



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

5 July 1989

Wednesday, 5 July 1989

Police Offences (Amendment) Bill 1989 - select committee	661
Administration and Procedures - select committee	694
Conduct of debate	698
Personal explanations	699
Questions without notice:	
Bruce Stadium	702
Schools Office	703
Pesticides	703
Bruce Stadium	704
ACT budget	704
Disallowed question	707
ACT building contracts	707
Land valuation and rates	709
Domestic animal control	710
Nature conservation legislation	711
Land valuations	712
Preschool review	713
Supported accommodation assistance program (Ministerial statement)	714
Planning appeals tribunal (Matter of public importance)	718
Public Accounts - standing committee	732
Social Policy - standing committee	734
Adjournment	736
Social Policy - standing committee	736
Adjournment:	
Personal explanation	740
Young Liberals	742
Public gallery	743

5 July 1989

Wednesday, 5 July 1989

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

POLICE OFFENCES (AMENDMENT) BILL 1989 - SELECT COMMITTEE
Suspension of Standing Orders

MR COLLAERY (10.30): Mr Speaker, I move:

That so much of the standing orders be suspended as would allow me to move a motion establishing a select committee on the Police Offences (Amendment) Bill and referring the Bill to the committee.

Mr Whalan: As a matter of clarification, does the proposer of this motion intend to justify by argument this course of action?

MR COLLAERY: I am quite happy, Mr Speaker, to speak to this briefly. This Bill, introduced by the Liberal Party, has raised legitimate concerns in the community from both the proponents of the Bill and those opposed to it. It is quite obvious, given the level of public interest in the issue, that there should be a consultation process, and the Residents Rally is firmly of the view that the appropriate measure at this stage is that a select committee be established to examine the Bill. It is my understanding, Mr Speaker, that the select committee will advertise, hopefully this Saturday, for public comment in relation to the Bill.

The terms of reference which I will move shortly will indicate that there is a relatively short time frame for that reportage so that this matter of public interest can come - - -

Mr Wood: That is ridiculous. You cannot have a short time frame. It is not possible.

MR COLLAERY: It is so that this matter of public interest can come back before this Assembly in due course, where - in reply to the concerns of my friend Mr Wood - the matter can be debated. It has not yet been debated, Mr Speaker, and debate today, which is likely to be lengthy and possibly acrimonious, may not be advantaged by the full views of the community having been sounded out on this very important issue.

MS FOLLETT (Chief Minister) (10.32): Mr Speaker, I have to speak against the suspension of standing orders on this matter. I do so because I believe it really is acting to

5 July 1989

stifle the debate on this important issue that has been brought up in the Assembly.

I agree with Mr Collaery that it is a matter on which there needs to be consultation; that has been my stance all along. I was very worried that I had not seen the Bill until it was presented in this Assembly last week, although I had asked to see it earlier than that. I have been concerned all along that there has not been a proper opportunity for community debate on the Bill. But I believe that there has been an expectation built up that this Assembly - not some special select committee, the nature of which we do not know - would be debating the Bill.

Mr Speaker, it has been my contention all along that the Bill, as presented, is an overly simplistic piece of legislation that does not address any underlying problem that might be associated with public behaviour. Certainly no evidence has been presented to this Assembly of what problem the Bill is designed to address.

We have heard any number of anecdotes about muggings, murders, and brawls outside clubs, but what we have not heard is how on earth the proposed Bill would have prevented those occurrences or would add to public order. We have heard, as I say, a lot of anecdotal evidence about crime.

Mr Kaine: I rise on a point of order, Mr Speaker. I would like to draw attention to the fact that what we are debating here is not the substance of the Bill, not what a select committee might do; we are debating merely a suspension of standing orders to allow a certain action to take place. It is not an opportunity - it is not appropriate - for the matters that are now being debated to be dealt with at this time. I would submit that what is happening now is that a debate is beginning on the substance of the Bill, the substance of the subject matter, and that we are not debating the suspension of the standing orders.

MR SPEAKER: I take your point, Mr Kaine.

MS FOLLETT: My point exactly is that, by permitting the suspension of standing orders, we will not have the opportunity to debate the substance of the Bill. I have foreshadowed already on the notice paper my intention that this Assembly should refer the problem that we are trying to address - the problem of public order, the problem of public behaviour, if there is one - to the appropriate Assembly committee, namely, the Standing Committee on Social Policy, which after all, as I understand it, has only one reference before it at the moment and which is the appropriate body of this Assembly to be looking at the social problems, the social situations, that have apparently given rise to this Bill.

5 July 1989

It is my contention that we really need to act as an assembly on this matter to debate the issues, which has not so far taken place, and to allow the Assembly to have a say on the substantive issues, not to shunt them off to some select committee, the nature of which I have not been consulted on. I find it very ironical as well that the Government is the only part of this Assembly that ever consults on anything. I find it, Mr Speaker, really an insult to this Assembly and an insult to the Canberra public that the proponents of this Bill are not prepared to debate it but rather to suspend standing orders and shunt it off to some anonymous committee.

MR SPEAKER: I take Mr Kaine's point, that we are at this stage debating the suspension of standing orders. Once it is agreed to, if it is agreed to, we will then move to the motion that Mr Collaery wishes to move, and at that stage we can debate the issue at hand.

MR KAINE (Leader of the Opposition) (10.37): I think that what we just heard from the Chief Minister, Mr Speaker, is just another brick in the opposition to establishing reasonable protection for members of the public who wish to use public places in this city. What we are attempting to do here is to satisfy demands that have been made, not by members of this Assembly but by people hammering on the door out there, which were drummed up by the Labor Party.

Mr Berry: I rise on a point of order. I think the issue, as Mr Kaine quite rightly raised a moment ago, is whether the standing orders should be suspended.

MR KAINE: I am arguing, Mr Speaker, for the suspension of standing orders and, if Mr Berry will give me my five minutes, I will explain why. It is very easy for him to jump to his feet before I have even virtually opened my mouth on the subject.

MR SPEAKER: Please proceed, Mr Kaine.

Mr Whalan: You want to stop the crime before it happens.

MR KAINE: That, Mr Speaker, is exactly what we are trying to do with this Bill. It is exactly what we are trying to do - stop the crime before it happens. We have had all of this under-the-table criticism and complaint. The Chief Minister says she did not see the Bill before it was tabled. I have at least five Bills on my table here which we did not see until they were tabled either. That is the procedure in this house, that the Government brings down the Bills, puts them on the table, and we do not even know about them until they are there. Now the Chief Minister objects because we do it with what she acknowledges is a very simple Bill.

The only reason why we are seeking to refer this to a select committee, Mr Speaker, is to satisfy the Government, which claims there has not been enough consultation. The

5 July 1989

only way that we can delay the discussion of the matter here and now is to put it in the hands of a select committee which can then be satisfied and which can satisfy the public that consultation has taken place. Indeed, it has already.

The Liberal Party, before it put the Bill forward, went into a lengthy period of public consultation. The fact that the Government says that we did not does not make it so; in fact, we did. The Bill was agreed to by most of those people, if not all of them, who will be affected by this. Our purpose is to satisfy the Government's objection, which I believe is a spurious one anyway because it would dearly love to knock the thing off so that it never sees the light of day. Do not ask me why, but that would be its intention.

Our purpose is to put it in the hands of a select committee for a very limited time so that the public can be satisfied that, if they have anything to say that they have not already said, they can have an opportunity to do it. It will then come back from the select committee, and the debate on the floor of the house will take place. We are not trying to stifle debate; we are trying to improve the debate, to make sure that people are fully informed, to make sure that the misconceptions out there that the Labor Party has instilled are dispelled.

I listened to a radio program this morning, and it was quite clear that none of the people, including the radio commentator who was leading the debate, even knew what the Bill was about. It was a very uninformed debate, and it was uninformed because the Labor Party has fed this misconception through the trade union movement that the whole thing is aimed at it. It is not aimed at it; it is not aimed at public dissent; it is not aimed at public protest. It is aimed at street hoodlums whom we, the Liberal Party, and our colleagues in the Residents Rally want to get off the street so that it is safe for the normal members of the public to go out there and travel. That is the reason why we want to refer it to a select committee.

Mr Berry: Mr Speaker, I rise on the same point of order again. The issue is about whether or not standing orders ought to be suspended. We are not debating the issue. I heard Mr Kaine complain similarly not so long ago.

MR KAINE: I did, indeed.

MR SPEAKER: Just a moment, Mr Kaine. Please resume your seat. The position is that I incorrectly allowed the Chief Minister to debate the issue that was not at hand. I am obliged therefore to give the Leader of the Opposition the opportunity to do likewise. However, as I reminded members, we now have only 15 minutes in total to debate the suspension of standing orders. You will get your opportunity to debate the issue at hand after standing

5 July 1989

orders are either suspended or not suspended. Please proceed, Mr Kaine.

MR KAINÉ: I would indeed not take the licence of which I am accused by my colleague opposite. My intention is to demonstrate that the thing needs to go to a select committee so that it can be properly dealt with and satisfy people that we are not attempting to railroad it through. That is exactly the purpose, and that meets the objection of the Labor Party.

MR WOOD (10.42): Mr Speaker, I will keep to the subject. I strongly oppose the suspension of standing orders to refer a matter to a select committee. Last night, Mr Speaker, as you will know, I walked out of here with you to your room, in company with three of our colleagues. What did we do? We sat down and we planned today's business. I thought that had been done against the background of earlier discussion. Are we or are we not to respect committees? That committee, in good faith, with good intentions, had planned today's private members' business, and now it is to be changed with perhaps little impact because the matter was to be discussed; it was the next item of business. So let us have some respect for the committees. You will know that I am very attached to the committee system.

Let me explain to the wider audience that, as the sole backbencher, I am on every committee. I have enjoyed that; I have appreciated that, and I value it. I also know what is happening in committees. Let me tell you there is no way in the world you are going to meet a short deadline. Every select committee so far is applying to extend the deadline for reporting. Let us do this properly. Let us appreciate the committee system.

I think it will be a unique function of this parliament. It will enable the parliament as a whole to examine a broad range of issues. I hope it will establish a consensus, a general understanding, of all the issues that come before us. Most importantly, as we see already on the committees on which we have served - Mr Stefaniak, Dr Kinloch and others such as Mr Humphries will know this - we are establishing those links to the community which are so vital for the way, I am sure, we all want this Assembly to function.

But let me tell Mr Collaery what will happen with this referral to a select committee. It will stifle the operation of committees. They are beginning to bog down because there is a random referral to committees. Some matter arises, and they say, "Let's give it to a select committee". There is no organisation in what is going to the committees.

We have staff working all hours - longer than I am, and that is long enough - on the committee business, trying to keep up with the demand. They are now at the stage where

5 July 1989

they can barely cope, and they are very competent and experienced people. The committee system for which we have such high hopes is starting to break down, but we have been here, I think, not two months yet. We simply cannot randomly refer every matter that arises to a select committee or a standing committee.

Within a week or so - very early in our next sitting days after the short break - I hope the Assembly will discuss what it wants of the committees and that we will come up with a sensible way of proceeding. Let me point out that you must not now break down that system that we want. I want to add one point, that I have been absolutely dedicated to the committee system. It is both a necessity and, I believe, a privilege.

MR SPEAKER: Order! The time for the debate is now concluded. Please resume your seat. I am now obliged to put the question.

Question resolved in the affirmative.

POLICE OFFENCES (AMENDMENT) BILL 1989 - SELECT COMMITTEE

MR COLLAERY (10.46): I move:

That:

- (1) A select committee be appointed to inquire into and report on the Police Offences (Amendment) Bill 1989, such inquiry to invite submissions relating to public behaviour.
- (2) The committee report by 25 July 1989.
- (3) The committee shall consist of 3 members, including a Liberal Party proponent of the Bill, a member from the Residents Rally and one other member.
- (4) The Police Offences (Amendment) Bill 1989 be now referred to the select committee.

Every other parliamentary assembly in Australia, to my knowledge, has a Bills or a legal and constitutional committee or a committee set up to screen legal, particularly punitive, provisions in laws, particularly criminal laws. The purpose throughout Australia is that such committee looks at any laws with four main ideas in mind. The first is whether it is within the powers of the enabling legislation, in other words, whether this Bill comes within the self-government powers? There were some discussions about that at the beginning with Mr Stefaniak. The second is whether it trespasses on the civil rights of the people. Otherwise, does it provide for adequate avenues of appeal? Is the legislation otherwise defective?

Every other assembly has such a committee. One can understand the position of the sole Labor backbencher in this Assembly, and one deeply sympathises with his

5 July 1989

position. That is a problem. Of course, the caveat that Mr Wood mentions is correct. This is a very short reporting time, but the issues facing the community, according to one side of the debate, are urgent and serious. People could be maimed or killed during the period, and a short reporting period is forced upon us. We have here in the Assembly today the victims of violent crime. They are passively demonstrating their deep concern, and we must show compassion.

On the other hand, a very great, socially minded judge in the South Australian Supreme Court in 1971 reminded himself and his fellow judges that the young usually comprised over 50 per cent of the community and were usually those who were out and about on the streets more than they were. Speaking about his fellow judges and policemen, he said that he did not find a proposition anywhere - with great respect to the doyen of this Assembly - that community standards were those commonly held by persons over the age of 50.

Mr Stefaniak has aged a lot in the last week, Mr Speaker, but I do not think he comes within that prescription. So far as the young are concerned, the judge said that the obscenities of this life are not such things as offensive behaviour and the like, for which the police are apt to arrest them at the moment, but war, racial discrimination, the imbalance of wealth and poverty, and the destruction of the ecological system. There is a very clear indication to us from a judge, dealing in that particular case with a loitering-type offence, that we must consider the attitude of the young in relation to this Bill. This select committee will look at those issues.

As my friend Mr Stefaniak has indicated and as my friend Mr Kaine said, there was the most extraordinary debate this morning on radio. What they debated was a nineteenth century London law of loitering. It had no relevance to the Bill before this house. Regrettably, we had no informed debate on that program. We are unlikely to have it until - and I say this with respect and not to prejudice a decision of the select committee - an advertisement appears in this Saturday's papers to ensure that all of the public, all of the people, the aged particularly, have a chance to know that this is on and can make their submissions to the committee.

Mr Speaker, the Chief Minister has, surprisingly, opposed this move, which really supports what was said outside yesterday about time for consideration, but let me remind the Chief Minister that appearing on the notice paper this morning was a like submission and a like motion to do something with this Bill, which I had not seen either. It is ironic that the Chief Minister finds herself now, as she says, taken by surprise when the same has happened on this side of the house recently and coming from the Government benches.

5 July 1989

The track record in the ACT has been of ordinances brought in under subordinate powers over the years, very often without public consultation. This is an historic moment - the creation of this committee, the first select committee in the ACT to look at a criminal law amendment, a look that will be by the people and for the people.

The critical issue today is that the committee examines the concerns raised about the Bill and examines the drafting of it because, as you may know, Mr Speaker, the Residents Rally suggested at certain processing stages considerable changes to this Bill. The Rally wanted the police power to be restricted to an officer having reasonable grounds to believe that a crime of violence or damage to property is about to occur.

That is a long, long way from the empty, exaggerated rhetoric we heard outside about the vast threat to civil liberties and the like coming from Building Workers Industrial Union people, who are busy on a site building an embassy for the Chinese fascist Government, which has just suffocated the right to peaceful demonstration. There are great ironies in that situation, Mr Speaker.

The Rally is also interested in knowing what view the select committee will take of a proposal that, if there are very, very wide community concerns and if they are justified in the committee context, there be a sunset provision in the law, lapsing the law after 12 months, when perhaps other legislative amendments, particularly to the liquor licensing laws, can be brought into effect and when we have power over the police and can determine whether they are foot patrolling enough and the like.

They are all issues that will face the committee. Likewise there will be very forceful submissions from those persons who have been the victims of dreadful, unprovoked and hideous violence in this community, which has stemmed, from time to time, from premeditated groupings of persons who have been seen to be about the community and in dark areas but who have not been moved on by the police.

It is all very well to look at the civil rights issues. I speak for myself on this issue, having been the defending counsel on many occasions, often opposing my colleague Mr Stefaniak, and often in situations where the police have used the offensive behaviour and indecent language laws that currently exist, simply because they are being heckled and because they do not have the opportunity to tell these people to leave. They do exploit the situation of offensive behaviour. It is only three weeks since I defended a charge that involved a young person standing opposite a club in this town, heckling the police who were dealing, with some difficulty, with a brawl in the centre of the road. A police officer came over and took offence at what was said against that fence line.

5 July 1989

We hear the words of judges of the South Australian Supreme Court, and we know that the young have a language of their own largely these days which may not offend the average constable and which may not offend at least some of us, Mr Speaker. But the irony about this move-on power so far as I am concerned, as a practitioner over years in this town, is that if they had some restricted move-on power to deal with situations of violence and damage to property they would have less excuse, and there would be more opportunity for police internal inquiries to ask why they did not give the opportunity first to move on before they say they found the language offensive to them.

Very often as they get out of their trucks they are using the same language for which we hear they are arresting the youngsters. So there very clearly needs to be a healing process in this town, and under the new assistant commissioner it is possible that there can be a healing process which largely needs to apply in the jobless youth area. They are not empty words. As a practitioner and as a defending counsel in the area over years, I sincerely hope that we can do that with this move-on power, if it is to be brought in. I am not prejudging the committee, but certainly the Rally supports some better attempt to deal with unprovoked crimes of violence and damage to property in the community.

Mr Stefaniak will have his time to speak to this Bill at some other time, but he has indicated very clearly that nothing here is designed to deal with industrial and workplace disturbances. He drafted yesterday, unknown apparently to the media this morning, a very specific provision, with the help of the government draftsman acting as draftsman to the private member's Bill, that the Bill would include a clause excluding persons involved in picketing places of employment, demonstrating or protesting about a particular matter, and speaking, bearing or otherwise identifying with, a banner, placard or sign, or otherwise behaving in a way that is apparently intended to publicise the person's views about a particular matter. What could be clearer?

But then again drafting is difficult. The Standing Committee on Social Policy of this Assembly, to which I believe my friend Mr Wood referred, is inexperienced in areas of dealing with the nitty-gritty and the technicality of legal drafting. Every other assembly, Mr Speaker, has some form of committee. We are yet to decide that, and this does not prejudge it. But, given the urgency with which Mr Stefaniak has pressed the Bill, the Rally has joined with the Liberal Party in supporting a select committee to look specifically at this Bill. As you know, Mr Speaker, there is another motion in the list today that the standing orders that can relate to the issues, such as where we refer Bills to, will be debated.

As an interim measure, this select committee should be formed. I recommend it thoroughly to the house as a way of

5 July 1989

allowing the community out there to have its voice and for the few front-runners, particularly those BWIU workers who came from the Chinese embassy site to protest about the right of peaceful protest, to see that all the quiet, passive people out there - the sorts of quiet people who get assaulted in dark alleys - have their say, too.

MR WOOD (10.59): Mr Speaker, when time ran out on the motion to suspend standing orders, I was about to move on and say that, while I am a member of all these committees, no committee has failed to meet because I could not be there. On one occasion I left an apology, and a meeting lapsed for want of a quorum, but I had given prior notice. I have been absolutely assiduous in attending all committee meetings.

My colleagues, who are not on quite so many committees, are finding it a very time-consuming occupation. I do not think the motion to suspend standing orders and now this one to refer this to a select committee are realistic. Mr Collaery's planning committee has not got down to business yet, so perhaps he has not experienced the range of work that these committees can bring on.

Mr Jensen: Read the notice paper, Bill.

MR WOOD: The committee has not had more than its opening meeting. Is that right or is it not right?

Mr Collaery: That is correct.

MR WOOD: Thank you. I knew that was the case. This proposal is not realistic. Each of the three select committees so far appointed has sought to extend the date for its inquiry.

Mr Humphries: There are four.

MR WOOD: Yes, there is a more recent one now. That was not because we have been slow to get down to it but, as soon as you go out to the community, when you advertise and say, "Tell us what you want to say to us", people immediately say, as they have looked at our deadlines, our timetable, "We can't give you a considered submission in that time. Please can we have more time?". They have all done that. We want considered views from the community, surely.

We have three weeks as of yesterday to get this up and running, advertised, get submissions in, listen to groups, write a report and come back to the Assembly. I can tell Mr Collaery that will not happen. The realities of it are such that it cannot happen. I will tell him now that the committee, with his agreement, down the track a little, will come back into this Assembly and say, "Can we have an extension of time?". People will want to give considered views. The three members who sit around the table will want to hear them, and they will want to give them considered judgment before coming back into this Assembly.

