



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

6 July 1989

Thursday, 6 July 1989

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

PETITIONS

The Acting Clerk: The following petitions have been lodged for presentation, and a copy will be referred to the appropriate Minister:

Dog Control

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly:

On a daily basis, unleashed dogs of all sizes and temperaments roam the streets, fouling lawns and gardens. Recently, an unleashed german shepherd attacked and killed a much loved family cat resting within one metre of its own front door.

Your petitioners therefore request the Assembly increase fines to the same level as Western Australia, \$400, for dogs caught roaming the streets or unleashed, unless in areas specified under the ACT Dog Ordinance. Any dog which attacks a person or a domestic animal should be put down, as it will attack again once it has tasted blood.

By **Mrs Grassby** (from 1,275 citizens)

ACT Casino Control Ordinance

To the Presiding Officer and members of the Legislative Assembly for the Australian Capital Territory assembled.

The humble petition of the undersigned citizens of the Australian Capital Territory respectfully showeth that your petitioners most humbly request the Legislative Assembly for the Australian Capital Territory to repeal the Australian Capital Territory Casino Control Ordinance 1988.

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By **Dr Kinloch** (from 1,105 citizens)

Petitions received.

ESTABLISHMENT OF A CASINO - SELECT COMMITTEE

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

That paragraph (2) of the resolution of appointment of the Select Committee on the Establishment of a Casino be amended by omitting all words after "report" and substituting "by 25 July".

SPECIAL ADJOURNMENT

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

That the Assembly, at its rising, adjourn until Tuesday, 25 July 1989, unless the Speaker fixes an alternative day or hour of sitting.

SUSPENSION OF STANDING ORDERS

MR BERRY (Minister for Community Services and Health) (10.32): I move:

That so much of the standing orders be suspended as to allow Mr Collaery to address the Assembly for an unlimited time on the matter of ministerial and public service impropriety in the ACT.

I will not speak at length on this motion because I think the revelations in this morning's press and on the electronic media give rise to the need to deal with this matter as quickly as possible because of the irresponsibility of Mr Collaery in the way that he has dealt with the Government and the press in the last couple of days. Of course, this all follows the Residents Rally, and in particular Mr Collaery, being exposed by demonstrations out in the plaza over the issue of police powers. I am quite confident that it is merely retaliation for being exposed in those demonstrations. But I think the most important issues that the people of Canberra need to hear about are the issues, which Mr Collaery again raises in a muckraking way, that threaten the stability of government in the Territory. I do not think that much more needs to be said about it than that, other than to call on members to support the call for the suspension of standing orders in order that Mr Collaery can put up or shut up.

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MR KAINE (Leader of the Opposition) (10.34): I have been taken unawares by this motion, but I believe that there is some merit in it, in that it would provide Mr Collaery with the opportunity to substantiate some of the things that he has been saying.

Mr Moore: On a point of order, Mr Speaker, I understand that we had a motion for the suspension of so much of the standing orders as would allow Mr Collaery to speak. I do not recall anything about Mr Kaine speaking.

MR SPEAKER: Thank you for trying to direct the floor, Mr Moore. The objection is overruled. Proceed, Mr Kaine.

MR KAINE: I understood that we were speaking on the suspension, and my purpose is to support the suspension of standing orders to allow Mr Collaery to say whatever it is he deems it necessary to say. I had intended to seek leave to make a personal statement this morning on the basis that, by implication, I was involved in some comments that Mr Collaery made on radio this morning in terms of motions of no confidence in the Government and the like, and I had intended to seek leave to make a few statements on that matter, but perhaps this is the opportunity to do so. Let us be quite clear that the Liberal Party in opposition will press the Government and challenge the Government at every opportunity. When the time is right we will attempt to - - -

MR SPEAKER: Order! Please speak to the motion, Mr Kaine. We are talking to the motion to give Mr Collaery time to speak.

MR KAINE: Yes, I understand that. We will challenge the Government when the opportunity arises, but we will not do it on the basis of personal attack against any individual, whether inside this house or outside it. We will do so on the basis of the performance of the Government and on that basis alone.

MR SPEAKER: Order! Mr Kaine, please speak to the motion before the house. We are speaking of Mr Collaery, not of the desires of the Opposition.

MR KAINE: Well, I thought that I was attempting to do that, Mr Speaker. The purpose of this motion is to suspend standing orders to allow Mr Collaery to justify, as I understand it, some of the things that he has been saying in this house. I, as leader of the Liberal Opposition, would be happy if Mr Collaery has evidence to support the assertions that he has been making. I would be delighted to have him place it on the table so that we can clarify the matter once and for all.

I think that to continue any longer with allowing any member of this house - and I am not confining my remarks exclusively to Mr Collaery - to make unsubstantiated allegations, to indulge in innuendo about either members of

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this house or people outside it is unacceptable. I would like Mr Collaery to have the opportunity to demonstrate that either there is some substance to his allegations or there is not, and to resolve the matter once and for all. For that reason, I support the suspension of standing orders proposed by the Government in this case.

MR SPEAKER: Do you wish to speak to the motion, Mr Collaery?

MR COLLAERY (10.38): I wish to speak to the motion, Mr Speaker. This tactical move, which belongs in some factional power game of the ALP, is a classic example of the respect that our fellows opposite and, to a qualified extent, my colleague Mr Kaine have for informed and proper debate in this chamber. The proposal that, without notice, I launch upon a matter of extreme public interest, a matter of prominence throughout this country - that is, the subject of ministerial and public service impropriety - is extraordinary. This is an attempt to pre-empt what will surely happen in due course when the operations of the Public Accounts Committee are properly developed and when there is further action on the unanimously endorsed proposal in this chamber that there be an independent commission against corruption of a sort in this Territory. It is a disgrace that members of this party sitting opposite us who speak - - -

Mr Whalan: I rise on a point of order, Mr Speaker. You have been quite assiduous in requiring members, particularly the previous speaker, to confine their remarks to the terms of the motion, which is the question of the suspension. I know that we all have considerable embarrassment for the way in which the person who is presently speaking abuses the processes of this chamber, but I would appeal to you to keep Mr Collaery in order.

