings to discuss the planning issues as they relate to those school sites.

Mrs Grassby: To build more Burnie Courts all on school land; isn't that wonderful?

MR JENSEN: Mrs Grassby refers to that comment in relation to a Burnie Court. What I was saying, Mrs Grassby, was clearly providing a definition of what medium density is. And what I also said - - -

Mrs Grassby: Great high density; even the Housing Trust has tried it!

MR JENSEN: It is not high density, and you know it. Mrs Grassby, I think it is about time you listened instead of harping on this. I think it is important to remember and to recall exactly what I said. It is because of an attempt to misrepresent what I said that I think it is most important that I put it clearly on the table. Honestly, without any change, what I did was tell the people what the definition of medium density was. I also went on to say, Mr Speaker, that I thought it would be highly unlikely, because of planning issues and because of the nature of the site and the location, that the sort of buildings that we see in Burnie Court would be put on that particular location. It is highly unlikely, Mr Speaker, because it would be quite - - -

Mrs Grassby: That is what you said later on when they all booed you. You said it later on.

MR JENSEN: I said it because I gave them a definition. I provided a definition of medium density - a clear definition of medium density, a truthful definition of medium density; not a half definition of medium density, but a full, truthful definition of medium density - so that the people of that area were, in fact, fully aware, because the first comment that was made, that made me make that comment, was that there was a suggestion from that meeting that medium density might be Burnie Court and nothing else. What I did was to put on the record the extent and range of medium density. That is why I said what I did. Once again, Mr Speaker, I am quite happy to arrange for people within the community to raise issues of a planning nature or any other matter with the relevant members.

MR SPEAKER: I call Mr Berry.

MR BERRY (6.24): Thank you, Mr Speaker.

Mr Collaery: Mr Speaker, he has spoken already.

MR BERRY: I was on my feet and you called me. I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Berry and Mr Collaery each speaking for a further 5 minutes.

I wish to speak for five minutes on a very important matter concerning Belconnen. I think it is very important that this issue becomes - - -

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Motion (by **Mr Humphries**) put:

That the question be now put.

The Assembly voted -

AYES, 10

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

NOES, 6

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

Question so resolved in the affirmative.

Original question resolved in the negative.

MR SPEAKER: The question now is: That the Assembly do now adjourn.

Question resolved in the affirmative.

Assembly adjourned at 6.31 pm until Tuesday, 30 April 1991, at 2.30 pm

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18 April 1991

ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY QUESTION

Question No 354

Institute of SAFE - Twinning Agreement

MR WOOD- To ask the Chief Minister upon notice on 12 March 1991

1. What process was used in the lead up to your signing a twinning agreement between SAFE and the Foothill College at Los Altos Hills, California.
2. What costs were incurred in order to undertake the twinning agreement and who paid for any such costs.
3. What will be the ongoing costs of this arrangement.
4. What staff exchanges etc are planned, for when and at what cost.

MR KAINÉ - The answer to the members question is as follows:

1. The Director of the ACT Institute of TAFE visited Foothill College in late July 1990, and discussed common interests with senior counterparts. Subsequent negotiations on a possible twinning were conducted by correspondence, with the concurrence of the Institute Advisory Committee. The terms of the agreement between the two institutions were agreed in early January. I signed the agreement on behalf of the Institute as responsible Minister at Los Altos in late January, 1991.
2. Both the Director and myself visited Foothill College during private holidays; we were both reimbursed out-of-pocket car expenses or the travel to Foothill from San Francisco.
3. The costs of the twinning agreement will depend on the specific program of cooperation that the two institutions put in place. This is the subject of current negotiation. The negotiations also encompass the possibility of public and private sector sponsorship of aspects of the twinning program. The Institute also expects that the twinning with the top community college in Silicon Valley will encourage stronger industry support for ACT SAFE from local Australian industry, and be a good base for recruiting full cost students. The direct costs may thus not be a good guide to the educational and commercial benefits anticipated.
4. Staff and student exchanges are certainly under current consideration within the twinning action program but no decisions as to number, frequency or cost have been reached.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No. 360

Lease Renewals

MR CONNOLLY - Asked the Chief Minister upon notice on 12 March 1991:

- (1) How many commercial leases have been renewed in the past three financial years.
- (2) What revenue has been generated by-the premium on renewal of commercial leases in the past-three financial years.
- (3) How many residential leases have been renewed in the past three financial years.

MR KAINÉ - The answer to the members question is as follows:

- (1) In the past three years no commercial leases have come up for renewal. There is however policy which enables lessees of commercial blocks to either extend their leases from 50 years to 99 years or to obtain a new 99 year lease where a substantial period of the lease has been used up.

Details of these transactions follows:

Period Number

1/7/87 to 30/6/88 1/7/88 to 30/6/89 1/7/89 to 30/6/90

Total for the 3 year period:

For the period 1/7/90 to date a further three leases have extended.