5 July 1989

But let me make another objection to this select committee being set up. I am very happy to serve on these committees. It has been an enormously rewarding experience for me. Even in the brief time, I have learnt an enormous amount. It has been of great value to me. But I do not want to go into a committee with people who have preconceived ideas. I do not imagine that Mr Stefaniak will change his views. I do not know who will represent the Rally, but I think that its views are now so well expressed that it will not vary them.

Mr Humphries: And yours are not?

MR WOOD: I have made no public statement about this. My views have not been expressed. I have concerns on each side but what is the value of a committee if it is to come back with preconceived ideas? I will tell you this: We are about to sit down in the committee that looked at tertiary amalgamations. We have had a marvellous exercise out there. I repeat that it has been educational. As we write the report, I wonder to what extent our ideas have been modified. Have we changed our views? What is to be the result of that? So, as we establish select committees, let us learn from our experience, which is still very brief, and see to it that the committees will not simply case in concrete something that is already in our background of thinking. Let us see that if we have a committee system it comes up with a genuine consensus, demonstrating that we are capable of modifying our views.

I suspect on this one that all we are doing is deferring the debate for three weeks, or more than that - it will not be three weeks. In that case, why not discuss it now? I am pleased to see my Chief Minister's reference. If we go into this debate, let us go down the track and look at some of the deeper issues behind the move to bring in move-on powers. Let us look at some of those more significant features that can be hidden, but let us not have the farce of a select committee. Let us have the real debate now. Let us do it today because that is what we planned to do. It would save my valuable time and your valuable time. We can still consult the community and look at the deep issues involved. So I suggest that is the way we need to be going. I do not think this select committee would be one of the more successful ventures of this Assembly.

MR HUMPHRIES (11.05): Mr Speaker, I have to rise in this debate to support Mr Collaery's motion and indicate that I can see nothing but hypocrisy coming from the Government on these questions. I am very disappointed to hear people like Mr Wood and the Chief Minister make statements which, in my view, simply are not consistent with their behaviour and the behaviour of the Government previously in this place. The Chief Minister has said that it is too soon to expect a committee to report back by 25 July, that in some way we are stifling - - -

5 July 1989

Ms Follett: No, I have not.

MR HUMPHRIES: Well, Mr Wood said that.

Mr Wood: I said that.

MR HUMPHRIES: Mr Wood said that. The Chief Minister did say that we are somehow stifling debate by referring this matter to a select committee at this stage. Of course, it is true that at this point we will not debate in the time allotted to private members' business this morning this particular Bill. That is very true. There are plenty of other matters on this agenda paper, nonetheless, for us to debate this morning.

We are not in any way stifling the debate on this issue because we are referring it to a select committee which will fully debate the issues, then come back to this Assembly which will then have a full and proper debate in light of the information, elucidated by the select committee's deliberations, and then make a decision on the fate of this Bill. How that can be referred to as stifling debate, I simply do not know.

When the Government supported the establishment of a select committee on the amalgamation of the tertiary institutions in the ACT, was it stifling debate? When it supported the establishment of a casino select committee, was it stifling debate? When it supported the select committee on occupational health and safety, was that a measure designed to stifle debate? Of course it was not. Those moves were all supported by the Government.

In every case, a select committee has been established in this place because it wanted to make sure debate was informed; it wanted to make sure the debate was held in the proper context. That is why we support today this motion to refer this matter to a select committee on this subject - so that we can get informed debate.

It has been suggested that this is too complex a matter to have it considered by a committee within three weeks. What tripe! What rubbish! This is a three-paragraph Bill. It is a one-page Bill. Contrast this Bill with the Nature Conservation (Amendment) Bill which was passed by this Assembly only last week. It was half an inch thick, containing provisions that were infinitely more punitive than anything that appears in the Bill of my colleague Mr Stefaniak.

That nature conservation Bill contained penalties of five years imprisonment or a \$10,000 fine. How can that be said not to be punitive when this Bill, which contains considerably smaller penalties for failing to obey lawful police directions, is described as being in some way excessive? Where is the Government's sense of priorities on these matters? I am sorry, but I cannot accept for one moment that the Government is being consistent on these questions.

5 July 1989

This Bill is vital. It addresses extremely important questions before this community. The people in the public gallery of this place at the moment can, I think, tell us all a great deal about what it is like to have personal dignity infringed, have loved ones taken from them or have every civil right, which the Labor Party claims to defend as important, affronted by the way that crime occurs on the streets of this city. Perhaps the armchair socialists opposite me, who live in comfortable suburbs and who do not often have to go to bus shelters or places where these sorts of crimes occur, do not understand the sorts of problems that are faced. But I can assure you that there are people in this community who do and who are well aware of what can happen in this community if we do not take action now to change the situation.

This Bill is just such a measure. This Bill is designed to look at street crime in Canberra. It is vitally important; it is urgent; it has to be addressed quickly. The Government clearly is not interested in addressing these issues, and I believe that this referral to a select committee is appropriate to make sure we get to the bottom of the issue.

Mr Speaker, I do not believe the Government has any good intentions on this question. I do not believe that its desire to have it referred to a standing committee which is coming back on 30 September is in any way an indication of its good intentions. I say that on the basis of what has already been said by the Chief Minister and others to the media and, in particular, to rent-a-crowd yesterday out the front of this building, suggesting, for example, on the part of the Chief Minister that this Bill will in some way infringe the capacity of people to demonstrate legitimately in public places or to conduct pickets outside places of employment, when she knew full well that it was a totally untrue statement, that the Bill was to be amended, with the suggestion coming from the proponent of the Bill, to allow those things to occur, so we are getting down in the thrust of this Bill to only the basic issue of street crime - not picketing, not demonstration, but street crime. Those bad intentions on the part of the Government make me most reluctant to accede to its request not to have this matter go forward today in the manner suggested by Mr Collaery.

It is ridiculous to suggest that, because we cannot address the underlying causes of street crime, we cannot therefore deal with the symptoms. Of course we can. I fully sympathise with the points that have been raised by the Government in this regard. We have to address the basic problems there.

But, in the meantime, I am not prepared to go out to the people who have been victims of crime in this city and say, "Well, I am sorry, but the person who bashed your son or the person who smashed your window or the person who robbed you on the way home from the shops and took your pension

5 July 1989

cheque probably had some underlying social reason for his or her action and is really to be pitied rather than blamed. Therefore we will not take any action on your problem". That is an unacceptable response. The only acceptable response is to do what we are proposing today, and I fully support that move.

MS FOLLETT (Chief Minister) (11.11): I have a number of objections to Mr Collaery's motion to appoint a select committee of this Assembly to look at the Bill. My first objection is the narrowness of the reference to this select committee. It is asking the committee to look at only the Bill that has been proposed by Mr Stefaniak. Contrary to what Mr Humphries has just said in calling me an outright liar, the Bill, as has been presented to this Assembly, addresses only the question of loitering and penalties for that offence. Am I correct or am I not?

Mr Humphries: That is correct.

MS FOLLETT: I am correct? I have not lied? Is that correct? That is correct.

Mr Humphries: It does not address demonstrating in streets or picketing public places.

MS FOLLETT: The Bill as it stands, Mr Speaker, addresses the question of loitering, undefined, and proposes penalties for that offence.

Mr Humphries: You saw the amendment to that on Tuesday night.

MS FOLLETT: The intentions that the Opposition may have had in amending its Bill and the intentions that the Residents Rally party may have had in backing away from that Bill have not been presented to this Assembly.

The Bill as it stands refers to loitering, undefined. I find that an extremely narrow approach to the social problems that it claims to address. We have heard repeatedly about people's fears of standing in bus shelters, people's fears of catching buses, people's fears of dark places in Canberra and people's fears of going out on their own. I have the greatest sympathy with those fears, and I want to address them.

The Bill does not address them. The Bill in no way provides for the greater public safety of Canberra's citizens. The Bill in no way would prevent or ameliorate any kind of street crime that has been described in such emotive terms by the members of the opposition. The Bill is narrow in its application; it is not specific, and it does not address the underlying problems.

If we look at the kind of committee, the select committee, that has been proposed to address this Bill, and only this Bill, we can see, I believe, Mr Speaker, that the terms of

5 July 1989

reference of this committee are similarly narrow. It is proposed by Mr Collaery to have a proponent of the Bill from the Liberal Party, and even in the heat of the moment Mr Collaery could not bring himself to call it the Opposition; a member of the Residents Rally party - I presume that is what RR means, not Rolls Royce - and one other member. Dare I say that the other member might be yet another lawyer, that we could have here a committee of three persons, two of whom are almost certain to be lawyers, to examine the technical detail of the Bill before us, which is less than a page long?

What is that technical committee to do about the underlying social problems that the Bill claims to address? What is that technical committee to do about the problems of youth unemployment, of disaffection amongst young people and of street behaviour, which are supposed to be giving rise to the very problems that the Bill addresses?

That technical committee, I put to you, Mr Speaker, will be looking at the technical aspects of drafting of this Bill, as Mr Collaery has already foreshadowed. I believe probably one of the major reasons why he has put forward this motion is in order to get some committee going which has the capacity to look at the technical detail of Bills rather than, as he has claimed, to express an interest in the social problems and actually preventing crimes by looking at the underlying problems which may or may not exist.

Mr Speaker, I have proposed a much broader reference to the Standing Committee on Social Policy which aims to look at those kinds of problems. It aims to get that Social Policy Committee, which is representative of this Assembly, whether we like it or not, to look at public behaviour, in particular in and around shopping centres, bus interchanges and other places of public entertainment. I have asked in my reference for that committee to make an assessment of the nature and extent of the problems that exist there and to look at the need for remedial action. I believe that we need a broad based inquiry on this matter. I believe that the last thing we need is a technical review of an already inadequate piece of legislation, and that is what we are being asked to support in Mr Collaery's motion.

Mr Speaker, in relation to a matter that I have also raised with you - I am not sure how strong the ground is that I am on here - I would refer the Assembly to the standing orders, particularly from standing order 215 onwards, which refer to the composition of committees. One of the items in there is standing order 217, which says that the Assembly really cannot appoint select committees to look into matters which are within the responsibility of an existing standing committee.

I would argue, Mr Speaker, that the questions of public behaviour, street behaviour, and the kinds of situations that may or may not give rise to a need for move-on powers

5 July 1989

are encompassed by the Standing Committee on Social Policy. In relation to the membership of committees, standing order 221 states:

Membership of committees shall be composed of representatives of all groups and parties...as far as practicable proportional to their representation in the Assembly.

So the select committee that is being proposed, in my view, is not consistent with those standing orders which we have heard - - -

Members interjected.

MS FOLLETT: Mr Speaker, we are to deal later today with the question of the standing orders and their representativeness, their use as a facility for debate and so on. I just put it to the Assembly that the composition of this select committee, as it has been put to us by Mr Collaery, is not consistent with the standing orders that we have before us. It may of course be consistent with Mr Collaery's proposed amendments to those standing orders; I do not know.

Just to summarise, I think that the terms of reference of this select committee are far too narrow to concentrate on what has been acknowledged by the Opposition and the Rally party to be an inadequate piece of legislation. We need a much broader debate if we are to address these social issues responsibly.

I put it to you also that the proposed membership of this select committee is not representative of this Assembly and the community that we are here to serve. It would give, for instance, no voice to the kinds of people who demonstrated here yesterday or today on this very important issue but would instead seek to confine the whole debate to an inadequate piece of legislation by lawyers who are looking at the technical detail, not the significant social problem that the Bill is apparently aimed to address.

MR MOORE (11.19): I think one of the problems we have here is that people are failing to realise that we have a single problem and that we have before us two possible solutions. One is a long-term solution and one is a short-term solution. First of all, the proposal about which the Chief Minister is talking is not a Liberal-Rally proposal; it is a Liberal proposal that the Rally has supported to some extent.

What we have in long-term solutions is a suggestion by the Chief Minister that the Standing Committee on Social Policy should look into behaviour and behavioural solutions. Those long-term solutions will be about trying to get particularly the youth unemployed employed; they will be about building relationships; they will be about building relationships with police officers. They will be expensive. The long-term solution is very important.

5 July 1989

Mr Collaery has already foreshadowed that the short-term solution could well be to have a sunset clause, recognising it for what it is - a short-term solution. But are we to say, as Mr Humphries put it, to a victim of crime, "Sorry. Pity about that, but feel sorry for the person who has this particular social problem"?

There are two solutions. We have to take some action as quickly as possible to resolve the street crime problem, then try to work out what is causing it in the long term and come up with a solution. In that respect, I agree wholeheartedly with the Chief Minister that the standing committee and the proposals that she is to put to that standing committee could well be important.

With reference to standing orders, first of all, what we are dealing with here is a criminal matter, and it highlights the need for a standing committee that looks at legal matters, ordinances and so forth. We do not have a standing committee like that. If we did, no doubt this would be referred not to a select committee but to that standing committee.

With reference to the social problems, these are not mutually exclusive. We can take a short-term solution and also look at the long-term solution. The whole gist of what the Labor Party is putting forward is that we cannot do both. Of course we can do both, and that is what we should be doing. We need to be looking in the long term at building a better relationship - perhaps providing more police on the street and perhaps providing ways in which the police can build a relationship with these young people.

We need to be looking to ensure that the unemployment situation does not exacerbate the problems of youth. Of course we need to look at those things; of course they are important; and of course we feel that there is some risk in the way we deal with the oppressed, which is what the young people are becoming; but people who have been victims of street crime are, in a much more significant way, oppressed as well.

Let us use this to see whether we can find, in relation to this Bill, a short-term solution that will provide a situation where the police are not frustrated by the sort of action that society demands of them. They are the ones who are caught in the middle. On the one hand, police are called into a situation by people who feel that they have the right to be protected; on the other hand, we are saying to them, "Sorry, you cannot do anything".

They are caught in the middle, and it is particularly unfair on them. Let us not leave them caught in the middle while we think about the long-term solution. Let us take some action. Let us refer this Bill to that select committee and let us debate it when it is much closer to a

5 July 1989

finalised form instead of talking around it and then perhaps around an amendment to it, which some have read and some have not read. Let us get this as quickly as possible to a select committee and get it to report back to this Assembly.

MR STEFANIAK (11.24): Mr Speaker, I do not propose to go into the details of the Bill or the need for it; I think those views are fairly well known. Suffice to say that Mr Collaery's motion is before the Assembly to refer this Bill to a committee. I am somewhat amazed - because I have always been prepared to have this matter debated - that the Government is now seeking to stifle this.

It was the Government that was very keen on more consultation and more time, and encouraged the members of the opposition to have just that. Now it seems that it does not want this matter to go to a committee. I wonder whether the Government simply wants this Bill to be totally swept under the carpet and forgotten. My views are well known, and the views of the Chief Minister are very well known there.

As other speakers in favour of this reference to a select committee have said, this will enable consultation - consultation that some groups in the community have said they have not had. Mr Humphries has indicated to this Assembly the amount of consultation that the Liberal Party has had in relation to this and other law and order matters over the last 12 months.

But other groups want consultation. Mr Collaery was very keen to establish such a committee so that there could be further consultation, and we support him in that because that seemed to be the will of this Assembly, although now it seems that the Government wants something quite different again.

The motion is that the committee report by 25 July 1989. I note Mr Wood's comments. I note the Chief Minister's comments, too - she referred to it as a simplistic Bill. It is not a very long Bill. The Occupational Health and Safety Bill, which is a long Bill - some 50-odd pages - initially had only 28 days to be considered. That will come before the house tomorrow, admittedly about eight days after the 28 days were up, but still within a short period, and that was a very complex and very detailed Bill. The Chief Minister has also indicated that she wants to refer a broad range of issues to an existing committee, and they are a broad range of issues, quite different really from what we are proposing here.

We are looking at a specific piece of legislation to deal with a problem and provide some legal remedies for that problem. The Chief Minister has raised a large number of problems that she wishes a committee to discuss. It is a very broad range of problems. They are two completely different things that we are talking about here. What she

5 July 1989

is talking about is a huge number of problems not only of a legal nature but also of a social and an economic nature, affecting all types of things in the community. This Bill has much, much more limited effect. They are two totally different questions.

MR BERRY (Minister for Community Services and Health) (11.27): Mr Speaker, I rise to oppose this matter being referred to the committee and to raise some issues which concern me in relation to the matter. I think the Assembly needs to recall the history of this legislation which is the subject of concern and the reason that it came before the ACT electorate.

Quite clearly in the pre-election period the Liberals sought to use police powers as another cheap, vote grabbing mechanism which is commonplace amongst conservative governments - the sorts of tactics that were used by Joh Bjelke-Petersen in Queensland to frighten the community into voting for conservative parties.

Since the election I think the Residents Rally has seen a few votes in it and has decided to support the Liberals on the issue. It is a piece of legislation which is at best archaic and, even with all of the amendments, focuses all of the attention on the youth and the disadvantaged. I think, at this point in time, and after yesterday's demonstration, the Residents Rally party members have cold feet; the tactics are falling apart. Suddenly they have found that elements in the community are opposed to what they are up to.

Mr Moore: That is why we are going ahead with it.

MR BERRY: Indeed, and I would expect the Residents Rally to do that - to go ahead with something that the community opposes, because it does not represent the community; it is not a community party. I think what needs to be emphasised here is it is clearly a cheap, vote grabbing, headline grabbing mechanism which really has nothing to do with helping our youth or helping the community; it is about headlines.

Mr Moore: They are not mutually exclusive.

MR BERRY: I say to you that they are in this case. I think it was demonstrated yesterday by the crowd of Canberrans who gathered out the front that it is just not acceptable. With the first draft of the legislation that Mr Stefaniak put up that crowd could have been moved on, too.

But I think he saw the error of his ways there and was convinced in some way by the Residents Rally that it was not a goer for electoral reasons. In any event, as we heard on the radio this morning - Mr Collaery gave some advice on legal matters to the interviewer - all of the speakers were opposed - - -

5 July 1989

Mr Stefaniak: Well stage-managed.

MR BERRY: You will get your chance. All the speakers were opposed to the legislation. Even after Mr Collaery's advice, they were still opposed to the legislation.

Mr Kaine: They did not know anything about the legislation either. That was obvious.

MR BERRY: It is archaic move-on legislation, to increase police powers. That is what people were concerned about. They were concerned about their kids being arrested for having torn jeans, long hair and pimples and being caught in the street late at night. That is the sort of stuff that this legislation will deliver.

Mr Moore: And witchcraft. It is just as logical.

MR BERRY: That is right. You are spot on. Round them up, too. A little while ago, and yesterday as well, we heard Mr Collaery getting stuck into workers who indeed walked off the job in response to the dreadful activities in China. How much time did Mr Collaery give up? How much money? None, I will bet.

Mr Whalan: He was at the Chile demonstration.

MR BERRY: Was he?

Mr Whalan: Crossing the Chile picket line.

MR BERRY: Yes, drinking a bit of champagne somewhere with Joh Bjelke-Petersen.

MR SPEAKER: Order!

MR BERRY: One of the most objectionable parts of his speech yesterday was when he referred to the crowd as grunTERS out there. I do not give a great deal of credibility to what he says, and my wife and 16-year-old son who were out there were most amused about that when I told them. They do not give much credibility to what he says. To refer to them and all of those other ordinary Canberrans who were out there opposing what the conservatives here were up to as grunTERS is a bit off.

I go back to the issue of the focus of this legislation. I think it is very clear that it has a focus on youth. I had the discomfort of travelling around with police, the hoodlum squad, for six hours whilst they did their job. It is not a very good job, and I have a great deal of sympathy for police in the performance of their work because they have a very difficult job. It is one that I would not like to take on, and I dare say that not many people in this Assembly would like to take it on.

5 July 1989

But I think it became clearer to me after that experience, and it was a stark reminder to me, that these police powers, however amended, will focus on youth, the disadvantaged, the unemployed and those ordinary street people who treat public places as their space - people who can see outside the Volvo door, Mr Stefaniak, and who are not able to take trips down to the coast of a weekend, the ones whose space is the street. I think what this Assembly ought to do is face up to its responsibility and let us have a lash at dealing with the in-principle debate so that you can all be shown up by supporting this sort of legislation instead of ducking behind closed doors and shoving it off to a committee. Deal with it in the in-principle debate, and let us deal with the real social problems in the form of the motion which will be put forward by the Chief Minister later.

MR KAINÉ (Leader of the Opposition) (11.35): Mr Speaker, I must say that I am totally confused by the Government's approach to this subject. It has done everything and debated everything except the point of the legislation, which is the protection of people who want to travel and move around this city, day or night, without fear of assault or harassment in any form. That is what the Bill is about, and the Government has debated everything but that. Its attitude seems to me to be totally ambivalent and totally astray.