MR SPEAKER: I thank the Deputy Chief Minister. I ask Mr Collaery to proceed.

MR COLLAERY: It is only a matter of weeks since the Chief Minister of this Territory indicated that she would proceed with open and consultative government. The Rally's reaction to the persistent failure of the Deputy Chief Minister in particular to respond adequately to inquiries has been to question his real interest in democratic debate in this chamber and his real interest in being frank with the people of the ACT.

Ms Follett: I rise on a point of order, Mr Speaker. I draw your attention again to the question under debate, which is the suspension of standing orders. The very intention of the suspension is to give Mr Collaery the kind of opportunity that he is taking now.

MR SPEAKER: Thank you, Chief Minister. Please get to the point, Mr Collaery.

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MR COLLAERY: The point is simple. The issue that my friends are attempting to raise here today in a tactical political manner, which does not do any credit to reasoned debate, is that they wish to get around standing order 71. If they have grounds and wish to debate in substance the question of any breach of privilege in this chamber, they should utilise standing order 71 and give written notice of the alleged breach.

Mr Berry: On a point of order, Mr Speaker; I think the proposal is pretty clear, and as the mover it is probably most appropriate that I clarify it again. The move is to suspend so much of standing orders as will allow Mr Collaery to address the Assembly for an unlimited time - unlimited - on the matter of ministerial and public service impropriety. All that Mr Collaery has to do is to say whether or not he wants to address the chamber. I do not think he really needs to go on about the issues that he wants to raise in debate later on.

MR SPEAKER: Objection sustained. Mr Collaery, please get to the point. I take the position as presented to me by members of this Assembly, that you are speaking to the issue and not to the motion.

MR COLLAERY: The motion is, as I understand it, that we suspend so much of standing orders so that I can stand here until the proroguing of this Assembly in 1992 or 1991. That is a very interesting proposition. It is one that, with some notice, I might contemplate. But clearly the motion is too wide, the ambit is an absurdity, and the Rally opposes the motion on the grounds that there should be informed and reasoned debate in this Assembly and that if this issue really is a camouflaged allegation of breach of privilege it should be raised in the proper fashion, on written notice.

Question put.

The Assembly voted -

AYES, 12

Mr Berry
Mr Duby
Ms Follett
Mrs Grassby
Mr Humphries
Mr Kaine
Ms Maher
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Whalan
Mr Wood

NOES, 5

Mr Collaery
Mr Jensen
Dr Kinloch
Mr Moore
Mr Stevenson

Question resolved in the affirmative.

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MINISTERIAL AND PUBLIC SERVICE IMPROPRIETY

MR COLLAERY: The first issue I would like to raise at the commencement of what could be a mammoth debate, but I will be reasonable, is the basic premise behind the idea of the law in this state - that it serves the people, and not the people who administer it. In government, when these tacticians here who are seeking to better their position this morning and may regret it, these party machine people, realise that a model justice system is based on fundamental democratic concepts and the public interest, they will support unreservedly the Rally's call for the last two years in this Territory for an independent commission against corruption. There was unanimous support for that issue in this chamber only recently, and what we see now is an attempt to bring the debate on early.

Well, the Rally will not resile from that. The Rally has said in that speech in Hansard that the prospects for government in this Territory will be greatly enhanced if we have a public service that has the confidence of the people and an assembly that also has confidence in itself - and this motion today, Mr Speaker, shows a signal lack of confidence. Here is an attempt by the Government to bring on an issue to seek to turn this chamber into some court of law where, by tactics, one seeks to have the prosecution advance its case before the defence has spoken.

In fact, what they are doing is really reversing the traditional roles in the community. The traditional roles are of course that people are given an opportunity to speak to their case. That is the proper and credible thing for the members opposite me to do if they are concerned about issues of corruption raised by the Residents Rally, about issues raised about contracts in this Territory and about fundamental issues such as whether the Chief Minister will give an assurance to this house that she has confidence in a certain situation.

The question asked without notice of the Chief Minister the other day was whether she would indicate to the house that she had confidence in one of her ministerial colleagues. She has not answered that yet, Mr Speaker.

Ms Follett: On a point of order, Mr Speaker; I have not been asked such a question, and I put to you that it is not relevant to the issue that Mr Collaery has been given leave by this house to speak on.

Mrs Grassby: Put up or shut up.

MR SPEAKER: Chief Minister, I believe there is no situation of relevance in this case. Mr Colleary has been given open slather.

MR COLLAERY : Mr Speaker, I heard the word "shut up" come from the Minister for Housing and Urban Services.

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Mrs Grassby: I said, "Put up or shut up", Mr Collaery.

MR COLLAERY: Put up or shut up - Mr Speaker, that is the classic situation. They are the words that rang around Queensland for 10 or 15 years: "Put up or shut up". That was the view. Those words are very familiar to those smaller people in our community, the community the Rally really speaks for, the community which is under attack here this morning. Here is the blanket to be thrown over the real issues: "Put up or shut up".

A member: Ask Mr Wood. He will tell you.

MR COLLAERY: Mr Wood has left the chamber. One could realise his shame at this tactic being brought in today. The Assembly, Mr Speaker, is not a Star Chamber. The Rally said in its speeches here on the issue of an independent commission against corruption that this chamber should not be a court, it should not be a trial chamber for issues. That applies to issues raised in this Assembly, which are no different from the issues raised since Federation in the other house. Those of us familiar with Australian history will remember the climb to fame and the fall of "Red Ted" Theodore. Now there was a man involved in a variety of issues such as mining leases, direct grants of mining matters and other matters. Ultimately the "put up or shut up" routine failed, and finally Mr Theodore fell from grace. The Rally, of course, has done no more than democratically minded people do across in the other house, and the language, Mr Speaker, from time to time in this chamber seems to be not half as bad as that which we hear in that media and blood sports event of question time in the other house.