- (2) The total revenue collected over the three year

period is \$ 2,639,570.00 and this can be broken down as follows:

1/7/87 to 30/6/88 \$ 1,136,220.00

1/7/88 to 30/6/89 \$ 553,850.00

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1/7/89 to 30/6/90 \$ 949,500.00

Total for three year period \$ 2,639,570.00

For the period 1/7/90 to date \$ 165,000.00

(3) Nil - The first 99 year residential leases commenced in 1924 and are not due until 2023.

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18 April 1991

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No 364

Consolidated Fund Receipts

MS FOLLETT - Asked the Treasurer upon notice on 12 March 1991:

What is the revenue to date for each item listed in the Summary of Consolidated Fund Receipts at pages 16 to 20 of 1990-91 Budget Paper No 4.

MR KAINÉ - The answer to the members question is as follows:

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SUMMARY OF CONSOLIDATED FUND RECEIPTS

Actual as at 1990-91

28 February Estimate

;000 \$000

RECURRENT

Taxation Receipts

General Rates 53 353 66 000

Land Tax 11 789 14 200

Payroll Tax 53 009 79 380

Stamp Duty

. Business Agreements 102 . 1 100

. Conveyances 19 230 30 000

. General Insurance 3 651 6 420

. Leases 651 1 700

. Life Insurance 381 400

. Motor Vehicle Registration
and Transfers 5 337 8 000

. Transfers of Shares and
Marketable Securities 13 958 11 100

. Other Stamp Duties 87 -

Total 43 397 58 720

Business Franchise Fees

. Petroleum 10 516 22 000

. Tobacco 7 322 11 900

. X-rated videos 326 1 000

Total 18 164 34 900

Financial Institutions Duty 9 678 16 800

Ambulance Levy Scheme 771 1 900

Motor Vehicle Registrations 19 341 28 054

Driver Licences 3 251 6 466

Totalisator Turnover Tax 3 293 4 900

Liquor License Fees 5 226 9 700

Gaming Machine Taxation - 5 800

Lotto and other NSW Lotteries 855 1 550

1611

SUMMARY OF CONSOLIDATED FUND RECEIPTS

Actual as at 1990-91

28 February Estimate

\$000 \$000

Tattslotto and other Victorian

Lotteries 1 351 2 420

Other Taxes

. Motor Vehicle Dealer Fees 13 25

. Credit Licence Fees 1 90

. Bookmakers Fees - 680

. Soccer Pools 12 28

Total 26 823

Total Taxation Receipts 223 504 331 613

Other Recurrent Receipts

Fines

. Parking 2 877 3 960

. Traffic 245 1 640

. Court 1 620 1 300

Total 4 742 6 900

Recoveries of Debt

. ACTEW 8 023 15 900

. ACT Forestry Trust Account - 51

Total 8 023 15 951

Dividends

. ACTEW 8 000 8 000

. GALA - 2 000

. ACT Forestry Trust Account - 450

Total 8 000 10 450

Interest on Investments 14 717 20 620

Proceeds of Sale 3 861 2 260

Employer Superannuation

Contributions 8 183 19 936

Services Provided to the

Commonwealth 12 255 17 702

Appropriation Former Years 110 -

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18 April 1991

SUMMARY OF CONSOLIDATED FUND RECEIPTS

Actual as at 1990-91

28 February Estimate

\$000 \$000

Fees for Regulatory Services 9 050 13 900
Miscellaneous 9 275 14 542
Total Other Recurrent Receipts 78 216 122 262

Payments from the Commonwealth

General Revenue Grant 299 699 442 765
Specific Purpose Payments ... Higher Education 593 617
. Technical and Further Education 1 817 3 194
. Government Schools 12 679 14 467
. Non-government Schools 24 050 30 747
. National Policy on Languages - 202
. Aboriginal Advancement - 1 007
. Health Program Grants 2 990 4 989
. Womens Health Screening 41 34
. Hospital Funding Grant 31 486 47 132
. Nurse Education 111 440
. Blood Transfusion Services 259 591
. Drug Education Campaigns 299 331
. Funds to Combat AIDS 423 581
. National Better Health 80 107
. Youth Health Services - 52
. Womens Health Program - 43
. National Childcare Strategy 26 94
. Geriatric Assessment 180 196
. Home and Community Care 718 2 850
. Mortgage and Rent Relief 214 388
. Home Deposit Assistance 77 231
. Mortgage Relief - -
. Supported Accommodation
Assistance 2 101 2 774
. Interstate Road Transport 44 104
. Bovine Brucellosis and Tuberculosis Eradication 18 30
. Exotic Diseases Eradication 22 53
. Soil Conservation 99 148
. National Industry Extension
Service - 124
Employment Training -
Aboriginal - 41 Legal Aid 1 419 2 001. Local Government 12 075 12 100
. Asbestos Removal Assistance 804 10 000