I would like to deal with a few of the matters that the Government has brought up during this debate. First of all, Mr Wood talked about the overwhelming number of references to committees. The Government does not have any problem about referring things to committees. I brought this matter up the other day, that one of our Ministers referred the matter of garbage collection to one of our committees. She has an entire department behind her that should be capable of coming up with a method of garbage collection, but she chooses to impose that inquiry on a committee of this Assembly.

With all of the lack of resources that Mr Wood is talking about, the lack of time that members have and their commitment to real issues, we are asked to take on an inquiry into garbage collection. But, of course, the Assembly is quite ambivalent on this. The public housing inquiry was not referred to a committee of this Assembly; that has been done by some other means, on which I am not clear because I have heard nothing about it since it was announced on the floor of the Assembly. I do not know whether the inquiry is taking place at all. So we are a bit ambivalent about what we do or do not refer to committees. We can refer garbage collection, but we cannot refer a matter of the safety of the individual citizens of this city. That is apparently inappropriate.

The Chief Minister raised the question of the number of members - three members - and said that it was perhaps inappropriate. I remind the Government that the first

5 July 1989

select committee that was established by the Assembly, which was on occupational health and safety, proposed by the Deputy Chief Minister, had three members. If it is inconsistent now, why was it not inconsistent then? Let us have some consistency in approach.

The Chief Minister said that she thought this should properly go to the Standing Committee on Social Policy because it is included in its terms of reference. I will read the terms of reference of the Social Policy Committee, which was established by the Government, not by the Opposition. The one that we want established has proper terms of reference, I might mention. The terms of reference of the Social Policy Committee are: to examine and report on matters referred to it by the Assembly concerning community health services, housing, welfare, education and social justice. There is nothing in there about the legal protection of citizens - nothing whatsoever. It is totally inappropriate to suggest that it should go to that committee.

She spoke about the narrowness of the terms of reference, that the committee would be convened to examine only one Bill. Again, the first select committee established - the OH and S Select Committee - was established to consider one Bill. If this is a narrow reference, that was equally as narrow. The Government had no objection and no difficulty with putting it forward on that occasion. It is only because we now put one forward that it suddenly becomes inappropriate.

Mr Berry, I suspect, in his intemperate use of words was doing exactly what he was accusing us of. He said that this was a cheap, vote grabbing issue. The clamour outside the front door yesterday was a cheap, vote grabbing issue because it contributed nothing to the debate.

Mr Whalan: Spontaneous.

MR Kaine: What did you pay for it? Did it cost you a few dollars - the rent-a-crowd? But this is not a cheap, vote grabbing issue to the victims of crime. When the Liberal Party developed its policy it consulted all sorts of community groups on what its policy ought to be. There was nothing cheap or vote grabbing about it. It was intended, and is intended, and is indeed a very serious social policy, to protect the victims of crime. There is nothing cheap and nothing vote grabbing about it, but the approach that the Labor Party is now taking to knock it off is cheap and vote grabbing, if you like.

Mr Berry said that it focuses on the youth and the disadvantaged. It focuses on the victims of crime. If the people who commit the crime are the youth and the disadvantaged, that is another problem at which we should be looking; I agree entirely. But being youthful and disadvantaged does not give you a licence to commit crime; it does not give you a licence to harass elderly and other

5 July 1989

people when they are moving about their legitimate business in the city; that is no excuse whatsoever. If the effect of it is to focus on the youth and the disadvantaged that is unfortunate, but we have here a question of the balancing of the interests of the youth and the disadvantaged who are the perpetrators of the crime and, on the other hand, of the aged and the insecure who are the victims of the crime. Let us look for once at the victims. I do not have any objection whatsoever to the Government's proposal to look at the long-term issues and the problems of the youth and disadvantaged; I agree with that entirely. But do not confuse the issue - the purpose of this debate and this Bill - and divert us from the course of action that we should be taking.

The only other matter to which I wanted to refer, Mr Speaker, is the Chief Minister's reference to the matter that she has put on the notice paper today. It has never been there before. We have been debating this Bill now for some days, and we are finally getting to the nub of it and trying to get somewhere, and now the Chief Minister comes up with her counterproposal. Now she is suddenly concerned about public behaviour in and around shopping centres.

It was only yesterday that it was argued that there was not any such problem and that is why we did not need this Bill. There is no such problem - that is what the Government was saying yesterday. Now she has a motion on the paper to have a look at this undesirable behaviour in public places and see whether we should not be doing something about it.

All that this is, Mr Speaker, is a cheap attempt, on the part of the Government, to set aside the Liberal Party's initiative on this matter and to supersede it with a Labor Party initiative. It thinks, "The objective would be the same, but let us not let the Liberals and the opposition have any credit for trying to achieve something for this society. Let us bury that; let us hide it; let us obscure it; let us denigrate it, and then we will put up our own proposal". That is what that is about. I would have been much happier if the Chief Minister had put that on the notice paper three weeks, six weeks or two months ago. Then I would have thought that there was some serious concern for the community in so doing.

They talk about being cheap and vote grabbing. That is the ultimate, in my view. Denigrate what the Liberal Party and the Residents Rally are trying to do; get that off the agenda so that you can put up your own motion and then you can look good at the expense of these people. That is what that is all about, and I would like to think that there was some genuine concern on their behalf.

Government members talk about representing the community; they talk about consultation; they talk about open government, but I do not see very much of it until they are forced into it. Let us, Mr Speaker, address the issue; let us address what the real purpose of this Bill is - to

5 July 1989

protect the victims - and let us get it over and done with. Then, if the Government wants to, let us look at some of the longer-term issues which may be causing it and about which perhaps it is within the power of this Government to do something.

MR STEVENSON (11.43): Mr Speaker, I am sure all of us agree with the need to address the problem that this Bill seeks to address. It was brought home to me very recently, when my mother in Sydney said that she would not go to a nearby suburb, Bankstown, of a night-time. I have never known my mother, in all her life, to be afraid of going anywhere. If this is a situation towards which we are heading, in certain parts of Australia, it is certainly something that needs to be addressed. As an ex-policeman, of some eight years standing, I well understand the problem that the police face in our society if they do not have certain powers or, in addition, if the courts, in certain cases, do not back them up.

One of the problems you find as a policeman is that you want to do your job, and that is what the police in the ACT desire to do. They do not seek any powers for their own benefit; it is simply to do their job. Mr Collaery mentioned that there have possibly been cases where police have overstepped their rights under the law, in the desire to do their job, and I would certainly agree with that. We need to have sufficient laws to allow police to protect our society.

The Chief Minister has a motion on the notice paper today, and it may have been put there as a result of Mr Stefaniak's Bill. However, it does address matters that really need to be addressed. Under paragraph (2) it mentioned that the committee should consider all relevant methods by which such action could be taken, including, but not limited to, legal, social, economic, environmental design, deployment of the Australian Federal Police and the ACT public service personnel and the provision of services by government and/or private agencies.

Certainly, Mr Stefaniak's Bill is not designed to handle the root cause of the problem; it is designed to handle the manifestation of it. We need to address the reasons why these problems arise, and that should certainly be done. I would agree that the Standing Committee on Social Policy is the body to do it.

The Government mentioned, quite rightly, that there need to be safeguards for civil liberties. Mr Stefaniak has already shown, by the amendment about which he has informed us, that he is well prepared to look at making sure there are safeguards, and, indeed, with the amendment the Bill could not be used to prevent someone operating in a political or demonstrative manner.

It is a short time for the committee to arrive at its conclusion. I agree with Mr Wood that there have been

5 July 1989

pressures on other committees. There are a couple of points which we need to look at. Firstly, all the committee will be doing is looking at this one issue. I am sure that if the committee feels that there is not time, as Mr Wood suggests, it will allow further time; otherwise it will report in the time given to it.

Mr Collaery mentioned that a sunset clause could well be allowed in the legislation, and that is something at which, I think quite properly, the committee should look. So I commend the motion to the house. I think we need to look at the matter, and we need to look at it quickly.

MRS GRASSBY (Minister for Housing and Urban Services) (11.48): I rise to speak against the motion. The one thing that worries me about giving police more powers, when I think they have enough powers now, is my experience of the original people of this country who have suffered, not only in New South Wales but also in Queensland and every other State, because of police brutality. We have just had an inquiry into that, and we have found the amount of police brutality is rather frightening. It does not stop with the people who are our black brothers or the original people of this country; it even goes as far as the people whose first language is not English. I can relate story after story from the Human Rights Commission of people who have suffered under the hands of police brutality.

I am not saying that all police carry this out. Seventy-five per cent, I am sure, or maybe 90 per cent of the police do a very good job and do it under difficult conditions. But there is a percentage of the police that do not, and it has come out in the inquiries into the Aborigines who have been found hanging themselves in gaols, and it has come out time and time again in the newspapers we have read about the people whose first language is not English, who have not been understood and who have been treated as second-class citizens.

So I say, Mr Speaker, that if we go ahead with this in such a hurry - as Mr Wood has pointed out, this is a decision that cannot be made overnight - then we may regret it. We may be saying to these people who have suffered that we do not really care about it, that we have passed a Bill and that it will look after everybody in the shopping centres and at night-time. I am very sorry for anybody who has been accosted and who has genuinely been upset or hurt by hoodlums and people like that. But the police already have powers to do something about that, and they are not using them. They just want more powers so that it is so much easier to run somebody in, maybe give them a few kicks in the right place and then say they fell or something like that. I have seen many a report of the Human Rights Commission that has said exactly that - "He fell down the stairs as we were taking him to the cells" or something like that - when the report that the person has made has been, "I was kicked down the stairs".

5 July 1989

What I am saying, Mr Speaker, is that I know Mr Kaine and the opposition talked about rent-a-crowd, but a few people I know who were there yesterday certainly were not there from rent-a-crowd. They are people like Ellen Blunden who believes that this law could do quite a bit of damage and who wrote a letter to the newspaper the other day about it. I am quite sure a few other people I noticed there were not there as a rent-a-crowd.

Mr Humphries: But the rest were.

MRS GRASSBY: Obviously you know they were rent-a-crowd; I do not agree with that. They were people who were concerned about how they would be affected by this Bill. They were concerned about the fact that they may not be dressed right. A young lady who came to see me yesterday had very different coloured hair, all in spikes, and spoke extremely nicely and very politely to me. She was very upset because all of her friends were standing at a bus stop - one had a mohawk hairstyle and she had a different one - and she knows for a fact that the bus driver went straight past them and did not stop because of their hairstyles and their dress. I said to her, "You have a complaint, and I will take it up with ACTION buses. You have just as much right, if you can pay your fare, to travel on the bus as anybody else, whether you have an unusual hairdo or not". It may not be to the liking of the bus driver, but that is not his decision whether he has the right to pick up people or not.

This is similar. You are letting people make decisions that they do not have any right to make about others because they are different or because they have holey jeans on or are pimple faced or have some sign across their T-shirts that maybe the police do not like. I could not support this Bill at all. I really could not because, as I have said, I have seen time and time again in Human Rights Commission reports just how badly people have been treated. I feel that we have enough law for the police to do the things they wish to do, without it.

If this Bill is to be discussed, I would like it, as Mr Wood says, to be given more time, for more people to be able to speak about it. As for what Mr Kaine said about housing, I do not think he remembers that when I spoke about the housing review I said the first part of it would be brought into the house in August. I now find that, as we will be sitting in September, it will be done then. We have been talking to people in the community, and there is no way we can rush this one through because it is terribly important.

Mr Kaine: It is appropriate that you should, and not ask the committee to do it.

MRS GRASSBY: Exactly, and we are talking to people in the community. I would want this to be done in a much longer time than the short time that you have suggested, as we

5 July 1989

will be doing and bringing in parts of it at a time because it cannot all be done. Housing is so complex - we have the homeless youth, the people who are struggling on the market at the moment with high interest rates, the people who need public housing, and the people who are aged and need it. Housing is a broad spectrum, as this is. I do not think it can be discussed in that short time, and with four lawyers. It frightens me to think there are to be all lawyers on it. My God! The thought of that frightens me. I have seen this enough in courts. That really frightens me - and a lot of them started off in the police force, and that frightens me even more.

Mr Jensen: So did Bill Hayden.

MRS GRASSBY: Fair enough, I will accept that one. So, Mr Speaker, I cannot support this motion, as my party cannot support it. I feel that this is the wrong way to go about it.

DR KINLOCH (11.54): Mr Speaker, I certainly welcome the discussion of civil liberties from both sides of this house and also welcome the concern about public danger. Both of these issues should be in front of us, as they are, and as I hoped they would be and will be in front of a select committee, and as I hope they will be and would be when that select committee puts in its report and we again have a democratic debate, as we have had this morning, and come to some decision. So I see no real danger in a select committee. I would have no objection about making it larger, but it seems that a select committee has a group of three.

I speak here as a member of the Council for Civil Liberties. I would like to note that in the crowd yesterday, whatever one may say about it, there was one of the leaders of the Civil Liberties Council. I would hope that that council would put its views to the select committee. I am very pleased indeed to notice Mr Stefaniak including amendments and changes to his Bill which are very careful about civil liberties, and I think that is central to what is going on here.

Might I just refer to a meeting that some of us had with Assistant Police Commissioner Brian Baker and several others, and I thank Mr Speaker and Mr Stefaniak for arranging that. It did not seem to me that they were putting on some kind of public relations display. I was very impressed by them. I listened to them with care. They were very frank in this chamber, sitting just over there, answering questions. There were many members of the Assembly or their staff there. I did not see dangerous people, people who are about to engage in police brutality. Indeed what I saw were people who were very anxious indeed to avoid it.

So I think we should be particularly pleased about the police in this Territory and treat them with some

5 July 1989

consideration as well. I would, in response to the Chief Minister, say that the Standing Committee on Social Policy surely, in due course, will welcome larger areas of social justice - much larger areas, not limited to whether someone is standing on the street in a bus interchange. I do not think that is appropriate for the Social Policy Committee. I think that committee in due course, if it has time, should indeed take on some of these areas.

Finally, I do recognise the great dilemma that Mr Wood steadily puts before us. I think he is the victim of the committee system in this house. I do not know what the best possible answer is to this. Dare one even horribly suggest that one might even need a committee to look into that awful problem. But at the same time I think we will have to proceed in this manner of saying if there is a specific issue then put a few people together to look at it, hear from the public, come back and report; otherwise we will spend time, as we have this morning, doing nothing but debating issues that could be better debated in committee.

MR WHALAN (Minister for Industry, Employment and Education) (11.57): Mr Speaker, I think it is a matter of great regret and it is an interesting comment upon the Residents Rally party that for the second time in a week the Residents Rally party has moved to gag debate on an important social issue.

Mr Moore: We gagged the debate; we did that with a different standing order.

MR WHALAN: The interjection was, "We moved to gag debate but we used a different standing order". That is correct, Mr Speaker, but the effect was the same. Mr Moore was quite correct in his interjection. They are different standing orders, but the effect was the same. I am pleased to see that he concedes that the effect was the same because what was the correct procedure, and the procedure which was decided by agreement between the parties yesterday and endorsed by the Standing Committee on Administration and Procedures at its meeting last night, as was reported by my colleague Mr Wood, was that debate on this matter would proceed. I understand there was consideration that, once the Bill in principle had been debated, when it came to the detail stage the opportunities would arise for actions such as the one supported by the Government, which is that it be referred to the Social Policy Committee or, as an alternative but what I believe is the incorrect course of action, the one which has been chosen by the Residents Rally party.

But the effect of it has been, Mr Speaker, to gag the Chief Minister in responding to the legislation which was tabled in this Assembly last week. The proposal that had been agreed to after consultation between all the parties was that debate would proceed with the response - and it is shown on the business paper quite clearly - the resumption

5 July 1989

of the debate by the Chief Minister on agreement in principle. First of all, that would have allowed the Chief Minister, under the standing orders, 20 minutes to respond. The Chief Minister had a considered Government response to the legislation which would have taken the entire 20 minutes. The whole debate was gagged by the Residents Rally party.

One can only question its motives in doing that. I would suggest, Mr Speaker, that the spontaneous community outrage at the abuse of civil liberties inherent in this Stefaniak legislation has caused the Residents Rally party, in a desperate effort to distance itself from the original proposal, to take this course of action. That is the only construction that can be placed upon it.

We know that the Residents Rally had previously supported the original Stefaniak proposal, but it was the incredible community reaction to this that has caused its members to back-pedal at 100 miles an hour, and they are trying to cover their tracks. And they are trying to do that in two particular ways. One is by circulating, and announcing to the spontaneous demonstration yesterday, their intention to seek to modify the legislation. I must say that, with due deference to Mr Collaery, he has done me the courtesy of providing me with his proposed amendments to the legislation, and I will come back to those in a moment.

The second reaction, and it is this part which I find more disturbing, and part of their effort to distance themselves is their reaction and attitude towards those citizens who are concerned about their rights. Their reaction has been to hurl abuse and ridicule at those people. You heard Mr Collaery last night, and again today, refer to the people who attended this demonstration outside here yesterday in the most insulting and vile language. He has referred to these people as grunTERS. That is what he called them, Mr Speaker. That is his attitude towards people who exercised their civil rights and expressed their concern about their civil liberties.

It makes a farce of the two cosy little speeches which we heard from the Residents Rally last evening. One was from Dr Kinloch, who spoke about the American Independence Day which is so fundamental to civil liberties. He referred to so many of the members of this Assembly as citizen so-and-so, yet, in the same breath, he was prepared to give his endorsement to this repressive legislation. At the same time, we had Mr Collaery, the Francophile, extolling the virtues of the French Revolution, and extolling the - - -

Mr Collaery: I rise on a point of order, Mr Speaker. The Deputy Chief Minister is speaking to an issue, not to the motion. He proposes shortly to pick up a piece of pink paper, which I note they have chosen upstairs, and he will discuss the terms of my suggested amendments to the Bill. Clearly, he has set about, in his preparatory comments, to debate this Bill. He is getting around the standing

5 July 1989

orders, Mr Speaker. I call for the Deputy Chief Minister to speak to the motion.

MR SPEAKER: Objection overruled, Mr Collaery. Please proceed, Deputy Chief Minister.

MR WHALAN: Thank you, Mr Speaker. I will now return to the Collaery amendment to the Stefaniak Bill. Far from protecting the community, it places it at much greater risk of losing its civil liberties. I would urge Dr Kinloch, as a member of the Council for Civil Liberties, to examine very carefully the wording of that particular legislation.

The Collaery legislation provides that a police officer may direct a person, not to cease loitering, which was the Stefaniak proposal, but to leave. So the policeman can walk up to a person and direct a person to leave, not to cease loitering, which has a different connotation altogether.

Mr Jensen: I rise on a point of order, Mr Speaker. I would suggest that the Minister is not addressing the motion to hand. He is not addressing the issue of referring the Bill in its unamended form to a select committee. He is attempting, I would suggest, Mr Speaker, to debate the issue, which he will have ample opportunity to do when the Bill comes back into this place.

MR SPEAKER: Thank you, Mr Jensen. My ruling on this is that we have allowed all members to debate at will on this issue. Members should restrict their comments to definite points of order.

MR WHALAN: Mr Speaker, I appreciate your support on this, and I think it is worth noting that the effect of Mr Collaery's and Mr Jensen's interjections and points of order has been to deny me speaking time. It has been an effective gag; it has been yet a further effective gag on my right to address this Assembly on this matter.

The qualification in this variation to the legislation makes it quite clear that the powers of the police under the Collaery amendment are far more draconian than the powers even envisaged under the Stefaniak legislation. It is clearly a far greater extension of police powers than even Mr Stefaniak considered.

I would like to refer now to the proposal about the select committee. I would submit that this select committee is out of order, pursuant to standing orders 217 and 221, and I particularly draw attention to the terms of reference of the Standing Committee on Social Policy. The question there is again one of approach. We are talking about the needs of people who have genuine concerns in the community as against the rights of other people in the community. So we have concerns and rights, and these relate to social justice issues. That is why it should be examined in the context of the social justice issues.

5 July 1989

In conclusion, Mr Speaker, I would like to comment on the reporting date. The date of 25 July is absolutely absurd. There is no way that the community groups that are concerned about this issue will have the opportunity to meet, determine their policies and attitudes, prepare well-considered submissions and present those to the committee.

MR COLLAERY (12.08), in reply: Mr Speaker, the situation in the Assembly today has been to give the public a very good inkling of the views that will be advanced in later debate. But I enjoin all members to note that a very sincere proposal was put to the Liberal Party that we have a consultation period.