Mr Speaker, I suggest that democracy is not well understood by the movers of this motion; they are becoming thin-skinned and defensive. This reaction is really a reaction against the prospect that the Rally's justice policies will shortly be implemented. It is quite relevant for the public to ponder the direction in which the Rally saw itself going in this chamber, and we said very early in the piece during the election campaign that the Rally will support the framing of a constitution embracing accepted concepts of civil and political justice. We said during the election campaign that we believe that some common rights - for example, freedom of speech, freedom of the press, freedom of assembly - though enshrined in law, have become persuasive rather than prescriptive. We said during that election campaign that, although by and large the courts have long been vigilant in protecting these common law rights, there have been noticeable lapses in recent times. The Rally said during the election campaign that the evidence tendered to the Fitzgerald commission in Queensland has established that there was an arbitrary legislative withdrawal of freedom of assembly in Queensland accompanied by unjust prosecutions.

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The Rally believes, Mr Speaker, that there should be some limit on the power of politicians to modify common law rights. The attempt today is, in effect, to pre-empt debate in this chamber when we get to, hopefully, the formation of an independent commission against corruption in this Territory and the proposals which hopefully will come out of the Public Accounts Committee of this Assembly.

When we debate those very important recommendations we will see, firstly, that when the Premier, Mr Greiner, spoke to the Independent Commission Against Corruption Bill in the New South Wales Parliament he was uninterrupted. He spoke in a statesmanlike manner about the fact that time has caught up with us all and we need these mechanisms in society, and that the superficialities of the political cut and thrust should be put aside in a statesmanlike manner for the creation of an independent commission against corruption. The Rally wants that commission established in the Australian Capital Territory. The people of the ACT have responded positively to the suggestion. There has been supporting editorial comment. The party machines in this chamber will ignore that deep-down thrust from the community at their peril.

Mr Speaker, the problems facing this Territory are economic stability and a confidence in ourselves and, if this chamber is going to become so thin-skinned as to put on this type of motion every time the normal democratic instinct in this chamber expresses itself, then it is a very sad day for the Territory. The tactics of the Rally in this chamber are under attack now, regrettably on both sides. It is most regrettable that Mr Kaine has now delivered himself into a situation where it is highly unlikely that he will ever be Chief Minister of this Territory.

Mr Berry: I rise on a point of order. The issue of Mr Kaine's propriety is not at large. The issue is clearly set out in the motion. I think Mr Collaery should stick to it and deliver.

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

MR COLLAERY: Thank you, Mr Speaker. The situation is that with consummate political skill my friend across here, Mr Whalan, has organised once again to split the Rally and the reasoned elements in this chamber.

It is a very sad morning, when we start to get some good cut and thrust in this chamber, when we start to expose the capacities of the Government, when we start to see a community group itself protest about the behaviour of one of the Ministers in this chamber yesterday, and we see Mr Kaine on behalf of the party machine come in and protect that situation. It is most unfortunate. It means, in effect - and one must tell everyone in this Territory - that simply by default they will be left with this

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ministerial bench for some indeterminate time, probably for as long as I speak, but that depends on the water supply.

We have in this Territory an additional problem, and that is that we have had government in a presidential manner. The Australian Capital Territory has been governed as if it were Hong Kong. It has been governed by fiat - it has been governed at the whim of Federal Ministers - and we saw that on the eve of the election with two extraordinary decisions by Mr Holding in the planning and development area. Those in power will always protect the power that they have accrued to themselves. Power is one of the greatest evils when it is directed in the wrong manner in any democratic society. It is quite clear that in the Territory we have had an aggregation of power such as to exclude the community viewpoint on a number of important issues.

The people of the ACT will not stand by and allow minority power groupings - or, as my friend and legal colleague John Haslem said, a Canberra Incorporated - to persist. Canberra Incorporated is doomed. Canberra Incorporated is a shadowy group of people in the know, who know each other, who are known to some of us in this city and who, as Mr Haslem said, were a little too friendly. I congratulate Mr Haslem on his restrained language, and it may well be that one thing the Rally has to do is to learn not to be too outraged about this situation which is apparently at large in the Territory.

There are some things that one must concede are in existence. Firstly, white-collar crime is a particularly pernicious problem in society. The people who lose in that situation are nearly always private individuals. They are the people who really have no say in the events that surround them. On the list as a matter of importance for discussion in this chamber is the situation of commercial tenancies in the ACT. One aspect of the problem and malaise in that area comes from decision making which has not been consultative and which clearly has benefited a smaller sector of the Australian Capital Territory.

It is within that context that the Rally first made its decision to draw the attention of the people to concerns it had regarding the apparent conflict of interest situation of there being a senior official in the Administration who also was a large and prominent developer in the city. In the speech the Rally gave in this chamber - and I am responding, Mr Speaker, to the very points that have been raised in this motion - the Rally drew attention in a restrained manner to the dealings of a Mr Anthony Hedley and the dealings of Hamib Pty Limited.

Those statements were made extempore by me in this chamber because, strangely, the speaking order fell out that morning. As you will recall, Mr Speaker, Mr Kaine stood up and said that the first notice on the paper could not be led because Mr Humphries was not present in the chamber. Mr Kaine, who had served with Mr Hedley on the Gaming and

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Liquor Authority, informed the house that the number one matter on the issue that day on the paper could not proceed, and of course the Rally spoke extempore whilst its speech was still being run off upstairs. That is a difficult situation and one does not know whether that was a tactic or an accident.