1613

SUMMARY OF CONSOLIDATED FUND RECEIPTS

Actual as at 1990-91

28 February Estimate

\$000 \$000

. Assistance for Water and
Sewerage 5 196 7 464
. ACT National Capital
Influences 12 451 18 093
. Unclaimed Moneys - 127
Total 110 272 161 352

Other Commonwealth Payments

. Tradesmen on the Move - 15
. Quality Apprenticeship
Scheme - 123
. Skills Recognition _ - 15
. Australian Transship
Scheme - 80
. Other Training - 3
. Housing Development Program - 30
. Youth Sports 22 122
. Youth Communication - -
Total 22 388

Total Recurrent Commonwealth
Payments 409 993 604 505

TOTAL RECURRENT RECEIPTS 711 713 1 058 379

CAPITAL

Land

Lease Sales 18 940 44 850
Land Rent and Commutations 24 278 42 500
Betterment Levy 5 993 3 390
Total Land 49 211 90 740

Other Capital Receipts

Proceeds of Sale 2 572 1 100
Gala Reserves 13 890 -
Bruce Stadium - 1 000
ACTEW Dividend - 4 000
Total Other Capital Receipts 16 462 6 100

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18 April 1991

SUMMARY OF CONSOLIDATED FUND RECEIPTS

Actual as at 1990-91
28 February Estimate

\$000 \$000

Payments from the Commonwealth

General Purpose Capital Grant 22 413 33 421

Capital Specific Purpose

Payments

. Technical and Further

Education - 85

. Government Schools 1 940 3 467

. Non-government Schools 1 067 1 580

. Hospital Enhancement Program - 800

. Blood Transfusion Services - 30

_ National Childcare Strategy - 203

. Home and Community Care - 169

. Crisis Accommodation Program 491 655

. Youth Accommodation - -

. Local Government and

Community Housing Grants - 403

. Pensioner Housing Grants 344 523

. Assistance for Housing 10 448 15 681

. National Estate - 101

. Australian Centennial Road

Development 8 180 14 200

. Establishment Assistance - 3 000

Total 22 . 470 40 897

Total Capital Commonwealth

parrots 44 883 74 318

1615

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No 375

Rings Highway

MS FOLLETT - Asked the Chief Minister upon notice on 13 March 1991:

- (1) What negotiations have taken place with the Commonwealth and New South Wales Governments about the state of the Kings Highway, and
- (2) What action does the Government propose to take to ensure that Canberra residents can travel to the coast on a better and safer road.

MR KAINÉ - The answer to the Members question is as follows:

- (1) Resulting from discussions between the ACT and NSW Governments, a joint submission seeking additional Federal funding of \$11 million over ten years to upgrade the Kings Highway was referred to the Federal Minister for Land Transport, the Hon Bob Brown MP, in June 1990.

The submission was based on an overview report on the state of the Highway prepared by the Roads and Traffic Authority of NSW.

In October 1990, Mr Brown replied, refusing special funding for the Highway. In his reply, the Minister for Land Transport pointed out that the Kings Highway is a State arterial road and that the NSW Government is fully responsible for the allocation of Federal grants for these roads in accordance with its own priorities.

The Kings Highway was discussed at the December 1990 meeting of the NSW/ACT Consultative Forum and, at the request of the Forum, the NSW Premier and I jointly wrote to the Prime Minister on 10 December 1990 seeking his support for Federal assistance.

The Prime Minister responded on 15 March 1991. He reiterated the previous response from the Minister for Land Transport of 18 October 1990 and indicated there was little he could add. He also indicated that the Kings Highway was quite fairly classified as a State arterial road.

The December NSW/ACT Consultative Forum was also provided with a report which showed that the NSW Government has given high priority status to upgrading the Kings Highway and is currently spending some \$8.4 million over a three year period, including an amount of \$3.8m allocated under the 3x3 Accelerated Road Improvement Program.

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The report also indicated that NSW proposes to rehabilitate and strengthen 10 km of poor pavement between Queanbeyan and Braided to an acceptable standard by 194. As well, two timber bridges on the Highway will be replaced in that time.

The Alliance Government is continuing to liaise with the NSW Government on the condition of the Kings Highway.

The Kings Highway will be one of the main issues to be considered at the next meeting of the NSW/ACT Consultative Forum. This issue is being examined in the context of the South East Region Economic Development Strategy, which will enable broader regional economic development considerations, such as the importance of the road for the tourism industry, to be taken into account.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO. 376

Television Reception - Wanniasa Area

MS FOLLETT - Asked the Chief Minister upon notice on 13 March 1991

- (1) Is he aware of the problems with television reception in the Wanniasa area.
- (2) Has he raised these problems with the Commonwealth Government.