The initiative came from the Residents Rally, and it is consistent with our long-held policies on justice in the ACT. We stated before the election that we had to ensure that there was a comprehensive assessment of community policing needs and the real crime problem in the ACT. The Residents Rally had examined a number of issues concerning the pros and cons of a community police force vis-a-vis a contracted police force along the lines of the Canadian model. When the Rally was working on its community policing model, my colleague Mr Jensen had discussions with the late assistant commissioner, Colin Winchester.

The Rally has a very strong community based commitment to ensuring that there is in this Territory a government fully accountable and responsive to the demands of the community and that we will have a government here that will treat all in the community - both the oppressed and the oppressors, as equal. I have chosen those words from the Chief Minister's maiden speech to the Assembly.

The irony of this discussion is that we are probably all on the same ground on some fundamental issues. But there is one ideological problem, Mr Speaker, about the Labor Party agreeing to this motion. It is that it really has run this Territory for years and years and years. It has almost always had the numbers. Occasionally the numbers did not go its way. It is determined to bring in single-member electorates and the like, and if it does not move the select committee it is irked. This is a response of someone who is irked about it.

But let me assure the Deputy Chief Minister that the committee will examine the law to see that it applies equally and fairly and it will not be misused or extended in its operation. The committee would certainly do that. If the Deputy Chief Minister is concerned about his own safety let me assure him that he will be able to get away from the Da Deppos in any State he likes at any time when this law is brought into it, and he will have the advantage of - - -

Ms Follett: I rise on a point of order, Mr Speaker. I think that the speaker has made an imputation about the

5 July 1989

Deputy Chief Minister that is quite uncalled for and is out of order.

MR COLLAERY: I withdraw the imputation, Mr Speaker.

Mr Whalan: Say it outside, comrade.

MR COLLAERY: I would not suggest that the Deputy Chief Minister who addresses me now as comrade would - - -

Mr Whalan: I called you a shit.

MR COLLAERY: Be disinterested at all.

Mr Jensen: I rise on a point of order, Mr Speaker. I think that is totally inappropriate language for this house, and I would seek that you ask the Deputy Chief Minister to withdraw that particular word.

MR SPEAKER: Deputy Chief Minister, would you withdraw that comment, please?

Mr Whalan: Yes, I apologise for calling Mr Collaery comrade.

MR SPEAKER: Deputy Chief Minister, I believe that is not the question at hand. Language in this Assembly will be of the highest possible standard. I suggest you withdraw that reference.

Mr Whalan: Withdrawn.

MR COLLAERY: Thank you, Mr Speaker. The proposal has been put forward, as I stress again, for there to be an advertisement hopefully in this Saturday's papers to ensure that the wider community can comment. My friend and colleague Mr Berry - and he will remain my colleague because I like looking across at him and winking occasionally, although I am a bit worried about the sticker on his car - has made an implication about me which I resent. He has said: How much money did I get out of it? I presume he meant the Chinese situation. I completely reject and resent that implication, and it is not the first time that Mr Berry has come from his unionist stance to refer to money and me as a lawyer.

He should widen his horizons and make some inquiries about my law practice. I did not hear the rest of the media program this morning on the radio because my coathanger goes out of range very easily. I do not have a high-powered Fairlane radio on my Volkswagen, and I do not derive funds from those situations that Mr Berry implied, and one hopes that he will withdraw that. As well, the Hansard will show that I referred to some BWIU types who were shouting down a speech given outside as grunting.

You will see in the Hansard, Mr Speaker, that no reference at all was made to Mr Berry's delightful consort or his

5 July 1989

daughter. Indeed, there were friends of all parties present there, and he could not possibly suggest - and as the Deputy Chief Minister jumped on the band wagon as well - that I would demean those people in their protest.

I said in my speech that the gathering was a very welcome event. Mr Speaker, we get continually, as my colleague Mr Moore said last night, the absolute contradiction of fact and truth from some of the Labor members opposite me - at least two of them. Nothing has been said which demeans the right to peaceful protest, and that was an historic first gathering here. There is a man sitting in the chamber here with a sticker on saying "My son was murdered". Clearly we are dealing with - - -

Mrs Grassby: Another rent-a-crowd?

MR COLLAERY: Clearly we are dealing with an issue that deeply affects some members of the community. We do not want to emotionalise the debate. My message to Mr Whalan, who never ceases to attack the Rally because he is terrified of it, is that the Rally probably will lose votes out of this, because we come out of the civil liberties area, as you well know, and I have spent the best part of the last section of my legal career working in civil rights and human rights areas. That is why I am not as wealthy as some of the other people in this chamber.

The fact is, Mr Speaker, that the Rally may well lose votes out of it. We know how to bite the bullet and deal with an issue against which the Labor Party will get some form of populist sentiment and really knock us down in all of its inner clique areas of civil liberties and justice, in which the Rally is strong. We just hope that people in those areas see us as a genuine group. We are genuinely interested in exploring the drafting of this Bill from Mr Stefaniak.

I will concede on the floor of this house that my handwritten amendments done on the floor of this house during debate include a word which widens the concept of loitering. That is a simple drafting issue that was picked up and pointed out to me almost immediately by another lawyer in this chamber. I am not so arrogant or proud as to deny the Deputy Chief Minister's suggestion that one of the words - one of many - that I put in relation to this Bill in the chamber is not appropriate.

If the Rally had the numbers in this chamber and had the same attitude as the Labor Party, that error might have got through in the way that the Labor Party is used to ramming its things through in the other house. A screening committee of the type proposed in this motion would obviate errors of that kind. I thank the Deputy Chief Minister for clearly illustrating to the house the need for the select committee that has been proposed.

5 July 1989

I say to the police force and to all the members of the community of Canberra who are going to hear about this debate that it is only the beginning of a debate. It has put the Rally on the rack for the first time, because ideologically many reactions are similar to those of the Australian Labor Party: Why expand police powers?

But the Rally is confident that Mr Stefaniak will be able to justify his reasons for advancing his Bill, and the Rally has indicated to him that, properly drafted, a Bill of this nature that does not duplicate existing legislative reforms and provisions will improve the lot of everyone in this community. The Rally has not backed off at all. The Rally has gone through a fairly open process, through the press, of discussing this Bill. When we have been in this chamber a little longer it may not happen this way. We may well get a - - -

MR SPEAKER: Mr Collaery, your time has expired. This debate is now concluded.

Dr Kinloch: I rise on a point of order, Mr Speaker. There have been many high feelings this morning, to many of which I sit here listening with regret. I feel, in as friendly a way as I can, that Mrs Grassby should be asked to apologise to the members of the gallery who are victims of violent crime for referring to them as rent-a-crowd. I am sure she did not mean that.

Mrs Grassby: I am quite happy to apologise for that, Mr Speaker.

Question resolved in the affirmative.

MR SPEAKER: As the Assembly has referred the Police Offences (Amendment) Bill 1989 to a select committee, that decision precludes further debate on the motion that the Bill be agreed to in principle until after the select committee has reported.

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE

MR COLLAERY (12.19): Mr Speaker, I move:

That:

- (1) this Assembly acknowledges that the current standing orders were introduced as an interim arrangement pending full review by the Standing Committee on Administration and Procedures; and
- (2) the Standing Committee on Administration and Procedures examines the current standing orders as a matter of priority; and in particular standing orders - 35, 61, 63(a), 65, 69(e), 108, 138, 189, 203, 272 and 275.

5 July 1989

Mr Speaker, I have three minutes in which to speak to this issue. The standing orders are a fundamental code of this house in relation to business, conduct and procedure. The purpose of moving this referral motion from the Rally was merely to indicate our interest in the standing orders and the need for them to be reviewed, as has been clearly predicated by all of the comments in this chamber from time to time.

Mr Speaker, I make the following few observations. If one looks at the Hansard of the Senate of 1903, one sees that the Senate did not adopt the House of Commons rules which have flowed down through the House of Representatives here and across to us, through section 24 of our establishment Act.

There may be reasons why the Senate did not adopt that, but what occurs to the Rally is that the primary objective of standing orders in the House of Representatives and the House of Commons is to get legislation through in circumstances in which there is a majority rule in the house. The Senate, on the other hand, tends to have often minority groupings, and there are balances and checks on powers. The standing orders are significantly different in certain situations.

We would like the standing committee to look at that aspect, to see what can be gleaned from the Senate standing orders, to determine whether we have gone through all of the procedures and to determine whether, prior to self-government and during the long, long waiting period, the Senate contributed, as one hopes it did - but then the record will tell - to the establishment of standing orders in this chamber.

It is probably an appropriate time for me to mention, Mr Speaker, that prior to the declaration of the poll those certainties amongst us had the very great advantage of speaking to the Acting Clerk, Mr Piper, and the Acting Deputy Clerk, and we, of course, had some discussion about the standing orders. But at that stage it was an extremely complex set of words. Had the Rally not been engaged in other concerns and otherwise distracted and unable to determine who was to be elected further down its ticket, it would have put more time into the debating stage of the standing orders.

There are a number of issues, one of which we have corrected to date, which is to remove the signal power in a Minister to suspend standing orders. Mr Speaker, I commend an early examination by the standing committee of the standing orders that are currently used in this house.

MS FOLLETT (Chief Minister) (12.22): I am surprised to see on the notice paper this motion by Mr Collaery. I am surprised for a couple of reasons. First of all, on the Government side we have long accepted that the standing orders, as adopted in this Assembly, were an interim

5 July 1989

measure. I think that we should pay tribute to the people who worked so hard before this Assembly took office on producing the standing orders which have served us reasonably well in the periods that we have been meeting so far.

I am surprised also because, Mr Speaker, before this Assembly took office I wrote to the leaders of all parties, including Mr Collaery, suggesting a number of amendments to the standing orders, all of which were aimed at facilitating debate, reducing undue formality within this Assembly and, in general, making it operate in a much more equal way which would give every member an opportunity to participate fully, but I have yet to receive a response from the leaders of other parties on any of those matters.

Finally though, Mr Speaker - I will be brief - if Mr Collaery is truly concerned about the standing orders and is concerned to refer matters to the Standing Committee on Administration and Procedures and is prepared to abide by that standing committee's findings, then we have not seen a very adequate demonstration of that fact this morning when he sought, within 12 hours of that committee having decided on an issue, to turn the tables and do something completely different.

So, I fear to say it, but I think he is being somewhat disingenuous in raising these matters in the way that he has. Mr Speaker, if Mr Collaery took the trouble even now to read the standing orders as they currently exist I believe that he would see that this motion is totally unnecessary. Standing order 16(a) - I refer him to it - indicates that the Standing Committee on Administration and Procedures already has the power and the authority to inquire into any number of matters, including the standing orders of the Assembly. It has that power. Let us not waste time in dealing with motions here that are not necessary.

MR HUMPHRIES (12.25): Mr Speaker, I indicate that I have no disagreement with anything that Mr Collaery has said about the standing orders today. It was certainly appropriate. I have not referred to the particular standing orders to which he refers in his motion, but I am sure they are ones that need to be addressed. Indeed, my party has a number of areas that it wishes to be addressed. I am also aware of the letter to which the Chief Minister has referred, in which she raised a number of issues that need to be addressed in the area of reform of our standing orders.

But I must indicate that the Liberal Party is concerned about the proposal Mr Collaery puts up to refer these matters to the Standing Committee on Administration and Procedures. I am concerned because, as I am sure Mr Collaery must be aware, a representative of the Residents Rally sits on that committee, and the matters to which he has referred in this motion have already been addressed, or

5 July 1989

at least are in the course of being addressed, by the Administration and Procedures Committee. Of course, you are aware of that, as chairman of that committee, Mr Speaker.

The Chief Minister referred, to the terms of reference of that committee, standing order 16(a). Only three or four weeks ago the committee in a meeting considered the question of reform of the standing orders and decided that that review should occur and indeed resolved - and I believe the minutes of that meeting clearly show that it was resolved - that the standing orders should be reviewed by the committee during the winter recess, which will start in about three weeks.

It decided on that course of action because there was a need, it felt, to examine carefully and calmly all the issues surrounding the standing orders but also to allow that to happen after the standing orders had been allowed to run on for some period. By the time the winter recess begins, we will have had two or two and a half months' operation of those standing orders. We will have some idea of how successful or unsuccessful they might have been. I think that would be an appropriate time to begin the task to which Mr Collaery has referred. But I say of this motion, to use the words of Macbeth, "Thou showest me the way that I was going".

I do not believe it is necessary, on top of what the committee has already decided to do about standing orders, for us to take any particular direction from the whole Assembly in this matter. We do allow, I think, standing committees to set their own terms of reference, to some extent. The committee has already taken up this issue. Let us not bring these issues up on the floor as well, as a way of cutting across that process. I believe that what we have already in place is adequate.

MR SPEAKER: Thank you, Mr Humphries, for that statement on my behalf, as well as yours.

MR JENSEN (12.28): Mr Speaker, as my colleague Mr Collaery has said, this motion also provides an opportunity for us to express our thanks to those members of the staff who were involved in preparing and developing the standing orders. We have already heard the Chief Minister argue yesterday for open and responsive government in relation to the bringing down of the Fitzgerald report.

The Rally considers that standing orders are the key by which a government can control the business of the Assembly. As my colleague Mr Collaery has said, these standing orders were designed for a parliament where a firm majority was held by the government. It has been clear for some time that this would not be the case, and the electoral system very quickly disabused anyone that a majority government could be formed. These orders are designed to facilitate the passage of government business

5 July 1989

through the house, and no-one can argue with that concept. However, as we have already seen, the format of this Assembly with minority government requires the Government to ensure that it is able to get the support of the other parties to enable its legislation to get passed.

My colleague Mr Collaery has already referred to the need to consider the option of using the standing orders of the Senate as a model on which to develop our own standing orders. I support that suggestion, because the procedures used by the Senate are more appropriate to a house of assembly, where the system of election provides representation in accordance with the wishes of the people. Certainly we do not have the gerrymander, as they have in Queensland. We do not have any boundaries, as I am sure my fellow expatriate Queenslander and past member of that parliament is fully aware.

It is clearly appropriate that the standing orders should be referred to a committee. Members of the Rally clearly recall the first days of this Assembly, when the Government, making good use of its past experience and large number of advisers, was able to push through a number of important changes to standing orders before we had caught our breath. However, let us not complain too much about that as we have learned quickly how to operate in this field.

MR SPEAKER: Order! It being 12.30 pm, debate is interrupted in accordance with standing order 77, as amended by temporary order. The member speaking has leave to continue his remarks when the debate continues.

Debate adjourned.

Sitting suspended from 12.30 pm to 2.30 pm

CONDUCT OF DEBATE

MR SPEAKER: I wish to make a statement. Smart asides which can add some lightness and relieve tensions are tolerated. However, interruptions and particularly lengthy statements are not proper. I ask members to please abide by your standing orders.

Another comment I would like to make is that the Administration and Procedures Committee can only debate matters before it; it cannot foresee matters in advance. This is a circumstance where the Administration and Procedures Committee did meet last night but an issue was brought before the house this morning which was not debated by that committee.

Members, I implore you to lift your game. Members on both sides of the house are sinking to comments aimed at personalities as opposed to policies. Members are being

5 July 1989

provocative beyond what good commonsense dictates as likely to engender harmony and productive debate in this chamber. Let this Assembly set the standard for Australian parliamentary debate. Let us aspire to lift ourselves above the ridicule levelled by the public at other parliaments and debates therein. Earlier today Mr Berry was not placed in the sin bin. The majority of members of this Assembly were. Again I implore you.

PERSONAL EXPLANATIONS

MRS GRASSBY: Mr Speaker, I would like to make a personal explanation. Before I make that explanation I would also like to publicly apologise to Mr and Mrs Cameron for the statement that was made this morning. I am really very sorry about that, but there are certain things that this explanation will make clear. Although there is never any reason for a thing to be done like that, maybe the people will understand what pressure it was made under.

At question time yesterday Mr Collaery asked a question in relation to the discharge of a loan he alleged was given to one of the Chief Minister's ministerial colleagues. In today's Canberra Times Mr Collaery has been quoted as saying outside the house that the "low interest housing loan had been made to the Minister for Housing and Urban Services, Mrs Ellnor Grassby, or to her husband, Mr Al Grassby, a former Whitlam Government Minister and later Commissioner for Community Relations". Because no doubt Mr Collaery will continue to raise such innuendos in his normal style, I wish to set the record straight. I have never had a loan from the Commissioner for Housing, or from this government or any other government in Australia or outside Australia.

The allegation possibly relates to a loan obtained by my husband, Mr Al Grassby, in 1973 and discharged in 1976. This is a matter of public record and I table for the member's information an answer to a question on notice tabled in the Senate by the then Minister for Territories on 11 February 1975. The matter was also raised and debated in the then ACT Legislative Assembly in late 1975. I table a letter from Mr Bryant to the President of the Assembly dated 22 September 1975. I understand that Mr Grills, the then Commissioner for Housing, was requested to produce and did produce documents in 1987 to the National Crime Authority relating to Mr Grassby's mortgage.

The nicest thing that happened to me today was that Mr Kaine walked across the floor when we came in and apologised for what had gone on in the newspapers today, and he was quite a gentleman. I thank him very much for that and it is obviously why he is the Leader of the Opposition. Thank you, Mr Kaine.

MR WHALAN: Mr Speaker, yesterday Mr Collaery - - -

5 July 1989

MR SPEAKER: Deputy Chief Minister, do you wish to make a personal explanation?

MR WHALAN: Yes, Mr Speaker.

MR SPEAKER: Do you claim to have been misrepresented?

MR WHALAN: Yes.

MR SPEAKER: You may proceed.

MR WHALAN: Yesterday, Mr Speaker, Mr Collaery asked me whether I would confirm that on 24 April 1989 I met with a director of Wollongong Constructions to discuss, amongst other things, the section 19 development. My response was, "Mr Speaker, regardless of the date, I have never met with a director of Wollongong Constructions to discuss section 19". Then Mr Collaery asked a supplementary question in which he asked whether I would confirm that I met on that date with a director of Wollongong Constructions, and I said, "Mr Speaker, I would have to refer to my diary...I do not dispute the fact. I have met with Geoff Da Deppo, who is a director or one of the directors of Wollongong Constructions, and I have met with John Da Deppo, his brother, on another occasion and in that time frame. But I will certainly check the diary, and I will let the member know at question time tomorrow".

I was a bit puzzled by the question. I appealed across the floor to Mr Collaery and Mr Collaery said, "You arrived at the meeting in the company of Mr Grassby". As I promised in response to the supplementary question, I will now provide the further information. By way of background it might be helpful to remind Assembly members that any ACT Minister charged with responsibilities for territorial development will need to meet with a large number of actual and potential investors if she or he is going to be successful in achieving our common objectives for economic development.

As a matter of course, discussions with current and potential investors will take place at ministerial request and at the request of the investors on development sites, in the Minister's office and even at social occasions. That is, discussions will occur whenever and wherever the opportunity to pursue economic and social development presents itself. Indeed, yesterday before these questions were raised in the chamber, I had breakfast with six representatives of major companies in the construction industry to discuss specifically the Civic Square redevelopment project.

There should be no inference that such discussions are improper; they are essential to the job and to our mutual endeavours. All members of the Assembly will have similar contacts. For that reason I am willing to answer questions concerning one such discussion but would have to remind the Assembly that neither Ministers nor Assembly members can

5 July 1989

reasonably be expected to answer questions on each and every meeting.

With regard to Wollongong Constructions it might be helpful for the Assembly to know that there have been several development proposals pursued by this firm over recent years in consultation with both officers of the ACT Administration and various Federal and now territorial politicians. One such proposal concerns the land that was leased to Wollongong Constructions in January 1988 for the aquarium facility now under construction near Scrivener Dam. Given the potential that this facility has for adding further to the ACT's tourist attractions, I would hope that members would join me in welcoming this initiative of Wollongong Constructions. I should add that the land involved was on a direct land sale basis. As members will be aware, sites can be sold by direct sale rather than by auction where there are development proposals like this which are unique.

It is relevant that I have recently approved the direct sale of a site at Mitchell to Wollongong Constructions for the establishment of an acrylic sheet manufacturing business. At the same time I approved a direct sale in Tuggeranong to Electro Optic Systems Pty Limited to establish a high technology laboratory. Both these proposals were supported by the Canberra Development Board and were allocated on the basis of full valuations supplied by the Australian Valuation Office. As director of Wollongong Constructions, Mr Geoff Da Deppo was involved in the negotiations with officers of the Administration concerning his proposals. I would be willing to make available the files on these proposals for the private scrutiny of members, and I have brought those files here into the chamber.