In that speech, which one would otherwise have issued and read very carefully, I indicated a number of things concerning Mr Hedley's company. Mr Hedley wrote back to the Assembly and responded, in the Rally's view, in a completely inappropriate manner. But more inappropriate and more ominous was the fact that it was Mr Kaine who tabled his response. In tabling his response without notice of more than a few minutes to the Rally, the Rally was precluded from responding point by point to the issues raised by Mr Hedley. But more to the point, as I said in my reply to the tabling motion, I said that we should be careful to ensure that issues of privilege are dealt with in a privileges committee in a proper and reasoned manner, and not to turn this chamber into some pseudo court of law.

The concerns raised by Mr Hedley have been partly answered, to my knowledge, by a tenant at Thetis Court. One of the actions that Mr Hedley complained about was a statement by me that rents at Thetis Court have gone up by 80 per cent since the purchase, or words to that effect. I was shown, I believe on Friday last, by one of the tenants, whom I know personally and professionally, a letter directed to Mr Kaine, to the Chief Minister, and it is to be copied to me. I have had no hand in the production of that letter. That letter sets out very clearly a rent rise of 85 per cent. In fact, the last demand, only a matter of months ago, was a 29 per cent rise. So that matter which was reported in the press is in the process of refutation by those who were themselves affected. The other issues raised by Mr Hedley are issues which must be determined in due course in the proper forum and I do not propose to be goaded into providing privilege any further on those issues.

The issues that Mr Hedley spoke to were, firstly, the purchase of two blocks in Northbourne Avenue, and Mr Hedley concedes that he did purchase two blocks. He said in his letter:

The two blocks were purchased by Hamib Pty Limited as trustee of the Hedley Family Unit Trust on the open market via L.J. Hooker Ltd, for \$650,000 and \$750,000 respectively. The two widows were willing vendors who were concerned to avoid the excessive noise and fumes from Northbourne Avenue. One of the widows was represented during the sale...by her son, an Australian Airlines captain. The other widow was represented by her daughter, a Sydney businesswoman. The blocks were purchased several years after the final Policy Plan for Section 43 had been approved and after construction had been completed on three out of the nine blocks in that section. The blocks were available for purchase by anybody.

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Mr Hedley went on:

I made a full declaration of the purchase and the proposal -

and I will come back to that in a moment -

to develop an office building to the Secretary of the Department at the time. This was consistent with my usual practice -

I will read that again - "my usual practice" -

of advising the Secretary of any changes to my financial interests.

The current Commonwealth Director of Public Prosecutions is a co-author of a new and seminal criminal fraud text in Australia. The learned authors say in relation to issues such as questions of conflict of interest - my words - in recent days, "To these crimes are added others which are not dealt with or which are covered less comprehensively in standard works. Into this category fall new offences and the like".

In my speech detailing these matters of concern involving Hamib and Mr Hedley, I said very clearly that these issues may not be criminal, they may not be corrupt, but they raise concerns about the perception of open and honest government and insider trading, or words to that effect. Where else in Australia, except in Queensland recently, have we seen revealed dealings of this magnitude and size by senior officials?

The fact is, sadly, that Mr Hedley has added to the Rally's concerns. He now indicates to us that he kept the Government informed of every move he made. At each step he informed the Government that he was moving into, in this case, a block on Northbourne Avenue where two widows were concerned about excessive traffic and noise. As my colleague Mr Moore will tell you, some of the excessive traffic and noise in Northbourne Avenue stems from other developments which were the subject of considerable litigation in the Supreme Court of the Australian Capital Territory by concerned residents, deeply concerned about the encroachments of high-rise office blocks in residential areas, and of course Mr Hedley was moving into a residential area of the city at Turner.

What could be more provocative to community groups than for them to know that a very senior official in the Administration was himself a developer in those areas of contention? Is Mr Berry suggesting in his motion that there has been some impropriety or something improper done by the Rally in raising those concerns? Mr Berry will have the chance to answer my question and one hopes that the - - -

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Ms Follett: No way.

MR COLLAERY: The Chief Minister says, "No way". Well, this is very interesting. One hopes that the Government that has put this motion on is well prepared to respond to it as well. We will see. We will put this Government to the test now, and we have got all day, have we not; we have got the next sitting; and now we understand why the Deputy Chief Minister does not want to sit in spring. Well, it might be a new spring for him, but certainly it is autumn for the Australian Labor Party on this issue.

Mr Temby and a very great judge in the New South Wales legal system, Judge Adrian Roden, whom I have had the honour to hear and watch, are currently investigating concerns raised by the Independent Commission Against Corruption in New South Wales.

That commission proceeded in a reasoned fashion. It did not deal with scuttlebutt. It put an advertisement in the paper. Please bear with me, Mr Speaker. I am just passing through title searches and a number of other issues that the Rally has prepared for its eventual submission to the Assembly's Public Accounts Committee.

We have seen advertisements in the Sydney Morning Herald giving notices of public hearings. In this case - and I am being careful, Mr Speaker not to raise issues other than those in the public domain and not to say anything about current inquiries being conducted by Mr Temby and Judge Adrian Roden - this notice of public hearing appeared on 10 May 1989 in the Sydney Morning Herald:

The Independent Commission Against Corruption has decided to hold a public hearing having the following general scope and purpose:

to investigate:

- . the conduct of persons involved in the making of applications for the development of land within the Municipality of Waverley in the period from July 1982;
- . the conduct of persons involved in the processing and determination of such applications;
- . the conduct of Donald George Stait in the discharge of his duties of office as an employee of the Council of that Municipality between July 1982 and July 1988, and in particular his relationship with Dainford Ltd and associated companies; and
- . matters relating to any of the foregoing.

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I put to you, Mr Speaker, that the issues I raised with respect to Mr Hedley were indeed proper. They fit the concept which Mr Greiner is developing under his Liberal government in New South Wales and which obviously would not flourish under a Kaine government in the ACT.