MR KAINÉ - The answer to the Members question is as follows

- (1) Advice from the Federal Department of Transport and Communications indicates that, following the installation of a relay station on Tuggeranong Hill eighteen months ago, any problems previously experienced with television reception in the Wanniasa area have been rectified.

The Department of Transport and Communications did indicate, however, that there are continuing problems with reception in the suburbs of Isaacs and Weston. The Department intends to erect a relay station on Mount Taylor to improve reception in these areas. It is anticipated that the relay station will be in service by June 1992.

- (2) In light of the above information, I do not propose to raise this matter with the Commonwealth Minister at this time.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No. 378

Apprenticeships

MS Follett - Asked the Minister for Health, Education and the Arts on notice on 13 March 1991:

- (1) How many apprenticeships in mechanics are being undertaken in the ACT this year.
- (2) What action will the Government take to increase the number of apprenticeships in this and other areas.

MR KAINE - The answer to the members question is as follows:

It is appropriate that I respond to the members question because Vocational Training matters properly belong to my portfolio rather than that of the Minister for Health, Education and the Arts.

- (1) There are a number of mechanical trades. It is assumed that the question refers to motor mechanics.

As at t April 1991, there were 295 apprentices undertaking training in the ACT as Motor Mechanics (63 1st Year, 83 2nd Year, 69 3rd Year, 80 4th Year). At the same time in 1990, 310 apprentice motor mechanics were undertaking training.

- (2) The Government is aware that apprenticeship numbers in the ACT for 1991 are down by comparison with 1990. The down-turn in the ACT is in line with the national trend.

Officers of my Department have been in contact with the Motor Trades Association (MTA) in respect of apprenticeships in the ACT automotive industry. They will continue to liaise with the MTA to ensure that Government is kept fully aware of the industrys situation.

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On the broader issue of the down-turn in overall apprenticeships, ACT and Commonwealth Government officials have been working on a set of proposals which will take maximum advantage of the programs announced in the Federal Governments Economic Statement of March 12 in ways which address the ACTs particular requirements.

The package includes:

- (a) programs for assistance to unemployed or at-risk apprentices/trainees,
- (b) re-establishment grants for unemployed apprentices/trainees,

programs for pre-vocational training (including pre-trade) for young people seeking to enter the work-force.

The Government is awaiting further advice from the Commonwealth on the ACTs allocation of funds.

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APPENDIX 1: (Incorporated in Hanna on 17 April 1991 at page 1433)

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

7 Constitution Avenue CANBERRA A.C.T, 2601

GPO Box 1020 Telephone: (06) 275 8570 Fax: (06) 275 8108

20 March 1991

Mr Bernard Collaery
Attorney General, Minister for
Housing and Community Services
ACT Legislative Assembly
1 Constitution Avenue
CANBERRA CITY ACT 2601

Dear Mr Collaery

Today in the Assembly you indicated that- you have some difficulties with Labors Intoxicated Persons (Care and Detention) Bill 1991 which was prepared by Mr David Hunt QC in your Law Office.

I would be pleased if you would care to advise me of your concerns at an early date in order that any relevant amendments can be considered with plenty of time in hand.

Yours sincerely

Wayne Berry MLA.

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18 April 1991

Australian Capital Territory DEPUTY CHIEF MINISTER

1 Constitution Ave

. Canberra ACT 2601

Mr Wayne Berry MLA
Legislative Assembly for the
Australian Capital Territory

1 Constitution Avenue _

CANBERRA ACT 2601

Dear Mr Berry

Thank you for your letter of 20 March 1991 about your Intoxicated Persons (Care and Detention) Bill 1991.

I presently have your Bill under consideration and have identified some aspects of it which cause me concern from the policy point of view. I will advise the Assembly of these concerns if and when the Bill comes on for debate.

Yours sincerely

Bernard Collaery
Attorney-General

04 APR 1991

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LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

1 Constatubon Avenue
CANBERRA A.C.T. 2601
GPO Box 1020
Telephone: (06) 275 8510
Fax: (06) 275 8708

5 April 1991

Mr Bernard Collaery
Attorney General, Minister for
Housing and Community Services
ACT Legislative Assembly
1 Constitution Avenue
CANBERRA CITY ACT 2601

Dear Minister

I refer to your 4 April letter about your policy concerns in respect of Labors Intoxicated Persons (Care and Detention) Bill 1991.

I have to inform you that the Bill has wide community support and I am distressed that you have refused to give me advance notice of the policy concerns you refer. If you could find your way clear to communicate with me about your concerns well before the next sitting of the Assembly, it could be a fruitful and efficient method of incorporating any views you may have which are in keeping with the tenor of the Bill.

I believe that it is worth working toward a co-operative outcome in the debate on this Hill and trust that you will reconsider your position on the matter.

Yours sincerely

Wayne Henry MLA.

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