Against that background, let me turn to the meeting that Mr Collaery believes that I had with Mr Da Deppo on 24 April, and his suggestion in this chamber that I arrived at the meeting with Mr Grassby. My clear recollection is that I attended a fundraising function on 24 April for Miss Libby Daly who is paraplegic and who is competing in the Miss Australia Quest. This was a fundraising function which was held at a restaurant in East Row, called De Depot, which I might add serves very fine Italian food and I recommend it to all members of the Assembly. It is owned either by Mr Da Deppo - it is called De Depot - or some company with which he is associated. Certainly it is associated with Mr Da Deppo in some way.

I attended at the invitation of a former colleague from my days at Parliament House - the other Parliament House - Mr Kim Bergman who issued the invitation. I arrived late to that function and certainly on my own. My recollection is that about 100 people remained there at the time that I arrived. I neither spoke to nor saw Mr Grassby at the function. I may have spoken briefly with Mr Da Deppo, but if I indeed did so it was a particularly brief conversation.

5 July 1989

However, I did have extended conversations with Ivor Vivien, a former member of the House of Assembly who was also supporting that fundraising function, and Mr Chris Elworthy from the No Self Government Party who was a candidate in the Legislative Assembly elections on behalf of that particular party. After leaving the function I completed the evening in the company of Mr David Ritchie and Mr Graham Wright, who are colleagues of mine within the Australian Labor Party.

Although I have spoken to a large number of ACT investors and potential developers about the Civic Square redevelopment on section 19, and will continue to do so in order to stimulate interest, I cannot recall ever discussing this project with Mr Da Deppo. Mr Da Deppo, of course, is already making a heavy investment in his current project. However, if the opportunity were to arise I would seek to encourage his interest in section 19, as I have with all other potential investors. I should conclude, however, by stressing that any decisions on the development of section 19 will not be made by any individual Minister acting alone. The Government's approach to the development conditions and the process of sale of the site will be made on the basis of open decisions, openly arrived at.

QUESTIONS WITHOUT NOTICE

Bruce Stadium

MR STEFANIAK: My question is to the Minister responsible for sport, Mr Whalan. Given his Government's claim to be an open, accessible Government that believes in consultation, can the Minister explain why he has failed to consult the ACT Veteran Athletics Club over plans to downgrade certain athletic facilities at the Bruce Stadium - in other words, going from two tracks to one? Does the Minister refuse to acknowledge that this important sporting organisation is a regular user of the Bruce warm-up track for weekly track and field competition from October to March each year? Does the Minister's failure to consult this group not make a complete mockery of his claim to have had full consultation with athletic groups?

MR WHALAN: I find the question rather curious because Mr Stefaniak has been well aware of the very extensive consultation process that took place, and indeed he himself has been part of that consultation process. I am very grateful for the opportunity to consult him on the issue. I was also very curious about the letter which was in yesterday's Canberra Times which related to this particular issue. That letter demonstrated a perceived lack of consultation between the department and the athletics community of the ACT.

5 July 1989

I am in a position, Mr Speaker, to advise the Assembly that extensive consultation has occurred with all the interested parties regarding the redevelopment of the stadium and the redevelopment of the warm-up track. This has occurred both at the officer level and also directly with me. I have personally met with Mr Ken English, who is the President of the ACT Amateur Athletics Association who has been the spokesperson for the entire ACT athletics community, including the veterans association.

I have also met with Mr Ewan Brown, who is the president of the ACT Little Athletics Association, a veteran athlete who has also spoken on behalf of the veteran community. In addition, I have personally received detailed comments from Mr Ian Galbraith who is the national technical convener for the Australian Athletics Association, and Mr Denis Wilson, Australia's international convener for athletics with regard to technical development of the Bruce warm-up track.

I might add that officers of the ACT office of sport, recreation and racing are also meeting with representatives of the veteran athletics community to discuss their needs with regard to the use of the Woden Park athletics track.

Schools Office

MR MOORE: My question is directed to the Minister for Industry, Employment and Education. Is the Minister aware of the change in emphasis of the Schools Office, which used to use the term parents as "partners" and now refers to parents as its "clients"?

MR WHALAN: I am not aware of that particular change of emphasis, and Mr Moore might have been able to help me by indicating when this change occurred and the circumstances under which it did occur, Mr Speaker. But as always, I will certainly provide information to Mr Moore in relation to his question and, hopefully, I will provide it to him tomorrow.

Pesticides

MRS NOLAN: My question is to the Minister for Housing and Urban Services. Why has the Minister failed to consult with the Environmental and Pest Managers Association of the ACT over its proposed pesticides legislation? Does the Minister not realise that this organisation represents many, if not all, the pest control companies in the ACT and that these companies are amongst the biggest users of pesticides in the ACT?

MRS GRASSBY: Mrs Nolan was not at the briefing. If she had heard the briefing, she would have been told that they are exempt from the Bill. It is a whole different field. They are not in this particular Bill.

5 July 1989

MRS NOLAN: I ask a supplementary question. I am aware of that, Minister Grassby, but as the major users of pesticides in the ACT would they not have considerable input into this legislation?

MRS GRASSBY: No My department has looked into this and the problem is that we are out of step with New South Wales and Victoria. We are now bringing the law into step with New South Wales and Victoria. They are not part of the Bill. The Bill is for people who are selling to farmers and to householders. Pesticides are very dangerous when they get into our soil and our water supplies and remain there for many, many years. As we all know, we had difficulty in selling our meat overseas recently because these materials were being used on farms. Farmers were coming into the ACT buying up these pesticides and using them - like dieldrin and DDT - because they believed that they were still very good to use; whereas they were very unsafe and in New South Wales and Victoria were completely banned.

Bruce Stadium

MR JENSEN: My question is directed to the Minister for Industry, Employment and Education, and I refer him to his reply to my question on the Bruce Stadium yesterday. Can the Minister provide the date of the letter that he referred to in his reply and, in the interests of open government, as expounded by the Chief Minister yesterday and today and by the Minister today, will he table the letter for the information of the people of the ACT?

MR WHALAN: I do not have the exact date of the letter, but I will find out and will take advice on whether I can table it. I am happy for you to have a look at it and I will take advice on whether it is appropriate to table.

ACT Budget

MR KAINE: I address a question to the Chief Minister. I refer to her statement yesterday in which she said, amongst other things, that "we" - presumably meaning the Government - "have initiated a uniquely open process of budget formulation involving wide consultation with the community". I refer also to a discussion that the Chief Minister and I had some two months ago in which she undertook to involve the Opposition in the preparation of the budget.

Since the Opposition has not heard one word from the Government on the question of the budget up to this point, although we did receive a copy of three-year forward estimates three days after they were released to the

5 July 1989

public, I ask the Minister the following question: Is the budgetary consultation process that she is involved in with the public somewhat similar to the one that she is involved in with the Opposition - that is, that there is none? If the answer to that question is no, could she please tell me what community organisations she has in fact consulted in terms of the preparation of this year's budget?

MS FOLLETT: I have repeatedly said that the Government will operate in an open and consultative manner. We will be sticking to that. I think that the Government's approach to the budget is somewhat unusual amongst Australian governments that I am aware of, in that we will be involving the community to the greatest extent possible in its formulation. The process that we as a government have adopted has been to make information available as soon as it becomes available.

As far as the forward estimates are concerned, those forward estimates were provided to the Liberal Party on the day they were publicly released. I take issue with you on that, Mr Kaine.

Mr Kaine: Not so.

MS FOLLETT: It was a Friday night. You were not, I believe, in Canberra at the time.

Mr Kaine: At 7 o'clock on a Friday night? Come on!

MR SPEAKER: Order!

MS FOLLETT: I repeat, they were available to the Liberal Party on the day they were publicly released. The fact that you were not in town at the time, Mr Kaine, and that apparently there was no arrangement made for the forward estimates to be passed on to some other member of your party is regrettable, but it is something over which I had no control. But I repeat that the forward estimates were made available.

The next step in the process is the release towards the end of this month of the Government's statement of its broad budget strategy. We are in the process at the moment of developing that strategy. I have discussions with my fellow Ministers scheduled for later this week. We will be spending at least one entire weekend working on that strategy, and as soon as that strategy is in a suitable state to be released it will be released. I expect it to be when this Assembly reconvenes towards the end of July.

Following the release of the broad budget strategy, there will follow a period of consultation. It is the Government's intention that those consultations will be quite exhaustive and will involve representatives of business, the trade unions and the community generally. We are quite genuine in our desire to make those consultations meaningful. Having said that, I should note that I am

5 July 1989

quite aware that that is a very risky undertaking, as was the release of the forward estimates. Whenever one puts out a document like that into the public arena, one invites comment, dissent, and criticism. That is a risk we are prepared to take in the interests of obtaining a broad view of the priorities that the ACT community places on its budget. It is, after all, the ACT people's budget.

Following the release of that broad budget strategy in July, which will most certainly be available to the Opposition and to other parties, the Government would be looking to bring forward the budget itself in September. So there is quite some period of time allowed for full debate on the issues in the budget and on the Government's suggested strategy, as outlined in its July paper. I can give an undertaking that there will be the fullest possible consultation on all aspects of the budget and that most certainly the other parties will be involved in that consultation.

I put it to the Assembly that it would be foolhardy of me to do otherwise. It is quite clear that the Government cannot ram through a budget, as some members on the other side of this house have sought to ram through legislation, without the support of at least one or two other groups within this Assembly. It is essential to our operation that we do consult and reach some agreement on the budget, and that will be undertaken.

MR KAINE: I ask a supplementary question. That was a very lengthy and evasive answer. Can I assume, Chief Minister, that although you have claimed here to have initiated such a system, at this stage you have consulted with nobody on the budget?

MS FOLLETT: Mr Speaker, I believe I have answered that question, and I - - -

Mr Kaine: No, you have not.

MS FOLLETT: As I have said, the first step in our process was to release the forward estimates. They were released to all parties.

Mr Kaine: Releasing a document is consultation; is that what you are saying?

MR SPEAKER: Order!

MS FOLLETT: Shall I give the whole answer again? Is that what you want?

Mr Kaine: Answer my question. May I ask, Mr Speaker, that the question be answered.

MR SPEAKER: Give a concise answer, if you can, Chief Minister or take the question on notice.

5 July 1989

MS FOLLETT: Perhaps Mr Kaine would repeat the supplementary question.

Mr Kaine: The question, Mr Speaker, was quite direct and specific. Can I assume that although you claim to have initiated consultations, in fact at this stage you have consulted with nobody?

MS FOLLETT: No, Mr Speaker, the Leader of the Opposition has no right to make any such assumption, and he is quite wrong. I believe that the release of documents does constitute consultation. What documents are so far available have been released - - -

Mr Kaine: Well, at least now we know what "consultation" means.

MR SPEAKER: Order!

MS FOLLETT: And there have been some preliminary discussions occurring with some groups. As I have said to Mr Kaine, I have yet to discuss with my own Ministers - - -

Mr Kaine: Well, I asked you who, and you did not answer that either.

MR SPEAKER: Order, Mr Kaine!

MS FOLLETT: I have yet to discuss with my own Ministers the budget strategy that will be occurring later this week, and as soon as the Government's strategy has been set in place we will be proceeding with the consultation program that I have already announced.

DISALLOWED QUESTION

Mr Collaery proceeding to address a question to Mrs Grassby - - -

MR SPEAKER: Order! The question does not relate to ministerial responsibility.

ACT Building Contracts

MR COLLAERY: Mr Speaker, I direct my question to the Deputy Chief Minister. Does he agree that the firm of Wollongong Constructions Pty Limited has been very successful in this Territory from Federal and Territory contracts? Will he in due course provide this house with an outline of the location and value of all contracts awarded to Wollongong Constructions and inform the house particularly when he approved the direct grant to Wollongong Constructions of the site at Mitchell he referred to today?

5 July 1989

MR WHALAN: Mr Speaker, in relation to the latter, the files are there. Could I invite Mr Collaery to examine the files and find out for himself? In relation to the first part of the question, Mr Speaker, I think it is about time that we, as an assembly, and you particularly, as presiding officer, did something to protect citizens who are not here in this chamber. I think it is quite appropriate for members of this Assembly - it may not be appropriate, but it is a risk that we run - to be the subject of character assassination here on the floor of this chamber. But when this person over there is allowed to use this chamber, and the parliamentary privilege that we have - - -

Mr Collaery: On a point of order, Mr Speaker; the Minister can either decline or answer the question, on my interpretation of the standing orders. If he wishes to raise an issue of privilege relating to the question I asked, I ask that he put it on motion so that we can debate it properly at that stage.

MR SPEAKER: I take the Minister's point and it is well taken. I would ask him and Mr Collaery to visit my office after the Assembly rises tonight and we will discuss this further. Minister, will you please be concise with the answer to the question asked?

MR WHALAN: Mr Speaker, I would like to answer the question further. Just in response to your remark, I am not quite sure of the purpose of coming to discuss this with you privately, but I must say that the question was directed at me. The allegations, the character assassination, have been undertaken and perpetrated by him. He is the person, Mr Speaker. I suggest that you might like to take Mr Collaery aside and try to impress upon him that he should have some respect for the character and reputations of people outside this chamber? In the short time that this Assembly has been in operation he has engaged in a process of character assassination of two people. I shudder to think how many other innocent people in this Territory are going to suffer at his vicious manner - - -

Mr Collaery: I rise on a point of order, Mr Speaker. The Minister is not replying to a question. He is indicating why he does not wish to answer it, and in doing so he is launching a personal attack.

Mr Whalan: On a point of order - - -

MR SPEAKER: Minister, please allow me to control this. Mr Collaery, would you please stop raising points of order? I have allowed the Minister to proceed. However, Minister, would you please get to the point. You may proceed.

Mr Whalan: I have finished, Mr Speaker.

5 July 1989

Land Valuation and Rates

MR JENSEN: Mr Speaker, my question is directed to the Chief Minister. Following the release of the triennial ACT land valuations by the Government and recent statements by the Chief Minister that there will be no rise in rates in real terms, does this mean that there will be an increase in the amount that residents will have to pay compared to this year's rate account?

MS FOLLETT: There are two separate issues here. The first issue is the question of the valuation of ACT land which by law is undertaken every three years. I released the most recent valuation of ACT land which was undertaken up until 1 January 1988 and those valuations had been undertaken over about the preceding 18 months. The result of the land valuation overall was that there had been a general increase on average in the value of ACT residential land of about 12 per cent. In a three-year period that 12 per cent increase is not a huge amount, and in some areas of the ACT the land values actually fell. A study of the documents there would show that in some areas of Tuggeranong and Belconnen the value of people's land had actually fallen.

In regard to individual blocks of land, people have now, I believe, been advised of their valuation; they have received notices of the valuations and notices also of their procedures for appealing against those valuations. But the question of the value of people's land is quite a separate question from the rates which will be levied on that land. The rates themselves or the amounts that people pay are made up by a value in the dollar in accordance with the value of the land.

The Government has not decided on that value in the dollar; that will be undertaken as part of our budget process. But, as Mr Jensen rightly points out, we have given an undertaking not to increase individual household rates and taxes in real terms. In the process of drawing up the budget, we will be keeping to that undertaking.

MR JENSEN: I ask a supplementary question, Mr Speaker. I am not quite sure whether the Chief Minister directly answered the last part of my question, which was: Will some people be paying more for their rates than they paid this year?

MS FOLLETT: Mr Speaker, I think that that is a hypothetical question. As I have said, the question of the amount in the dollar has not been decided and - - -

Mr Kaine: It is a matter of whether they will pay more in real dollars; that is the question. Everybody will pay more.

MR SPEAKER: Order!

5 July 1989

MS FOLLETT: Mr Speaker, I think I have answered the question. The amount of the rates has not been decided. That will be decided in the budget context, but as there is as a result of the land valuation an overall increase of 12 per cent, which represents some increase and some decrease in actual values, there will clearly be some fluctuation over and above what people paid last time.

Mr Duby: Some are paying less, are they not?

MS FOLLETT: Some may well go down, as Mr Duby points out.

Domestic Animal Control

MR DUBY: I am going to get off these frivolous issues and get to a matter with some bite. My question is addressed to the Minister for Housing and Urban Services and concerns the issue of stray cats and dogs. In order to relieve the pressure on the resources of the ACT Administration's dog catchers, does she believe that dog traps of similar design to the cat trap currently available from the RSPCA on display in the foyer could be hired to the public on the proviso that the traps be set by the dog patrol people? Accordingly, will the Minister investigate the possibility of making available to the public at a nominal hiring fee cat and dog traps? If so, would the Minister ensure that the availability of these cat and dog traps is made widely known to the community at large?

MRS GRASSBY: I would like to say to the Deputy Chief Minister I do not think we could get a rat trap big enough for the rat he is thinking of putting in it. May I say, Mr Speaker, that I would rather call them "dog traps". The Chief Minister has a very nice pussy cat, and I do not think she would be very pleased if her pussy cat were caught in a trap.

Mr Speaker, in answer to the question, the agriculture section of the ACT Parks and Conservation Division is responsible for dog control in the ACT. Mr Speaker, you will also be pleased to know that I have a petition about dogs in Canberra which will be handed up to you.

A member: From them?

MRS GRASSBY: No. My mother used to say the nicest thing about dogs was that they wagged their tails and not their tongues. Maybe Mr Collaery could learn something from that. Officers are in possession of information as to the use of dog traps by some New South Wales authorities, such as the Blacktown City Council, and I understand that the Queanbeyan council also has these.

My understanding is that in these cases the traps are sparingly used and very carefully supervised. Concern has been raised that they could pose a danger to young

5 July 1989

children. Some concern has also been raised that they may not meet animal welfare standards, though I understand that the trap used by Blacktown council has been approved by the RSPCA and the New South Wales Animal Welfare Association.

In the meantime I have asked officers of the ACT Parks and Conservation Division to collect further information on the use of dog traps by other authorities. Mr Speaker, we get a lot of calls in our office about dogs wandering around the streets and doing things on people's lawns that they are not really happy about.

A member: What sorts of things?

MRS GRASSBY: Leaving little parcels, I understand it is called. I understand that that is one of the reasons why people have asked for fences. But maybe, Mr Speaker, we shall have to bring in a law in this respect. It is not always just the dogs wandering on their own; I understand it is people who take their dogs walking. So maybe I will have to ask my department to bring in a law that people have to carry a pooper-scooper with them, and this could probably help with some of the problems that we are having with dogs. But, Mr Speaker, I will get back to you when I have had more information from my department.

Nature Conservation Legislation

MR HUMPHRIES: My question is also to the Minister for Housing and Urban Services. I refer the Minister to her answer to a question I asked her yesterday on the issue of consultation, in which she blamed her department for failing to consult with the RSPCA or the ACT Wildlife Foundation over the Nature Conservation (Amendment) Bill. I ask the Minister - and this should be an easy question, given what the Minister said yesterday about her husband and father being members of various governments - what she understands by the term "ministerial responsibility" and how this principle is applied within her department.

MRS GRASSBY: To start off with, Mr Speaker, I think we had better correct something: I did not blame my department.

Mr Humphries: The Hansard will come out and show you did.

MRS GRASSBY: Yes, well, very good. The point is, I understand from the question, that I had not consulted with - who was it that I was supposed to have consulted with?

Mr Humphries: The RSPCA or the ACT Wildlife Foundation.

MRS GRASSBY: The RSPCA, yes, exactly, Mr Speaker. My department had talked to these people, I understand. I did not need to consult with them before - - -

5 July 1989

Mr Humphries: They do not say that they did.

MRS GRASSBY: Well, that is what I gather. Mr Speaker, there seems to be some problem with Mr Humphries about dates, and I gather that he has been asking for these dates. I would like to tell him right now. So that he can understand, I state my current position. On briefing parties to the legislation, the most recent example is the amendments to the Nature Conservation (Amendment) Bill in 1989 - - -

Mr Humphries: I rise on a point of order, Mr Speaker. I have asked the Minister about ministerial responsibility, nothing else. The Minister is talking to us now about a previous question I asked last week or some weeks ago.

MR SPEAKER: The point of order is upheld. Please answer the question, Minister.

MRS GRASSBY: Mr Speaker, I think that I carried that out, and I think my department did too.

MR HUMPHRIES: A supplementary question - - -

Mr Wood: Minister Grassby has been most assiduous in consulting with people.

MR SPEAKER: Order, Mr Wood!

MR HUMPHRIES: The Minister has not been assiduous. The Minister has failed in her duties. I have asked the Minister what she understands by "ministerial responsibility".

Ms Follett: I rise on a point of order, Mr Speaker. Mr Humphries, the member opposite, has made a quite outlandish statement about Minister Grassby, that she has failed in her duties. I would ask that that be withdrawn.

Mr Humphries: I withdraw the statement, Mr Speaker, but would ask that my question be answered.

MR SPEAKER: Mr Humphries, I think that has been taken on notice.