It is shameful that good democrats in this chamber would seek to have the Residents Rally turn this chamber into a public hearing concerning named individuals. The fact of the matter is that on the day, or the day after, I made those comments about Mr Hedley in this chamber I had a conversation with Mr Hedley. He said to me, "I will address those concerns. I will be writing a letter. I will be explaining myself". Now, of course, Mr Speaker, the Rally understands like it has never understood before. Mr Hedley had the usual practice of advising his secretary of proposals to develop an office building and the usual practice of advising the secretary of any changes to his financial interests. He does have other financial interests. But he is not on trial here today; that is not the purpose of my discussion.

I am responding, firstly, to the allegation against the Rally that it behaved improperly in bringing to public attention the issues concerning Mr Hedley. I submit that that is an unfounded and a completely absurd suggestion when other assemblies in this democratic world have every right fearlessly to raise those issues. In fact, the Rally's view concerning matters of potential corruption is of course that they should always be dealt with in the proper forum, in the proper place.

To move to Mr Whalan, in question time the Rally asked two questions of Mr Whalan concerning any possible direct contacts he may have had with respect to current developments in the Australian Capital Territory. The Rally, before raising that issue, placed itself in the position to have a statutory declaration from a person, and that declaration goes far further than the innuendo implied, as my colleagues across the house say, in the question. But properly and decently the Rally has not put that allegation. The allegation could have been put in another way to the Chief Minister, to ask her about Australian Labor Party funds. But that has not been pursued, yet. The Rally takes the view that the correct procedures are to await the revelation of party donations out of the Electoral Commission reports, when and if they appear and when and if they are accessible, and then to raise those concerns probably directly to the parties outside this chamber to ensure that those concerns are met.

Given the direct grant which has been given in recent times for Wollongong Constructions, given a situation where the Rally believes that in the next two weeks the athletics track in Bruce may well be pulled up, the Rally sees its function in this Assembly as curtailing and drawing to the attention of the public the unilateralism of this Deputy Chief Minister.

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Mrs Grassby: Get to the point.

MR SPEAKER: Order!

MR COLLAERY: If my friends opposite wish to withdraw their motion, they may. They need all the time they have got to respond.

Mrs Grassby: We want you to put up or shut up. We want to hear what you have got.

MR COLLAERY: They have all declined to respond. Nevertheless, it will not dissuade me from this opportunity.

Mrs Grassby: We want the evidence, which you don't seem to be able to give.

MR COLLAERY: The issue concerning Mrs Grassby has probably already demonstrated the question that the Rally really raised. The question that concerned Mrs Grassby was directed not to Mrs Grassby but to the Chief Minister. The question to the Chief Minister was:

Is she aware that the National Crime Authority has interviewed a former Commissioner for Housing, Mr Grills, of this Territory regarding the discharge of a Commissioner for Housing loan given to one of her ministerial colleagues? If so, would she be prepared to look into the matter and provide a statement to the house on it?

What could be more restrained, Mr Speaker? The fact is that the question was not directed to the loan which was the subject of Mrs Grassby's response; it was directed to the discharge of the loan. I will not put further information forward in this speech about that, unless the Minister wishes me to.

Mrs Grassby: Let us get it out in the open now. Now is your chance.

MR COLLAERY: The Rally has information that the National Crime Authority interviewed or otherwise spoke to Mr Grills regarding funds transferred from the National Australia Bank in Griffith to discharge that loan.

Mrs Grassby: I have never had an account at the National Australia Bank in Griffith, Bernard, neither has my husband. You have just fallen down on that one.

MR COLLAERY: That is the Rally's information, Mr Speaker. The Minister invited me to mention that aspect just now. Prior to this question and prior to the Minister's request, we were not going to mention that aspect. That aspect should be one, as was suggested in the question to the Chief Minister, for the Chief Minister to look into. The

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question of the Chief Minister was: Would she be prepared to look into the matter and provide a statement to the house on it? The Chief Minister had the opportunity to contact any relevant parties including the National Crime Authority, through her crown law office and ascertain whether there was any substance to that question and to ascertain whether she could report to the Assembly that she had the full confidence in her Minister.

To date the Chief Minister has not answered the question. The Minister, Mrs Grassby, has answered an antecedent issue that the Rally was not interested in. The Rally has no interest in the loan. The Rally wants to know whether a Minister responsible for housing, a Minister with day-to-day contact with the Commissioner for Housing, is properly appointed, properly placed, appropriately placed in a position as head of a department when there may well be a situation where documents under her control have been or are the subject of investigations.

The very fact that they are the subject of investigations can raise questions of morale, questions of concern, among her own staff, for all she knows. They may be concerns that have no basis, they may be concerns that are overreactive, but the fact of the matter is that that is a very proper question to raise. If one looks through the Hansard of the other house, one will see a myriad of questions of this nature directed to Ministers, and directed to Prime Ministers, asking whether they are aware of certain matters that might affect their confidence in their Ministers. Are we to have here some emasculated chamber that does not have the willpower, the fearlessness, to ask questions? Is it proposed that the Rally be muzzled? There is clearly a highly personalised response by parties in this chamber towards the issues raised by the Rally. It falls on my shoulders to raise those issues and it is only proper that I be capable of shouldering your response. I do that, and I say that there are issues in this city, there are current issues where there will be clearly a concern - - -

Mrs Grassby: You really are struggling, Bernard.

MR SPEAKER: Order!

MR COLLAERY: Mr Speaker, I do not think anyone can ever accuse me of being lost for words; it depends on the physical capacity to deliver them. But I am well-trained in this regard because I have spent a good part of my career defending people in courts of law, and I well understand the concerns raised by Minister Grassby about her perceived harassment by matters. Mr Speaker, I read to you a minute paper of the Australian Federal Police dated 16 August 1988. The heading is "Operation Angler, Final Report". It reads as follows:

As you are aware, discussions with Chief Superintendent Mills and Detective Superintendent

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Worthy were held in June 1988 concerning the continuation of Operation "Angler" for a three month period.

Part of the arrangements were, to make available details of incidents involving departmental employees which police believe should be brought to the attention of the Department. These incidents have come to light during police investigations and are either of a minor nature or occurred several years ago, making the obtaining of evidence for criminal prosecution difficult.

The police investigations into these matters are now complete and attached are reports from Senior Constable Hermes -

That is Ashley Hermes, who is now employed by this Administration -

in relation to three departmental employees -

I will not name them.

detailing incidents which he believes should be brought to the Department's attention to enable them to take what action they deem appropriate. A draft letter to the ACT Administration is also attached.

The final report of Operation "Angler" detailing the people charged, charges preferred, and the status of each matter is attached. There have been 21 people and one company charged with a total of 146 offences preferred ranging from falsification of documents, receiving and giving bribes and secret commissions, to defrauding the Commonwealth.

Forwarded for your information and attention.

That has been sent in by Will Jamieson, who is a competent and able detective sergeant of the Fraud Squad. Mr Speaker, as a lawyer in this town, I claim to have some knowledge of the pushes and pulls of the legal process, and I have had a lifelong commitment to justice in all its forms.

Mr Wood: Is that why you keep a file on every member?

Dr Kinloch: I wish to raise a point of order, Mr Speaker. We are really enjoying this speech, which the opposition has asked to have. Could opposition members please let us sit and enjoy it? It is marvellous, we are enjoying it and it is going to go on for several hours. Could you please ask them to keep quiet?

MR SPEAKER: Order! The point of order is valid. Members are allowed to speak without interruption. Please proceed, Mr Collaery.

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MR COLLAERY: Thank you, Mr Speaker. The Rally's first statement to the people of Canberra was that it believes that self-government offers the first real opportunity since Federation for there to be a new model constitution affecting Australians. The will to have a new model constitution that allows the people of this Territory to set a new standard of conduct, to set a new quality of government, is the most exciting personal prospect that I see in this chamber and that I see in my own personal interest in being in government. I have a commitment that is well outside this chamber in terms of my interest in human rights generally, nationally and internationally. It may interest this chamber to know that I have spent most of the last three nights with a person fleeing a fascist government, a person who is seeking to acquire some of the freedoms that this motion by Mr Berry would quench, and that is the freedom to stand up fearlessly without being shot in the back and say that something is not right somewhere.

The Residents Rally supports the drawing of a constitution for the ACT setting out very clearly the acceptance by the people of the ACT of certain democratic values, with the expectation that they will be protected and reinforced by the Assembly on behalf of the people. How prophetic those words are, drafted in committee some months ago during the excitement of being able to form possibly in this Territory a new government, a government of great magnitude and great promise. It is an extremely sad situation for many of us in the Rally to see that we have to be subjected to the level of tactical abuse, the level of gamesmanship that we did not come here to see.

My colleague Mr Jensen has finished 20 years in the army, much of it in military intelligence. He is able and competent and he is a loyal Australian. He does not need to be here. He has interrupted his second career path. Likewise, my colleague Mr Moore is a dedicated community activist, a dedicated teacher, and he does not need to be here either. And it goes without saying that my dear colleague Dr Kinloch, the man with so many letters after his name that the Clerk of the Assembly had to find for him a larger visiting card, this marvellous person, this elder of the Assembly, has been shouted down from time to time and ridiculed for making a wonderful statement about the aims of Lafayette and the American constitution on Constitution Day. It should not be lost sight of that there were members of this chamber who gave up the opportunity to go and celebrate that great event over at the American residence on 4 July because the work ahead of them in this chamber, such as that of bringing forward issues fearlessly, could not be interrupted.

The Rally believes that there is evidence of extensive conflict of interest situations declared or undeclared in the administration of the leasehold system, our prime revenue base in this Territory.

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The other night with my colleagues I met a group of Canberra shopkeepers - my other colleagues have met other groups of Canberra shopkeepers - and sweeping this city is a realisation by the retail sector that its salvation only lies now with a Residents Rally. Mr Kaine laughs. Well may he, and one hopes that laugh goes around the city.

Mr John Bradford, who is the president of the Retail Tenant Association of Australia, has been in the Rally office, in this chamber, and has co-addressed meetings with the Rally. It is very clear that one of the great concerns of the retailers in this city, apart from interest rates, a topic which my colleague Mr Stefaniak will address, is that the squeeze comes from artificially contained shopping areas and regulated releases of commercial development sites, the result being that owners of modest little shopping centres sited in Canberra suburbs can demand rents comparable to interstate CBDs. This planning commercial disaster is costing us a lot.

What was the landlord contribution to the Business Review Committee during those years? We know that Mr Hedley sat on that committee that took notice of, hopefully, and was intended to take notice of, the concerns of the tenant class of this city. What clearer, what absolute, what more dreadful conflict of interests could there be than to have that situation? Surprisingly, and to do justice to Mr Hedley, the recommendations of that committee are all palpably good, they are mostly acceptable, but they have not been put into effect. Why have they not been put into effect? The Rally wants to know. The Rally has indicated that the member for Canberra, the Hon. Ros Kelly, was aware of these concerns, and we wish to know really to what extent ministerial knowledge of Mr Hedley's business and related interests went. Is it not a good example of our need to go back to the drawing board to deal with this situation to ensure that possibly wrongly based suspicions do not go abroad and that confidence in the public service is maintained?

In recent years the Victorian Government has developed insider trading and secret commissions legislation second to none in this country. There have been prosecutions in the Victorian Supreme Court which have set a new standard. With the help of the judiciary and competent, able draftsmen - and I am sure, Mr Speaker, we have both of these in this Territory - the Victorian Government has brought to book inside traders and other persons.