Mr Whalan: On a point of order, Mr Speaker; it is contrary to the requirements of the standing orders and against the issues which can be legitimately raised under them.

Land Valuations

DR KINLOCH: My question is to the Chief Minister as Treasurer. We thank the Minister for the release of recent valuations, but I speak on behalf of the RSPCH, the Royal Society for the Prevention of Cruelty to the People of Hall. One group of residents of Hall is particularly

5 July 1989

upset. The average increase in official valuations in Hall Village is 75 per cent over the previous figures, whereas O'Malley at 43.2 per cent was the next largest increase. Will the Minister explain the reason for these substantial increases, and do the increases signify plans for the provision of substantial new developments in Hall?

MS FOLLETT: Mr Speaker, I do not have available to me in the Assembly the kind of detailed information which would permit me to confirm the statement that Dr Kinloch has made about the valuations in a particular area of Canberra, but I am able to say that the valuations are based on recent sales of land in the vicinity.

My guess would be that in the vicinity of Hall there has been in fact quite an increase in the price paid for land over the three-year period since the valuation was last undertaken. That is the basis on which the new land value is arrived at. It is a fairly simple mathematical matter. People who have received a notice of their land valuation have also received information on how they may appeal on that valuation and also on how they may seek further information from the Administration on aspects which they do not understand, such as how the valuation was arrived at.

I would suggest to Dr Kinloch that, if he has particular constituents who are experiencing that kind of difficulty or who wish to raise a matter of detail on their own block of land, I would be only too happy to assist to clarify the matter for those constituents to help them in any way that I can, as would my department.

DR KINLOCH: I ask a supplementary question. A residents group in Hall is going to have a residents rally, may I say, in Hall. May I ask whether some member of the rates department could possibly go to that meeting?

MS FOLLETT: The answer, of course, is yes. If they make an application to me or to the appropriate department, I am quite confident that all assistance will be made available to that group. They really only have to ask.

Preschool Review

MR KAINE: In view of the Deputy Chief Minister's defence of the other Ministers who cannot or will not answer questions, I would like to address one to him in his capacity as Minister for Education. I note that he has been raised to quite an eminent position by the newspaper, Public Eye, today, in which some statements are made about failure to answer correspondence. I would like to ask the Minister - and I am sure he will be able to answer this one - whether it is a fact that this organisation that is dealt with in this article has not received a response to its inquiry about the preschool review since April 23. If

5 July 1989

that is so, does the Minister intend to respond to that body and answer its questions, and is their statement that "consultation" is a nice word to say but means nothing true?

MR WHALAN: Mr Speaker, I really appreciate the matter being raised by the Leader of the Opposition. I just do not have such an effective clipping service as he quite clearly does, and so I have not seen the article to which he refers, but when I do receive it I will comment upon it and give him an answer.

SUPPORTED ACCOMMODATION ASSISTANCE PROGRAM Ministerial Statement and Paper

MR BERRY (Minister for Community Services and Health), by leave: Mr Speaker, I have recently signed a new agreement on the supported accommodation assistance program with my Commonwealth colleague, the Minister for Housing and Aged Care, Peter Staples. I want to advise the Assembly today about the resulting changes to the supported accommodation assistance program, or SAAP as it is commonly known.

SAAP is a jointly funded Commonwealth-State program. It is administered in the ACT by my department in association with the Commonwealth Department of Community Services and Health and in close cooperation with the ACT Housing Trust. The ACT Labor Government has a firm commitment to ensuring that adequate services are available to homeless people in the ACT.

SAAP is an essential element of this Government's response to the needs of homeless people in our community. The primary objective of the program is to ensure that homeless people in crisis have access to good-quality supported accommodation and related support services. Endorsing the new SAAP agreement between the ACT and the Commonwealth will guarantee that SAAP continues for five more years, until the end of the 1993-94 financial year. This is the first time the ACT will be a full partner in SAAP since the program's inception in 1985.

SAAP came into being in 1985 as a major housing initiative of the Federal Labor Government. It amalgamated eight different funding programs, including the Commonwealth homeless persons assistance program, the States' women's refuge program and the youth accommodation program. These programs were joined together in SAAP by the Commonwealth and State governments in order to provide a broader and more stable funding base for organisations assisting the homeless.

In 1983-84 a total of \$39m was spent by Commonwealth and State governments on various programs for the homeless, and by 1988-89 this had grown to more than \$99m.

5 July 1989

Several initiatives will be introduced with the new SAAP agreement. These include the strengthening of the consultative processes for SAAP through the establishment of a ministerial advisory committee. The ACT Government has committed itself to effective and meaningful consultation with the community. The ministerial advisory committee will help our commitment in regard to SAAP.

The main role of the advisory committee will be to provide policy advice to Peter Staples and me, in particular on the development of an annual plan covering the operation of the program in the ACT. Of course, officers of my department will continue to consult with SAAP services on day-to-day issues as they do now.

The development of an annual Commonwealth-State SAAP plan, which will set out the operation of the program in the ACT, is another initiative introduced under the new agreement. A major aim of the plan is to identify priorities for SAAP for each financial year. My department will draft the plan, in consultation with the ACT Housing Trust, based on advice from the ministerial advisory committee. In developing these priorities there will be wide consultation with existing SAAP services, the community and other relevant government departments. Once priorities have been agreed these will be used as the basis on which applications for funding will be called for and assessed.

The new agreement introduces target groups to SAAP. Instead of the old subprograms - women, youth and general - SAAP will target particular groups in the community. This will enable funding to be more effectively provided to the most needy groups in the ACT. These target groups will be jointly agreed by Peter Staples and me after extensive consultation with the community. In addition, the new agreement states that SAAP will include services to meet the needs of and provide equitable access for Aboriginal people and people from non-English speaking backgrounds. SAAP will continue to emphasise the individual needs of clients and will actively work to enhance their dignity, self-esteem and independence.

In the ACT, SAAP provided about \$3.5m of funding in 1988-89. In 1989-90 this will increase to approximately \$4m, with the ACT providing about \$1.8m of this total. Mr Staples and I have recently approved funding totalling \$135,551 for new SAAP projects. I was particularly pleased to announce \$30,000 funding for a consultancy - firstly, to analyse the reasons why young migrant people do not appear to be using SAAP services and, secondly, to recommend ways of addressing this situation. In addition, the migrant housing worker project will receive an extra \$20,000 to publish pamphlets on SAAP funded services. These pamphlets will be translated into several languages and will be available at many outlets in the ACT. The funding of these projects reflects our Government's ongoing commitment to social justice.

5 July 1989

During 1989-90 several other new and expanded services were funded. These will help to address recent concerns regarding the appropriate housing of youth in our community. Southside Youth Refuge Association received a grant of \$110,000 to operate a medium-term youth refuge. This will be located in South Canberra. Southside Youth Refuge Association currently provides a crisis youth refuge. The aim of the medium-term service is to provide a level of support that will give young people the skills to live independently within the community. A new service, specifically for young women, is also being established to meet an identified unmet need in the ACT. This service will offer medium- to long-term intensive supported accommodation for women aged 12 to 20 on the south side of Canberra. Funding for this service in 1989-90 will be \$215,000. After a successful pilot project, increased funding has also been provided to enable the continuation and expansion of a youth housing outreach worker project. The role of the outreach workers is to explore options for young people moving to independent living and to assist them to make this transition. The service is located within the Short Cuts Information and Referral Service in the Civic Youth Centre. Funding for this project in 1989-90 is \$73,000.

New funding was also provided in 1988-89 for a halfway house for the "Doris" women's refuge. This refuge, established in early 1987 for victims of domestic violence, has had to turn away approximately four times more women and children than have been accommodated. The need to establish a medium-term residence was seen as a high priority. In response to the needs of this group of women, our Labor Government has already indicated its commitment to the establishment of another domestic violence refuge in the ACT.

Other services for women funded under SAAP include the following: the Canberra Rape Crisis Centre, which recently reopened its 24-hour crisis service, which provides practical and confidential support for women who are survivors of rape, incest and sexual harassment and gives out information about legal, medical and police processes; the Canberra Incest Centre, which provides support to women and children who are survivors of incest and which also operates an excellent resource library that is widely used in the community; additional funding in 1988-89 for an extra worker to enable the Incest Centre to operate five days a week; the Canberra Single Women's Shelter, which offers a crisis and medium-term service to homeless single women in the ACT, which shelter has been in operation since 1975 and provides a secure, comfortable and supportive environment for its residents; Canberra Women's Refuge, which provides a crisis and medium-term service for women and their children who are victims of domestic violence; Medea Homeless Women's and Children's Refuge, which operates crisis accommodation in emotional distress; and under the umbrella of the Society of St Vincent de Paul, Caroline Chisholm House and Monica House, which provide

5 July 1989

crisis and medium-term supported accommodation for women and their children in times of crisis.

Existing services for young people include: a crisis accommodation and support service for young people who are homeless, as well as a medium-term accommodation service, both operated by the Canberra Youth Refuge Association; the Lions and Salvation Army Youth Centre, which provides temporary and emergency accommodation, welfare counselling and personal support for young people in crisis; and Thomas Cahill Cottage, which provides a drop-in centre and counselling service to young people who have personal or social problems.

There is a third group of services funded under SAAP. Ainslie Village is the largest SAAP-funded service in the ACT and operates as a low-cost accommodation centre for unemployed people. The village accommodates approximately 250 homeless people. The ages of the residents range from 16 to 80 years, with approximately a quarter being under 25 years. Members may recall that recently there were new units opened by my colleague from the Federal Parliament at the Ainslie Village to house homeless and unemployed people. Cura Casa and Cura Casa annexe provide supported accommodation and related support services to assist single people and couples, with or without children. The Blue Door drop-in centre, which is run by the Society of St Vincent de Paul, is a meeting and activities place for residents of Ainslie Village. It also offers counselling and advice services. Finally, there is the migrant housing worker, sponsored by the Migrant Resource Centre, which was funded in 1989-90 as a pilot project. The aim of this project is to ensure that people of non-English speaking backgrounds, who are homeless as a result of crisis have access to supported accommodation and related support services.

All the services funded under SAAP are part of a broad range of services available to assist people in need in this community. In the past three years SAAP has become an efficient and effective means of tackling the needs of homeless people in crisis. I have indicated to this Assembly already that my priority is to ensure we are delivering services not only efficiently and effectively but in the best possible interests of our clients. I have also indicated my commitment to ensuring our services operate in a constructive and productive way. The new SAAP agreement is part of this process. It will form the framework for the future directions of the supported accommodation assistance program. I am confident that, with the new agreement, SAAP will enter a new phase where it will be even more responsive and attuned to the needs of homeless people in crisis in the ACT. I present the following paper:

Supported Accommodation Assistance Program -
Ministerial statement, 5 July 1989

5 July 1989

and move:

That the Assembly takes note of the paper.

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

PLANNING APPEALS TRIBUNAL
Discussion of Matter of Public Importance

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

The urgent need for an accessible and affordable planning appeals tribunal for the Australian Capital Territory.

MR COLLAERY (3.28): Mr Speaker, in submitting this matter of public importance, I indicate that all the mainstream parties that came to this election - and the Rally is mainstream because it came out of the community - supported the notion that there be some form of appellate review of planning decisions. The form of that review is a matter that should not require very much time for this Government to resolve. In fact, the Residents Rally supports the setting up of a specialist tribunal to examine planning and environment appeal matters. Its functions and role would be to hear appeals against decisions of the territorial planner on approval or refusal of development applications. I say very early in this matter, Mr Speaker, that the Rally's interest is to bring certainty to the system, and all my comments relate as much to petitioners against developments as to petitioners for developments.

The other functions and role that the Rally sees would be to resolve questions of interpretation of policy plans; to consider objections lodged against an application for development approval; to determine whether environmental impact survey has properly and fully addressed the environmental questions involved; to determine whether the financial estimates given with a development application are reasonable; to hear applications for change of lease purpose clauses in crown leases and the hearing of objections to valuations for betterment, direct grants and extensions of lease terms.

In respect of direct grants, that aspect clearly illustrates the issues before the Territory at the present time, which are: Who has standing before the tribunal, and can the community legitimately involve itself in direct grants? On the Rally's interpretation, this body would allow any bona fide resident of the ACT to have standing in that issue. The tribunal would be entitled to dismiss summarily any objection or appeal which is considered to be frivolous, vexatious or otherwise lacking in substance. There may well be an award of costs against such a

5 July 1989

litigant. That sets out in general terms the specialist body required in the Territory.

We have had a Labor Government here since 11 May. We know that a consultant has been preparing for a number of months certain proposals with respect to the implementation of land use planning appeal structures, but the consultant himself knows the views of the Rally and to our knowledge has consulted the other entities involved in this issue. The Rally takes the view that that report, if not already submitted, should be submitted without delay by the Government to this Assembly and to all interested parties so that we can move very quickly on this issue which is continuing to divide the community.

The Rally mirrors any number of comments on this issue in recent times, and of course it was out of land use planning matters principally that the Rally became prominent in the ACT. In very specific terms, the Rally favours the adoption of the wide view on the question of standing of third parties to maintain appeal proceedings. To that end we favour the adoption of the principles enunciated by the Law Reform Commission in its report *Standing in Public Interest Litigation*, at paragraphs 228 and 271 and otherwise elaborated on in the appendix to the Law Reform Commission report which is at item (III).

Specifically, the Rally adopts the test propounded in the draft standing federal and territory jurisdiction Bill set out in a further appendix, A, to the Law Reform Commission report. In other words, the Rally itself believes that the widest possible definition of "standing" should apply. The Rally notes that the South Australian Planning Appeal Tribunal has found no apparent abuse of the planning process by third parties, despite a very wide definition of "standing" that seems to come within the ambit sought by the Rally.

The issues that have interested the public of Canberra over the years have been principally to do with the questions: "Who can object to a development?" and "Can a developer know with certainty that once given certain approvals approval can continue?". I say with considerable regret that before the abolition of the NCDC certainty got into this issue because the Rally was a principal party to negotiations that took place with, for example, the Master Builders Association and others where a broad agreement was reached in relation to the implementation of certainty in the planning appeals system.

The broad agreement was set forth in reports prepared in its dying few weeks by the National Capital Development Commission, in particular one called *Land Use Planning Appeals in the ACT*. Of course, we move on and Mr Mant has a number of interesting and good proposals to make. But one aspect of Mr Mant's proposal will not be accepted by the Rally, and we can tell the Chief Minister now, and that is Mr Mant's intention to reduce the level of standing to return us to pre-1970s appeal access in this Territory.

5 July 1989

The Australian Capital Territory, allegedly the best planned city in Australia, is in crisis in planning. We know that and there is no need to point the bone of contention, at least in my speech, at the perpetrators of that crisis. But the crisis exists both in overdevelopment and, in Tuggeranong for example, underdevelopment of a certain kind. I think my friend Mr Jensen will comment further on those aspects, but what has occurred has been a clear aberration. This capital city, unlike every other capital city in Australia, has no planning appeal structure. It is an extraordinary state of affairs and one on which this new Government has not moved with the alacrity that it promised in its election comments and on rostrum after rostrum during the election period.

I remind the Assembly of an editorial in the Canberra Times which appeared in January 1988. The editorial mentioned among other things, very aptly, that "development and planning issues do not belong in a court of law which spends most of its time dealing with civil negligence claims and criminal trials". In other words, what the Canberra Times was saying there was that we need not "lawyerise" the situation into the standard courts of law.

I think general agreement has been reached that the Supreme Court of the ACT is not the appropriate venue for this matter, although we understand that the consultant Mr Mant is still toying with that proposal. The same applies to a certain extent to the Administrative Appeals Tribunal. Mr Speaker, I note that there is only one member of the Labor Government present for this debate. That, of course, speaks eloquently for the Labor Government's interest in this subject. One hopes that the residents of Canberra will note the apparent disinclination of the Labor Government to hear
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Mr Whalan: He is coming up behind him.

MR COLLAERY: Mr Whalan says he is coming along behind me. Mr Speaker, I will not resume my seat, as I am tempted to, but the issue concerning the Administrative Appeals Tribunal is that it is a specialist body. That Administrative Appeals Tribunal, as the law stands, allows the president of the federal Administrative Appeals Tribunal to appoint the members. That may be a transitional arrangement, but it is the law and that means that we may have some difficulty in terms of definition. The fact that the president of the AAT now has the principal registry in Brisbane may result in some difficulty in the ACT's securing what it wants.

There are some reasons why the Administrative Appeals Tribunal could be an appropriate body, but until there is some amending of the structure of the AAT to permit a contributor or a panel assessor, particularly a layperson expert, there may be difficulties in using that tribunal. Having regard to the recent land valuations brought forward

5 July 1989

by the Government, it is likely that the AAT may be quite busy on other matters in the short term, particularly in rating and valuation appeals.

The other issue that concerns a lot of the smaller people in this community is that of legal costs. Some time ago there was an enlightened decision of the Supreme Court by Mr Justice Kelly, which has been thrown into some doubt by another decision in the Federal Court, but the Rally believes that there are problems in providing adequate legal representation, particularly for groups. In the absence of class action accessibility in Australia, there are problems in determining whether government funds should be allocated to precedential decisions on planning matters. These matters should be addressed quickly. There are community groups in the ACT with an immediate interest in those issues.

The implementation of a land use planning appeals system or a planning environment tribunal, call it what you may, is of great urgency and of great import in our community. If we are to be, and still aspire to be, the best planned city in Australia then perhaps the structure we create can be the best planning and environment appeals tribunal. Given our proximity to current environmental protest actions, and given the consciousness that we have on the Monaro plateau to afforestation and deafforestation, soil conservation, water supply and other ecological issues, surely, given all the debate, we should be able to bring in at an early date a planning-environmental appeals tribunal.

Let me refer to the great discussions, as we like to call them - and my colleagues Mr Moore and Mr Jensen will well recall those enormous gatherings - which resulted in a truce between the warring parties and finally a decision by us all. I well remember one of the Master Builders Association members, Mr Bob Winnel, finally agreeing that what we really wanted in this town was certainty in the system. There is no certainty in the system at the moment. There is a level of suspicion, there is a level of apprehension, there is a level of disinclination from some developers because they are concerned that their proposals may be rejected out of hand arbitrarily, and there is concern among residents who are fearful that that green space near them may go.

This uncertainty should not be allowed to continue in the Canberra community. That uncertainty creates to some extent the types of questions that one sees in this house in vexed situations. It is the uncertainty, the level of suspicion, the level of concern and the lack of consultation. It was the lack of consultation that really was one of the birthrights of the Residents Rally. That birthright, that call to be consulted, which was ignored and which this Government will ignore at its peril, gave birth to the Rally.

5 July 1989

There are a number of broad issues and a number of very specific issues that this matter of public importance takes up. There is a distinction in terms of public participation in the planning process, which is one that we would all like to have. Public participation occurs in the Assembly when comments are made on possible proposals. One that comes to mind is the Kingston foreshores development, a proposal that we have heard of recently. That is at public participatory level. But there is also a situation where certain instruments need to be issued by the Territory planning authority at an early date to ensure that we as a community have the capacity to know rationally what is proposed and what are the long-term proposals for the general area. Regrettably, starting a couple of Saturdays ago - and I think my friend Mr Kaine drew attention to this in the house - we saw advertisements appearing for draft policy variations. We regard that as a concern.

MR KAINE (Leader of the Opposition) (3.43): One might deduce from looking around the house at the moment that this is a matter of no public concern whatsoever as only one-fifth of the Government is present. That has just changed. It is now two-fifths. If there is a member of the media present I do not recognise one, and hardly anybody from the public is present. I submit, however, that anybody who draws the conclusion that this matter is not important is quite wrong.

This matter has been debated frequently and at length over recent years. It stems from the peculiar fact that we in Canberra seem to be much more concerned as individuals and as a community about the land use and planning of land in our Territory than people elsewhere in Australia. I say that based on personal experience, having lived in many cities and in rural districts over my lifetime, and never have I seen the public interest and public concern that I have seen here in the ACT on this question of land use and planning. One would draw the wrong conclusion if one were to look at the chamber today and assume that it was not a matter of public importance.

I guess that the reason this matter is of such concern to those of us who live in the ACT is the fact that the city has been developed as the national capital and the seat of government, apart from the fact that close to 300,000 of us now live here. It has been developed by the Commonwealth, and by and large the National Capital Development Commission has done a good job. It has produced a city that is pleasing in appearance and at most times pleasant to live in. There is the odd frost that I could do without, but it is a pleasant place to live, and we have taken the view that Canberra is a city, the amenity of which we would like to retain.