It seems clear that we need that level of innovative law reform in the Australian Capital Territory, and existing codifications of law, such as obtaining an advantage by fraud, do not match a situation where there is a wink and a nod and a friendly relationship. We all know - I would like the ministerial bench to hear this - that you can get into a situation where it is not always wise to be socially friendly, and socially prominent, with persons with whom - - - (Quorum formed)

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One issue which has divided the community greatly in recent times has been the question of a casino for the Australian Capital Territory. It is probably appropriate that I tell you that I have seen organised crime in its many variants in my career, and it is probably relevant that I respond to a suggestion on this morning's media that I was somehow obsessed with corruption. Let me tell you that maybe we are all facing corruption fatigue? The other and more frightening fatigue we get in this community is compassion fatigue. We stop feeling compassion for the losers in society. The losers in society are very often the people who are the victims of corruption. When I was a young person on a farm on the south coast - - -

Mrs Grassby: Is that your problem - foot-and-mouth disease?

MR COLLAERY: It is a noble occupation to grow up on a farm, I remind Minister Grassby. On that farm and on some adjoining farms owned by and willed by my father to my war-widowed mother there appeared "For Sale" signs by real estate agents. There had never been a suggestion that the land be sold. If Mrs Grassby wishes to understand the motivation of some people in this community about corruption, then I should tell her that to grow up in Wollongong is a great and vast education. In Wollongong I watched the estate agents graduate to the local council, and as a boy I watched our farms get stripped off us one by one by council resolutions.

There is a football ground in Wollongong now standing next to the migrant hostel where I grew up. That football ground is named after one of the aldermen who was part of Wollongong Incorporated, and that football ground is a monument to the dispossessions which occurred after the war to those people who lacked power in the community. It is a great introduction, as a young person, to go and look at a semitrailer and to put your head under a semitrailer and run some fingers over a tyre and feel the letters in braille. They are embedded in my mind, Mrs Grassby, the letters "CGW" - this was on a private semitrailer belonging to an alderman - "City of Greater Wollongong".

One proceeds in life through many things. The 1966 Australian taxation decisions record a decision against a person who acquired by resumption a farm at Albion Park. This was another farm owned by my family, and this farm was found to have blue metal on it. But my aged grandfather, who lived there alone, when I was up at university, could not pay attention to it and that farm found itself resumed under the soldier settlement program. It was resumed so that a soldier settler could go in there and increase the gallonage of milk - that was the argument - because - - -

MR SPEAKER: Order! Mr Collaery, the motion is that we look to ministerial and public service impropriety. I understand the logic of your explanations, but I think they

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probably are a little long-winded. Would you please get a little closer to the point.

MR COLLAERY: Mr Speaker, I was giving the Opposition a chance to know what makes me tick, but I take the point. Instead, Mr Speaker, let me say, in terms of organised crime, that I spent a good part of my life in and out of this country dealing with issues of that concern. It is one of the most insidious issues. I spent a great deal of time dealing with issues arising in Hong Kong, for instance, and I had the honour to work with persons from Hong Kong who ultimately formed there the Independent Commission Against Corruption. One of the first official Chinese investigators in this country worked with me for a number of years on issues of great concern affecting issues in and around Sydney and issues relating to the corruption that spread into our political processes. There is much that one can say about those years I spent, years of great and vast concern about my country.

The purpose of having an independent commission against corruption is to bring us up to date with developments elsewhere in the world where the club operates. The club comprises those dedicated towards enriching themselves and their friends at the expense of the community, and it is a very great challenge for a young person to try to understand the club and to see what was done in those years. It is probably an appropriate time for me to say to this Assembly that in the 1970s whilst working in Brisbane on some matters I came to conclusions about corruption in Queensland, having worked there on and off for 18 months. At one stage I worked there in a situation where I had to track down a public official who was providing documents - passports in fact and other documents - to give people another identity, and that official had a sideline. This official was providing passport information on attractive young Australian women who applied for a passport in Brisbane. That information was provided to the proprietors of a nightclub in Brisbane, and those proprietors would somehow try to get alongside the passport applicant to see whether they could seduce her or otherwise turn her into a heroin drug trafficker.

That was no concern of mine in my task, but I reported that matter to policemen named in the Fitzgerald inquiry. I understand that a policeman in Sydney was brought up to deal with that. His name was Rogerson. I also learnt to my very great distress and sadness later on that a nightclub involved in that counter-heroin racket was burnt down and a number of young persons lost their lives. Of course I am dedicated to the exposure of corruption. It does not extend to being obsessed. It extends, Mr Speaker, to the fact that - - -

Mr Moore: I rise on a point of order, Mr Speaker. I wonder whether I could actually draw attention to the fact that there is no quorum in here at the moment.

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MR SPEAKER: I believe there is a quorum, Mr Moore, at this time.

Mrs Grassby: Oh, he is going to go, so there will not be a quorum. Isn't this unbelievable? He is wasting the time of the rest of us.

MR SPEAKER: I will put the point to Mr Collaery. Do you wish to proceed without a quorum?

MR COLLAERY: No, Mr Speaker. There are some members who should hear what I say.

Mrs Grassby: I wish you would get to the point, Mr Collaery. I would like to hear it. As I said before, put up or shut up.

(Quorum formed)

MR COLLAERY: Those earlier comments predicated my introduction to the issue of a casino in this Territory. My concern about a casino is not a moral issue. My concern about a casino is that we have not clearly throughout this country got on top of organised crime. We have not been able to deal with those issues that beset the community in areas of club entertainment and the rest. The gaming squad in New South Wales has reported on many occasions, and the Moffatt inquiry reported in New South Wales, that criminal fraud and the like are highly concentrated around the casino. So I propose to speak to the casino issue now.