I suppose the second aspect of concern is the fact that the land is all publicly owned. Those of us who occupy it do so only by lease, and so we have a collective community

5 July 1989

interest in the way that the land is used and what the tenants and the lessees do to it. But clearly there is a wide community concern that planning decisions be right, that allocations for land for various uses be right and that they be consistent with the things that we like to see in this city.

Stemming from that there is clearly a need to set up a procedure so that citizens individually or community groups can appeal if in their view a particular piece of land is not being used for an appropriate purpose, if an administrative decision concerning the allocation of land for a certain use is inappropriate or unacceptable. I am no lawyer, but I understand that the only recourse for somebody who believes that there has been a wrong decision is to the ACT Supreme Court. It is a lengthy process and, as my colleague Mr Collaery pointed out, the Supreme Court has a list of cases on its hands that will probably consume the court's time for the next 12 months, with the resources it has.

If you want to appeal against an administrative decision concerning land use and you have recourse to the court, first of all it is going to take you a long time to get a decision, and by the time you do so it may be too late anyway. Secondly, it will cost you some money, and most people and individuals who feel aggrieved about an administrative decision of this kind simply do not have the financial resources to prosecute their appeal through the court system.

I think it is fair to say that we ought to have an appeal system containing a number of characteristics. It has to be accessible to all people who feel that they have a grievance or a complaint. It has to be open so that people can know what is going on within the system. It has to be simple. It cannot be bound up with legalistic processes and procedures such that it frightens the average citizen away. People have to be able to understand what is happening. Finally, it has to be responsive. Such a system has to be able to act quickly, take a matter under advisement, and come back with a decision that either supports the original administrative decision or upsets it.

That, in my view, can only be done by an appeals board or tribunal or committee that is administrative in nature and not legal. The minute you start binding such an organisation with legal procedures and the trappings of legal office, then you will complicate it. I submit that you will put it beyond the reach of the average citizens, who more often than not are frightened away, even though they may believe that they have a genuine and legitimate complaint or a genuine case to put. They tend to be frightened away by legalistic procedures. I agree that we need to examine a method by which grievances, complaints, criticisms can be easily and simply heard in a forum that is understandable to the average citizen who may want to have some matter resolved.

5 July 1989

I agree with Mr Collaery that this is a matter of public importance, that something needs to be done to resolve it, and that the onus clearly lies with the Government which is now responsible for land planning and land use. I can say that any action that the Government might wish to take to review the present arrangements and to consider and put forward proposals for an alternative along the lines that I have just outlined - something that is simple, accessible and responsive - will be totally supported by the Liberal Opposition.

MR JENSEN (3.50): As I prepared for this debate by looking back through much of the previous discussion on this subject, I soon realised that community groups have been seeking some form of process by which they can appeal against planning decisions for some considerable time. As chairman of the Tuggeranong Community Council it was my task to attend many seminars and discussions on the issue of planning appeals, discussions that my colleague Mr Collaery has already alluded to, especially in the dying days of the National Capital Development Commission when it attempted to write a process of public consultation into the legislation that it hoped would keep the commission alive. However, others were marching to a different drum, and the NCDC was to slide into the bowels of Lake Burley Griffin in the run-up to self-government for the ACT. I am sure some of you recall the rather public ceremony that saw the burial of the NCDC on the shores of Lake Burley Griffin.

However, the reason for all this concern with appeals was because the planners had decided that they were all-powerful and that they and they alone knew what was best for Canberra and her citizens. They called the shots, they made the decisions and we, the poor residents, could like it or lump it. Many decisions had been taken without any real, meaningful consultation, and decisions were made to suit the whim of the planners. Never mind if the overall plan with its vision of Canberra was to be ignored. There they were in Northbourne Avenue in their ivory towers, and those in that particular area knew best.

When residents and some enlightened past employees of the NCDC started to say, "Enough is enough", and found the courage, and not inconsiderable sums of money, to fight these issues in the ACT Supreme Court, they started to win the odd case or two and the planners started to change their attitude. It took the noises made by inner city residents as they fought to remove cars parked in their suburban streets and driveways or saw the spread of commercial buildings into residential streets around Civic which threatened the very nature of streets like Torrens Street and the beautiful plane trees that we all know so well. These are the plane trees that tourists come to see in this city because in the autumn they are magnificent.

5 July 1989

Major changes were being made in Civic which were not only against the planners' own statements in their metropolitan plans about the developments of Civic, but were seemingly affecting the residential amenity of some inner city residents. Their leases had been given to them on the understanding that they would be able to have peace and enjoyment for the term of their lease. Pressures were building up by vested interests, not unlike those building up around the supporters of perpetual leasehold today. I see that only one member of the group that is seen to support that particular process is here in the Assembly at the moment. The Rally trusts that the minority Government opposite will see fit to honour its election promises on this issue. That is a promise that we will certainly keep the Chief Minister to.

In its evidence to the Langmore committee into the leasehold system in the ACT, even the NCDC gave evidence which acknowledged the need for a change to the rather expensive and cumbersome process required under section 11A of the City Area Leases Ordinance. Professor Max Neutze was commissioned by the committee to prepare a report on the Canberra leasehold system. He stated in his evidence that this system not only affected the landlords but also did not adequately provide for the rights of people who might be affected by the proposed land change. The Langmore committee also acknowledged that the main problems in the area resulted from approaches to changes to the lease purpose, and it recommended that such decisions be made to the planning and leasing authority with its decisions being subject to objection or appeal through the Administrative Appeals Tribunal. My colleague Mr Collaery has already commented on that particular matter. The Langmore committee also referred to previous reports on this important issue in 1979 and 1983 which had recommended that similar action be taken. We are still waiting. I repeat; we are still waiting.

By now I trust members will be starting to appreciate that this matter of appeals on planning related issues is not something we in the Rally have dreamed up overnight; it has been around for some time. Despite recommendation after recommendation, the Canberra community is still waiting for its appeals tribunal where important decisions can be appealed against by bona fide interested parties. Never let it be said, however, that the Rally seeks to have appeals for appeals' sake. You can all rest assured that any legislation on this matter supported by the Rally will have provisions for vexatious appeals to be stopped, as my colleague Mr Collaery has already indicated.

A few cases of the user paying should solve a little problem, I would suggest, and slow learners will soon understand that the appeals process will not enable them to stop a legitimate competitor or a particular development just because they do not like the look of it. What the Rally is saying, however, is that enough time has gone by, enough trees have been destroyed, and enough reports have

5 July 1989

been produced for action to commence. In fact, action is long overdue and is costing you and me as ratepayers some considerable sums of money, as I will now seek to demonstrate.

I will start by giving the Assembly an example as to why this is so. In one case an organisation was granted the lease of a block of land on which to build a church, a church hall and a manse. This lease was granted specifically for that purpose, as an examination of the lease clearly shows. All was well and the neighbours got on famously over the years as the church built its church hall; it was decided that a church was not needed and it was eventually decided to build a manse. The latter did cause some problems as the position of the manse seemed to residents to indicate that there was maybe another agenda for the rest of that particular block of land. In fact, it appears that a developer had heard of the interest and that he had suggested an option that would help the members of the church, parishioners, to leave their large houses and move to something a little smaller in a way which would keep them in their retirement.

That was perfectly acceptable and there were no problems with that at all. However, the lease did not strictly allow this type of development to take place. This meant a change in lease purpose which required consultation with nearby residents. The residents expressed some concern when they saw that the number of units proposed for the site was certainly far in excess of what was appropriate for that area and nowhere near appropriate to the particular idea that the NCDC had in mind for the original use of that land.

The residents decided to take the matter up with the court because they understood that this proposal was not in keeping with the original use of the land and was not good planning. They became even more concerned when they found out that despite the blocks being sold for \$100,000 each on a loan, with the money being given back to the owners when they left, the church was able to have the lease purpose changed without having to pay a betterment charge that would normally apply.

Let me digress to talk about betterment charge. The Langmore report made a strong recommendation that the current betterment levy of 50 per cent be replaced by compensation to the lessee for the value of the leases that it was surrendering, including improvements and charges of the full premium value for the grant of a new lease, together with the cost of any necessary off-site services. That was recommendation 10. We now find, after inquiry, that the Minister had used a definition from the Aged or Disabled Persons Homes Act which defined the church as an eligible organisation under that Act and was able to have its lease changed without any payment of betterment, despite definite change in the lease purpose clause - in fact, the reissue of that particular lease for this totally new position.

5 July 1989

The interesting thing here is that it was told by a member of the Interim Territory Planning Authority that no action would be taken until after the election. However, this decision and the decision by the Minister responsible for the ACT on the Yarralumla brickworks produced this appropriate headline on election day: "Polling Deal Stuns Follett". In the case of the brickworks deal, the Yarralumla residents clearly felt it right to appeal against the decision because it was in contravention of the ACT Land Planning and Land Management Act and of the principles of a caretaker Minister in that period. The matter was considered to be so important that the Canberra Times chose to place part of its editorial on its front page - something that it very rarely does unless it is a very important issue. I would like to read this to the Assembly, Mr Speaker. Unfortunately, there is no time for that, so I will have to pass it on to my colleague Mr Moore, who I am sure will continue this debate in the great style to which we are accustomed.

MR STEFANIAK (4.00): I do not know whether my remarks will be in the great style to which this Assembly is accustomed. Indeed, this might be a little bit of a hiccup, but broadly I would like to support the concept so far and indeed reiterate what my learned leader has said. We would like to see some affordable and simple appeal process so that people can appeal against ACT planning decisions.

I have listened with interest to what has been said. It reminds me of an incident when I was approached by a constituent with a problem. It is a recent problem of which maybe the Chief Minister is aware because I believe this lady saw her as well. She is rather coy and does not want her name published, so I will not give it, but she lives in Thoms Crescent, an area with some heritage value.

Mrs Grassby: What number?

MR STEFANIAK: I am not going to say that. Indeed, the residents of Thoms Crescent, I think it is fair to say, had some problems, and I believe there was a petition from residents which the Chief Minister received about a month ago. This is perhaps an ideal situation where little people in the community, who might be put off by appealing to the AAT or getting into a full court type of system, may be encouraged to take their problems to a simple appeal system which can look after them in a less stressful and less costly way than the avenues they have at present.

The problem was that many of the houses in Thoms Crescent were old weatherboard dwellings which in the past have been substantially renovated. Indeed, many have now got brick veneer around them, and indeed the lady who contacted me had a house which was originally weatherboard but which contained aluminium cladding. Her problem was quite simple. She wanted to make certain renovations and repairs to stop rising damp and to stop the chimney falling down by

5 July 1989

removing parts of it; she wanted to extend the windows to overcome the problems of light and ventilation which were causing some of the rising damp; and she wished also to deal with water seepage into her house.

The plans went to the Interim Territory Planning Authority which then sat on them, so I am told, for some four months. The authority was awaiting a heritage report which finally came and which it only had to take into account as it was not binding upon the authority. The report from the heritage committee indicated that all that really could be done and approved were the renovations out the back and some other minor alterations in an attempt to assist with the rising damp. Independent engineering reports obtained by this lady indicated that that would not overcome the problem. Indeed, she is very concerned that her house will be a health hazard for her and for anyone else who is living in it.

Perhaps this points to an abuse of the heritage committee and its recommendations. Certainly, the Interim Territory Planning Authority appears to have sat on the reports for an unforgivable time, and one wonders whether it was just awaiting heritage legislation or some comment from the heritage authority.

However, the lady in question is certainly aggrieved. As for her options, at this stage I can gather that all she can do is appeal to the Administrative Appeals Tribunal. Perhaps it is a case in point where some simpler appeal procedure should be adopted, and anything that can be done in that regard is worthy of support by this Assembly.

MR MOORE (4.04): It is clear from what has come out of this debate today that we have a need for a cheap and accessible appeal system. One thing that I have discovered over these last many years of dealing with developments that have an impact on people's homes, both as president of the Reid Residents Association and as chairman of the City Residents Coalition, is that when people's homes are threatened they will take whatever action is necessary in order to protect those homes, and quite rightly so. That exercise has up till now been very awkward and very expensive.

In North Sydney a way was found for people to work together so that those sorts of planning decisions were set up in order that people could work together. That was the approach that was taken by the NCDC shortly before its demise. At many long meetings, which were alluded to by both Mr Collaery and Mr Jensen earlier today, we sat with people like Bob Winnel from CARD and debated how we could find a system that would give developers some certainty about what they could do and the residents some certainty about protecting their homes. As history has it, that was undercut by the demise of the NCDC, and is one of the reasons why the Rally supported the NCDC and, in spite of all the difficulties it had with the NCDC in previous

5 July 1989

years, actually fought to retain it at least for a short while.

When I look back to those days of that sort of consultation, it is of interest to note that the people who were there from the political parties around me were Bob Winnel, who was last on the Liberal ticket, and Greg Cornwell, who just missed out. Also present from the Labor Party was its eleventh candidate, Barry Reid, who obviously put much too much time into the community work and not enough time into his Labor Party factions and numbers to be able to get an appropriate position.

The background that we are dealing with is that of the courts where people from Torrens, the Conservation Council, Reid and Braddon attempted to fight the planning decisions that went against them. We also used a technique of using the Federal Parliament, and on two separate occasions I myself appeared before joint parliamentary committees on the ACT.

We used a change to the city plan as an attempt to try to defend what we perceived to be a planning decision that was going to go against us. In other words, we either had a choice of the courts, which cost quite a number of people money, or Federal Parliament. Both of those proved inadequate and, as you will be aware, people actually started small demonstrations on the streets followed by larger demonstrations, which led to our involvement and our formation of the Residents Rally.

One of the most important aspects, as far as the planning decisions went, were the heritage characteristics of Reid. We sought to protect those heritage characteristics in Reid, Braddon, Ainslie and Forrest. Later we saw what happened in Barton when a decision was made in court, and I have with me the Canberra Times article about that, but we all remember it well. The court decision that delayed the destruction of the Barton house was a very expensive exercise for the Barton Residents Association. It was not an accessible or cheap method of planning decision appeals. (Quorum formed)

With reference to the development of Civic, the residents of the inner city areas attempted to appeal decisions. The first related to the White Industries complex, the one that we are in at the moment; there were the decisions that affected Braddon and Turner; and later the section 38, 53 and part 56 development, the one that is currently being built and spans Ainslie Avenue.

The only chance we had to appeal that was that that particular development required a change in the Canberra plan and at that stage went to a joint committee which later became the Senate Standing Committee on Transport, Communications and Infrastructure. The result of the appeals that went to that committee brought about, first of all, the Neutze report and then the report of that standing

5 July 1989

committee on the Canberra leasehold system, which is commonly referred to as the Langmore report.

We were able to get to that stage simply because the developers decided they wanted to cross Ainslie Avenue and change the city plan. If we now stand on City Hill and have a look at what they have done to Ainslie Avenue, I believe that most of us will decide that the decision they finally made to allow that development to go ahead was ill-informed.

Other decisions were taken and appeals were made by the Conservation Council, for example. At that stage when the Conservation Council lost its appeal in the Supreme Court, the Crown sought costs against that community group. That is the type of thing that can go on with the appeals system in the courts. It is completely inadequate. The Langmore committee stated on page 63:

The Committee is mindful of the ease with which public comment can be dismissed even though public participation processes have been followed.

It is not enough for a public participation process; it needs some form of appeal system. And that same committee on page 68, point 5.17, in recommendation 15, recommended that "its decisions would be subject to objection or appeal through the AAT. This procedure would apply to leases under any of the four lease ordinances".

Of course, the person that headed that committee was John Langmore, who is a prominent Labor person in Canberra. It is important that that work is recognised for its value and that his recommendations are taken and adopted.

With reference to sections 38, 53 and part 56, one of the objections that was held by the local residents was that that work and the further development of Civic would have a major environmental impact on them. But no matter what we did, we had great difficulty in getting anybody to provide an environmental impact statement on it. I draw your attention to one of these papers - it was very common for them to drop off the backs of trucks back in 1985 - which had come our way. It stated:

The results of a preliminary environmental assessment have indicated that the forecasted development in Civic in the next few years will result in an unacceptable degradation in environmental quality, particularly in Civic. Air quality and traffic noise pollution are particular problems, especially in Civic, where impacts on pedestrians and adjacent land uses will be significant. Specifically, it is predicted that internationally recognised air quality standards for carbon monoxide, lead and ozone will be exceeded and that the Commission guidelines for traffic noise will be exceeded along 50 per cent of major roads in Civic.

5 July 1989

That was signed by Gary Scott. That was the sort of thing we were battling, that was the sort of thing that came out in court, but we had very little opportunity to appeal. So it was a great joy to us when, first of all, Professor Neutze's report came out and then later the report on the Canberra leasehold system.

What we need in our development system is certainty, accessibility and lack of costs. Last Thursday I verified this very thing at a meeting of the Architects Association and CARD, with Mr Bob Winnel, who has been my long time opponent. We said that the one thing that we do need is a suitable and sensible appeal system so that we can have this certainty, both from a citizen's point of view and from a developer's point of view. I hope that this Labor Government will be very forthright and quick in ensuring that such an appeal system is implemented.

DR KINLOCH (4.10): Mr Speaker, I again return to the Canberra Times article, written as I notice by Christine Salins, and I do congratulate her on the recent addition to her family. You will recall that extraordinary front page editorial, which stated:

If ever the citizens of the ACT needed proof of the need for self-government, the Minister for Territories, Clyde Holding gave it to us yesterday with his extraordinary decision to approve the redevelopment of the Canberra brickworks. On election eve he has made a decision on an issue that has given rise to differences of opinion in the ACT community. It shows an indefensible contempt for the people of the ACT and the candidates in the election.

We could have read that yesterday as well in the debate yesterday. The Rally is given to understand that at least one of the decisions made at that time was influenced by a foot-stamping display in the Minister's office by a local member of the Federal Parliament.

Let us refer to the issue of the destruction of a house in Barton, when all sides of the argument should have had an opportunity to put their case. I am very sorry about that house. The same thing should apply to the myriad of changes that we have had come across our desks, from both the Interim Territory Planning Authority and the National Capital Planning Authority. We now have before us these changes. I look through them and often feel rather baffled, but try to deal with them.

While the interim laws under which we operate allow for public consultation, as the process I have just mentioned clearly shows it is what follows after that process that is of some concern to residents and business. For example, some of these changes refer to specific matters relating to the location of service stations in the ACT, and there is an item, I think, in today's paper on that.

5 July 1989

This action is proposing major decisions of a planning nature which can be finally decided by a member of the Executive without reference to this Assembly, and that should not be the case. The Rally submits that this sort of problem points to a need for the establishment of a form of tribunal to look at planning and related matters. Also, organisations like the Motor Traders Association cannot make their views known properly.

Certainly there have been occasions when these issues have been raised in the court when resident groups and others have made their case. So please let there be no more demolitions of the type we saw at Barton without all avenues of appeal being made available to the residents. It is time that the minority Labor Government acted on its rhetoric to assume this matter is dealt with promptly and efficiently.

PUBLIC ACCOUNTS - STANDING COMMITTEE

MS FOLLETT (Treasurer) (4.18): Mr Speaker, I move:

That the Standing Committee on Public Accounts examine, and report on, principles relating to appropriate financial administration and audit legislation for the ACT.

I will speak very briefly on this matter. In my opening speech to the Assembly on 11 May 1989 I indicated that the Government will legislate to establish an audit office which will operate independently of the Executive Government.

The current ACT Audit Act is based largely on the Commonwealth Act. The Commonwealth Auditor-General has been appointed as ACT Auditor-General for an interim period. As the basis for the establishment of an independent ACT audit office, I am anxious to develop principles for a new financial administration and audit Act which incorporate the most recent practices of the States and the Commonwealth.

Probity and accountability must be paramount in government financial practices and standards, but practices must also change in line with developing commercial practices and accounting standards. Several States and the Northern Territory have now completely overhauled their financial practices without any compromise in necessary audit standards. I hope that the committee will be able to obtain the views of professional accounting bodies and other relevant organisations and individuals, and I look forward to a report that can form the basis of legislation acceptable to all parties in the Assembly.

5 July 1989

MR KAINÉ (Leader of the Opposition) (4.20): Mr Speaker, I do not want to say a great deal on the subject. It is clearly a matter that the Public Accounts Committee should look at and, as chairman of that committee, I look forward to looking into it. The audit arrangements for the ACT are at the moment temporary, in that the Commonwealth Auditor-General has agreed to continue to provide an audit service until such time as we make our own arrangements.

I understand that he has some reservations about that because he can see the possibility of doing an audit and finding himself in conflict with his two roles, one as Auditor-General for the Commonwealth and the other as auditor for the ACT. It would be unfortunate if we were to put the Commonwealth Auditor-General in that position. So it is clear that we do have to set up our own audit arrangements.

I note that the reference refers to principles. It does not require us to come up with a comprehensive report. I believe that principles can be fairly readily defined. Indeed, yesterday, I mentioned a number of principles arising from Liberal Party policy in connection with the financial arrangements that we believe should apply to the Territory. I think there were only six in number, and so it is not a difficult matter for a group of people to sit down and determine what the principles that should govern the audit legislation for the ACT ought to be.

I might ask the Chief Minister to be a little more explicit, and I guess it is just in the way the words are run together. When I read this reference first, I saw it as two parts - one to deal with principles relating to financial administration and the other to look at principles relating to audit legislation. Now, after what she has said in introducing the motion, I am not sure whether that ought not be a single statement of financial administration and audit legislation. So perhaps I could speak to her outside the house on that matter and just be clear on what it is that she is asking the Public Accounts Committee to do, but it is clearly something that is within the ambit of the committee and we will be happy to undertake that study.

MR COLLAERY (4.22): My comments will be brief. The Liberal leader has indicated that the Public Accounts Committee is the appropriate place for the examination of principles related to appropriate financial administration, and no doubt the Public Accounts Committee is that place, but that it will draw upon - and I understand that Mr Kaine is familiar with these issues - the lessons learned elsewhere. Hopefully it will draw upon the reforms made in the public accounting processes in, as I understand it, Victoria and New South Wales in recent years.

Mr Speaker, I would like to draw the attention of the Assembly to the terms of reference of the committee, which include that the PAC can report to the Assembly with such

5 July 1989

comments as it thinks fit on all range of matters. It has necessarily the widest terms of reference in its area of any committee in this Assembly, and I think that the Chief Minister is moving this referral motion as a means of emphasising the task ahead of the PAC rather than conferring on it any further powers.

The Rally supports the motion moved by the Chief Minister and trusts, given the incredible workload that is now falling upon the 17 members of this Assembly, that under the chairmanship of Mr Kaine the Public Accounts Committee can move to those issues within a relatively short time.

Question resolved in the affirmative.

SOCIAL POLICY - STANDING COMMITTEE

MS FOLLETT (Chief Minister) (4.24): Mr Speaker, I move:

That the following matter be referred to the Standing Committee on Social Policy for inquiry and report:

- (1) Whether there are problems (significant or otherwise) of public behaviour in the ACT and in particular:
 - (a) public behaviour in and around shopping centres, bus interchanges and areas used for public entertainment;
 - (b) the nature, extent and seriousness of any problems of public behaviour; and
 - (c) the need or otherwise for remedial action that could be taken to deal with problems of public behaviour.
- (2) The committee to consider all relevant methods by which such action could be taken, including, but not limited to, legal, social, economic, environmental design, deployment of Australian Federal Police and ACT Public Service personnel and the provision of services by Government and/or private agencies.
- (3) The committee report by 30 September 1989.

Again, I will be brief because I believe that a number of the issues involved were canvassed in the debate this morning on the formation of a select committee to look at the proposed legislation for move-on powers.

However, I had debated whether to withdraw this reference to the Standing Committee on Social Policy, but in the end I decided not to, as I believe that the underlying problems that the legislation is intended to address will not be addressed by what is my understanding of the select committee's work. I therefore believe that there is a role for the Social Policy Committee to look more broadly at the whole issue of public behaviour and the problems to which that is apparently giving rise.

5 July 1989

We have had, Mr Speaker, any amount of anecdotal information concerning street crimes and also a large debate on the kinds of crimes that people consider would justify bringing in move-on powers for the police. It is my belief, as I think I have made clear over the last few weeks, that there may be problems of social behaviour in the streets which are giving cause for some anxiety by the community, and that we need to address those issues, perhaps not in the rather draconian way of introducing legislation that has already been acknowledged as needing a great deal of work, but rather by looking at the underlying issues and trying to find the causes of these apparent behavioural difficulties, looking at the problems to which they are giving rise and ways in which those problems might be addressed at their roots rather than at their end result, as it is my understanding the move-on powers tend to do.

I will not address the matter at any greater length, Mr Speaker, because I am not terribly sure it is the attitude of the rest of the Assembly on it. I might leave other members to make those points on their own.

MR KAINE (Leader of the Opposition) (4.28): Mr Speaker, I was interested that the Chief Minister expressed some question in her mind about whether she should have left this motion on the business paper. I have to say that personally I have real reservations about it. It stems from the kind of argument that has been advanced before. We have been over the ground a little already. First of all, there is the proposition that our committees are being already overloaded, if you take them collectively, and that the individual members of the committees, rather than the committees themselves, are finding themselves a little stretched to cover the activities of all the committees and deal, in the time scales that are being set, with all of the references.

I am quite sure that the secretariat must be feeling the stress of providing the secretarial support for all of these committees to perform all of the studies that are being referred to them in the time scales that are being set. My reservations about this kind of study - and I have expressed them before - are in connection with the Government and the Ministers referring matters like this to the standing committees of the Assembly.

As I have said before, unlike members of the Government - the Ministers particularly - the rest of us have no resources to undertake significant and major studies. The only way that we can get anything on the agenda and have it examined is to refer it to an Assembly committee. On the other hand, the four members of the Cabinet have entire departments behind them. If a matter falls within the ambit of responsibility of the portfolio of a Minister, it is simple, as the Minister for Housing and Urban Services has already done, to institute an inquiry to be carried out by his or her staff. It takes the pressure off the

5 July 1989

resources of this Assembly, not only the members but also the secretariat, and it falls fairly and squarely within the role of the Government to do its own inquiries into some of these matters and to bring the results of its inquiries forward to the Assembly for consideration.

I really believe that this is another example where the Government, using all of the resources that it has available to it, should be carrying out this investigation. If it acknowledges that there is even a likelihood of the kind of problem that we have been attempting to say exists - and this motion implies that it acknowledges these things - then it has the resources within its departments to examine these matters and to come forward then with a definition of the problem.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Mr Whalan: Mr Speaker, I request that the question be put forthwith without debate.

Question resolved in the negative.

SOCIAL POLICY - STANDING COMMITTEE

Debate resumed.

MR KAINE: I will not take much longer. I think that the Government should be attempting to identify the problem and then come forward with an identification of the nature and extent of the problem and its proposed solutions to it, which the Assembly can then debate and about which it can agree or disagree. So I think it is not a question of whether the study needs to be done; of course it needs to be done. The lengthy debate this morning on Mr Stefaniak's Bill demonstrated quite clearly that there is a requirement to examine the root cause of the problem.

What we are dealing with in the short term is the symptom, but there are clearly underlying problems and they need to be identified. We need to quantify them in some way so that we know the phenomenon with which we are dealing. Then we need some solutions put forward - of course we do; I am not denying that. But the question is whether it is fair to expect the members of this Assembly and the secretariat staff to take on more and more of these studies when clearly the Government has the resources available to

5 July 1989

it to perform them and, in my view, should be taking the initiatives, if it sees the problem, to resolve the issues and simply ask us to endorse its solution. We will be only too happy to discuss its solution and to either agree or disagree. Hopefully we would have more than one solution; we might adopt some options in order to deal with this problem of public behaviour.

So I would argue, Mr Speaker, that Ms Follett might have done better to withdraw it and deal with it from her own resources. I would ask her to reconsider that course of action.

MR COLLAERY (4.32): Mr Speaker, the motion put forward by the Chief Minister can be, in the terms of reference, amended by the committee that sits. The terms of the inquiry can be amended by the committee, and I do not believe that we need to detain the Assembly long this afternoon discussing the actual terms. The Residents Rally regards any reference to a social policy committee, unless it is frivolous, vexatious or clearly going to the wrong place, as one that should not be blocked by this Assembly. It is a social policy issue, and social policy issues can be looked at within the powers and structure of that committee.

Mr Speaker, I have some concerns, shared by my colleague Dr Kinloch, in relation to paragraph (2) in the referral, and they are concerns that possibly the Chief Minister is seeking to duplicate in some way the actions of the select committee that has been set up to do the legal and drafting examination and perusal activities associated with a Bill that is currently before the house, known somewhat inaccurately as the move-on power Bill. There is very little move-on power left in it, Mr Speaker. It is more an attempted crime Bill. But the select committee will look at that.

The actual wording that requires a social policy committee to look at police deployment levels and so on seems odd, and I would ask the Social Policy Committee to look at that carefully to determine whether it is qualified or justified and whether it is at all relevant for a social policy committee to be looking at matters as complex and as unrelated in terms of the specificity of that referral as paragraph (2).

Nevertheless, the Rally will not, as a matter of principle, as a matter of conscience, reject a social policy referral. It would have to be an extraordinary situation for the Rally to block a motion of this kind. With those qualifications, but accepting that the motion is approved in its entirety by the Rally, the Rally will support the motion.

MR DUBY (4.35): I believe it is entirely appropriate that this matter should be forwarded to the Standing Committee on Social Policy. If there is one thing that has come out

5 July 1989

of this morning's debate on this matter it is the fact that it is not just a legal issue, a criminal issue; it is a broad social issue which has a lot of root causes. I am very, very encouraged that the Social Policy Committee will be given the opportunity to examine all matters relating to this social problem.

Accordingly, I note the matters that Mr Collaery has raised in regard to paragraph (2), and I agree there may be a possibility there of overlap between that and the select committee that has been set up this morning. Nevertheless, I think it is absolutely vital that these matters be addressed by the Social Policy Committee, and I look forward to its report.

DR KINLOCH (4.36): I follow Mr Duby in many ways. I think the Social Policy Committee must have a broad area at which to look, not a very tiny, specific area. I mentioned earlier today I do not think this is a question of looking at bus interchanges; it is a question of looking at underlying problems. I think those are the kinds of issues at which I would be wanting to look. I would not want to duplicate the activities of another committee. This is why I have my worries about paragraph (2).

I would say, on behalf of Mr Wood, Mr Stevenson, Mrs Nolan and myself that we are not making distress noises necessarily but that we are very, very much in the middle of a major investigation of problems of the aged, and we have scheduled many things through July and August. I note that as a problem, but I quite recognise that the general questions of the public mood - problems of social justice in relation to public behaviour - are legitimate areas. Would it be possible, I wonder, to omit paragraph (2)?

MR MOORE (4.37): I rise to my feet to congratulate the Chief Minister on putting this motion. What came out of this morning's debate more than anything else was that there is a problem and that there are two possible solutions - a long-term one and a short-term one. The immediate solution has been proposed by Mr Stefaniak, and that was the motion that went through this morning. Here the Chief Minister has recognised where the problem is and has moved in order to assess the problem and to see whether this committee can come up with a solution. I believe that we should congratulate her on that. It will give me personally great pleasure to support this motion.

MR BERRY (Minister for Community Services and Health) (4.38): I congratulate the Residents Rally, for the first time, today, for its support for this motion. I think, Mr Speaker, that at the end of the debate on this issue members of this Assembly will come to the conclusion that what is really complained about is a genuine social issue and is appropriately placed with this committee. I think it is important to dwell on the issue of the information that gave rise to this morning's debate and, of course, the debate over this motion, and that is what the Chief

5 July 1989

Minister has rightly described as anecdotal information on street crime and the appropriateness of this morning's resolution or this one. As I have said, I think that this is a most appropriate course and is now supported by the Residents Rally and the No Self Government Party, and we should, with a little luck, have a committee looking at this issue in a short time with a view to bringing it back to this Assembly for debate.

One issue which I find of some concern is the complaint from the Leader of the Opposition in relation to consultation. I recalled from question time this morning that the Leader of the Opposition had complained about the quality of consultation on an issue. I think that the sort of consultation that is offered by way of the committee process is one which ought to satisfy the Leader of the Opposition and the Liberal Party, although it requires some energy, and I would hope that it is not the energy requirements which are so off-putting.

Mr Speaker, I will not speak for too much longer, other than to commend the motion and to say that I will be looking forward to a positive outcome from this committee in the interests of our young and our disadvantaged - the sorts of people who have been at the focus of the debate over the issue of street crime and who have been wrongly targeted, methinks, in terms of the sorts of allegations that have been made about hooligans, louts and so on because those sorts of descriptions have been applied to our young generally. Mr Speaker, I look forward to a positive result in terms of the vote on this debate and a positive result from the committee.

MR STEVENSON (4.41): Mr Speaker, the motion is about possible remedial action for the problems that are being discussed. As a member of the Social Policy Committee I welcome a look at what remedies can be taken for unsocial behaviour. I think that is the way we should go. Certainly we in the Social Policy Committee are busy, but I know that we are interested in looking at causes, not just solutions for problems. So I welcome the opportunity to do that.

MRS NOLAN (4.42): As a member of the Social Policy Committee I too would like to make a couple of comments. I think this morning we spoke in reference to the short term and the long term in relation to behaviour solutions. If we are talking in terms of the short term and the long term, I would suggest that 30 September as the reporting deadline probably comes in the area of the short term. I certainly have problems, given that we are currently in the middle of quite a detailed reference to that committee in relation to the ageing and at the moment the reporting date is 31 August, so it does not give us very much time after 31 August.

Would the Chief Minister consider the deletion from the motion of paragraph (2) and paragraph (3), which is the

5 July 1989

reference date? The first part of the motion tends to define the problem. Perhaps then it would be up to the Government to solve the problem. So I would ask that paragraph (3) be changed to a longer period, perhaps the last sitting day of this year. Perhaps it would be appropriate that I move as an amendment:

That paragraphs (2) and (3) be omitted.

MR SPEAKER: The question is that the amendment, as proposed by Mrs Nolan, be agreed to. Those of that opinion say aye, to the contrary no. I think the noes have it.

Mr Kaine: I request a call of the house, Mr Speaker.

Ms Follett: Mr Speaker, could we please be very clear on what the amendment is.

MR SPEAKER: It is that paragraphs (2) and (3) be omitted.

Mr Whalan: Perhaps you could put them separately. The omission of paragraph (3) is all right; we can do something on that.

MR SPEAKER: Is it the wish of the Assembly to take these amendments one at a time? There being no objection, the question is:

That paragraph (2) be omitted.

Question resolved in the negative.

MR SPEAKER: The question now is:

That paragraph (3) be omitted.

Question resolved in the affirmative.

Motion, as amended, agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Personal Explanation

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

MR SPEAKER: Do you claim to have been misrepresented, Mr Collaery?

5 July 1989

MR COLLAERY: Yes, I claim to have been misrepresented.

MR SPEAKER: You may proceed.

MR COLLAERY: Mr Speaker, my attention has been drawn this afternoon, whilst we have been sitting, to a press release issued headed "Ellnor Grassby Apologises". In that press release Mrs Grassby is reported as referring to the following:

I was very angry when Bernard Collaery attacked me personally and unfairly this morning. In my anger, I referred to a group of people in the Assembly precincts as "rent-a-crowd".

Mrs Grassby goes on to say:

Yesterday Mr Collaery referred to the community and union groups who were protesting against Mr Stefaniak's police powers bill as rent-a-crowd and grunTERS...

Mrs Grassby says she was simply reacting to my remarks. Mr Speaker, my colleague Mr Moore drew attention to the need for veracity in this house and elsewhere. I will read from the Hansard, which has just come off the press, fortunately. I will read for the record my comments at page 70 of the daily Hansard of yesterday because I have been seriously misrepresented in this media release. In that comment I referred to the BWIU protesting, coming off a job site. I went on to state that the motion put by Mr Duby should produce in the ACT a greater consciousness of where we are going democratically. I then said:

And when education spreads through the community people cannot be herded off job sites like sheep to come and grunt and make noises.

My comments were clearly related to a group of unionists who came to yell down speakers with whom they did not agree. Mr Speaker, this press release, issued under the hand of this Minister, refers to me describing the community as rent-a-crowd and grunTERS.

Mrs Grassby: They are members of the community.

MR COLLAERY: They are indeed members of the community, but this press release, Mr Speaker, is intended to mislead, and of course does not take up the truth of my comments. Finally, Mr Speaker, Mrs Grassby refers to my comments as including "rent-a-crowd" and "grunTERS". I do not claim to have used that sobriquet "rent-a-crowd". Regrettably, it was my friend Mr Humphries; it was not me. This is an inaccurate press release. It has not been prepared with the assistance of the Hansard, and it again indicates the extent to which other persons in this house will alter the facts as shown in Hansard to suit their purposes.

5 July 1989

Young Liberals

MR HUMPHRIES (4.48): Mr Speaker, I rise on an entirely different matter. I want to pay tribute today to an organisation of which I am a member at the moment but of which I will no longer be a member as of tomorrow. Today is - - -

Mr Moore: The Liberals sacked you, did they, Gary?

Mr Kaine: He is joining the Rally.

MR HUMPHRIES: I am not anxious to join the Residents Rally party. The organisation to which I refer is the Young Liberal movement. I have been a member of this organisation for some 10 years and, because the organisation imposes age limits and I encounter an important milestone tomorrow, I unfortunately have to resign. But I thought it was appropriate at this stage to pay tribute to that organisation and to indicate that I feel it has played in my life, as indeed in the life of Australian society, a very important role.

Mr Duby: Is tomorrow your birthday?

MR HUMPHRIES: That might be a reasonable assumption to make, Mr Duby. But that role has been, in my case, not a very active one. I cannot claim to have been an important cog in the Young Liberal wheel, but I have certainly appreciated the role that others have played, and I have valued my membership of it.

It has been an important force, I think, in the ACT. It has provided younger and keener members who have sometimes been there when required to take on the baton when the older members have become a little tired. I am not referring to any members of this chamber, of course. I have read a book called Liberals Face the Future about the Liberal Party, in which - - -

A member: Science fiction, is it?

MR HUMPHRIES: I do not think there would be any publication out yet about the Residents Rally, but if there were it would be a very, very slim volume indeed. An article by Mr Bruce Edwards in this learned publication says - and I respectfully adopt these remarks - that Young Liberals ought to be a fertile source of fresh thinking, particularly in reflecting the priorities and concerns of young people in the community. I hope that that is one of the roles that I have been able to play as part of that movement.

I think, Mr Speaker, that the Young Liberal movement is almost as old as the Liberal Party - I am not sure about that - but certainly it is in excess of 40 years old and has maintained an important role in the activities of the Liberal Party because it has been respected and

5 July 1989

acknowledged as an integral part of the organisation, not as a mere adjunct to it. I certainly contrast it with what I understand to be the role of the Young Labor movement in that respect.

The Young Liberal movement has two representatives on the federal executive of the Liberal Party, and indeed the organisation has played a key role by providing the membership of many parliaments around the country. Messrs Peacock and Howard have both been members of the Young Liberal movement at one time, indeed office holders in it, as has Mr Peter Shack who is now the federal patron of the movement. I believe that our own Senator Margaret Reid was someone of note in the Young Liberal movement of South Australia in years past. I do not know whether any of my colleagues sitting next to me and behind me have been Young Liberals at various times, but I suspect - - -

Mr Kaine: I was always too old to be a member.

MR HUMPHRIES: Yes, I was about to say I suspect that when Mr Kaine was young there were not any Young Liberals. It could have been the young free traders or something of that kind; I do not know.

Mr Speaker, the Young Liberals have always been the conscience of the Liberal Party; they have been at the vanguard of Liberal thought. It has also been a training ground for leadership in the party. I know that five Young Liberals currently sit, for example, in the New South Wales Parliament, and I am sure that many, many more people of quality will come forward from that organisation. As I bid adieu to it, I pay tribute to it and hope that it continues to play the important role it has in the past.

Public Gallery

MR MOORE (4.53): Mr Speaker, I would just like to draw the attention of the Assembly to the fact that at question time the public gallery was full and there were numbers of people outside. I wonder if we need as many advisers in the advisers' seats and so forth as we have at question time at the moment. The Residents Rally has a policy of having one person in the gallery. If, without anything formal, other parties could look at that situation, we might not have a situation where people have to wait outside at question time.

MR SPEAKER: I will take this opportunity to remind members that tomorrow at question time videotaping without sound recording will occur during question time. This will be a staged performance. However, the point I make is that the questions will not be sound recorded, so please do not waste your time dreaming up your best efforts. What we are trying to do is achieve video recording for future reference, so if you wish to wear a carnation behind your

5 July 1989

ear that would probably be acceptable. I would further comment that it is to be staged. I have sent a letter around, but some members have indicated that they have not received it yet. I would ask that party leaders have a caucus on this to ensure that at least one question is asked of each of the Ministers. I will also leave the chair so that we give the Deputy Speaker the opportunity to take the chair and he can be filmed in this position as well.

Mr Kaine: You do not want to ask a question, do you, Mr Speaker?

MR SPEAKER: I will probably also ask a question while I am there.

Question resolved in the affirmative.

Assembly adjourned at 4.55 pm