The casino is really one issue which is very pertinent to the motion before the Assembly. There is a situation developing where, unless allegations can be substantiated probably beyond reasonable doubt, they should not be raised in this chamber. Mr Speaker, I submit to you that that proposition, which is implicit in Mr Berry's motion, is absolutely absurd. Does that mean that, before a democrat in a chamber of this nature can raise an issue of concern, that matter has to be proved beyond reasonable doubt? Does it mean that the Rally is obliged to trial the issue itself and produce the evidence? Does it mean that? Clearly, the processes developed by the Rally in this chamber in the cut and thrust of politics are no different from those over on the other hill. It is only appropriate that the Rally pursues it, as probably one of the only groups in this chamber committed to working for the people on the issue.

The casino issue is very interesting. The same Premier of New South Wales, Mr Greiner, who brought in the ICAC cancelled the Darling Harbour casino within 24 hours of going into office. The fact is that there is a notable proponent of the casino in this town, and that is Mr Whalan. He is a very vociferous opponent of those opposed to it and he is a notable proponent. There is a man in this town saying that he has got the casino, that he is going to build it. There is a man saying that. Mr Whalan knows that man, and the Rally is very concerned to know

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that a man in this town is saying openly - and the Rally can produce a statutory declaration from an adult in this Territory, a competent adult known to an investigative journalist in this town - that he is going to build a casino. That person has had a number of direct grants in this Territory, that person knows - on Mr Whalan's own admission - and the Rally is very concerned. We want the matter aired.

Mr Whalan, in a restrained sense, was asked a number of questions to tease him out on that aspect, and he has not responded to it to the Rally's satisfaction.

What is wrong with the Rally arming itself with that information, taking the steps to say to that person, "Are you prepared to make a statutory declaration?", and raising it? This is not a pursuit of Mr Whalan per se. This is the pursuit of knowing what is going on in this Territory, the right to be consulted and to have a say.

Clearly, one effect of these matters is almost to make sure that certain processes now for section 19 will be proper. One effect of a question and a press statement the Rally gave before we adjourned the last time from this Assembly, about the Bruce Stadium, was to do exactly the same thing. It was to put Mr Whalan on notice that he could not move precipitately in terms of the athletics track until the financial aspects demanded by both the Liberal Party and the Rally had been determined. Mr Whalan can, if he wishes, give a full response to me when I say to him in this chamber: Why is Mr Geoff Da Deppo telling people, or at least a person, that he has the casino contract? Why is Mr Da Deppo saying that thing? We want to know why, we are entitled to know, and Mr Whalan is entitled to respond. He can respond by saying that we have offended the privilege of the house, and call upon me to do a number of things or be expelled from this chamber or whatever he likes. He has not taken that prospect. In a quite reprehensible fashion a tactical motion has been put on this morning "to flush Mr Collaery out". Well, he has just flushed me on, and we will keep doing it.

Mrs Grassby: Good, but let us get the evidence.

MR COLLAERY: You are getting it bit by bit.

Mrs Grassby: It is taking so long - typical lawyer.

MR COLLAERY: Mr Speaker, the Rally will remain statesmanlike in this debate. The Rally has no intention of descending to the level that the Labor Party or numbers of them have in this chamber recently. The fact is that we need in this Territory legislative reforms to ensure that the one great social issue facing the town at the moment in terms of the construction program, the casino, is faced up to very carefully.

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The fact is that the laundering of moneys in casinos has been for a long time a problem in the casino world. Money changes hands and is laundered. If only members of this Assembly could understand how Resorts International, an international company, operates. They have casinos in Bahamas and in other places. That company, Resorts International, also has the largest private security agency in the world; it provides guards to heads of state; it provides counterespionage for industrial situations; it protects all manner of things.

This is the new face of organised crime. The new face is to have a good front, and the fact is that Resorts International tried to get the Adelaide casino. It is well-identified in congressional hearings in the United States. Resorts International has a policy of inviting the rich and famous to premises associated with its casino. What you do, Mr Speaker, is that you have a residential block close to a casino - and those of us familiar with the section 19 proposal will see it there - and you use that residential block to invite politicians - - -

MR SPEAKER: Order, Mr Collaery! I think you are diverting slightly again.

MR COLLAERY: I will indicate, Mr Speaker, that our concerns were about the section 19 development and those questions were directed to Mr Whalan directly enough for him to discern what we were at. Those of us sitting opposite Mr Whalan saw that immediate flash of recognition that one often sees. I have been a lawyer, Mr Speaker, for many years and I know that witness box reaction.

The casino issue is extremely important to the people of the Australian Capital Territory. They need to be assured that the government of this Territory is in proper hands. They need to be assured that the Chief Minister has complete faith in her Ministers and that the Chief Minister will respond to the question raised on 4 July in this chamber as to whether she would look into the matter of an NCA interview with a former commissioner for housing. That is all we asked - no more than that she would look into it and make a statement. A great hoo-ha, a great burst of injured feelings, has developed about the loan. We did not ask about the loan.

Mrs Grassby: Well, what do you want to know about it?

MR COLLAERY: We asked about the discharge.

Mrs Grassby: Well, what do you want to know about the discharge? Tell us so that she will know.

MR COLLAERY: And we asked the Chief Minister whether she would respond.

Ms Follett: Read my answer, Mr Collaery.

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Mrs Grassby: Read her answer. Tell her and she will find out for you. What do you want to know?

MR SPEAKER: Order!

Mr Jensen: I rise on a point of order, Mr Speaker. The Government has given Mr Collaery an opportunity to speak on this particular issue. All they are seeking to do now is to disrupt the debate. I would respectfully request, Mr Speaker, that Mr Collaery be allowed to speak uninterrupted.

MR SPEAKER: Please proceed, Mr Collaery. I ask members not to interrupt.

Dr Kinloch: On a point of order; it is Mr Berry who raised this motion and he obviously wants to hear Mr Collaery. He is not here.

MR SPEAKER: That is not a point of order. Please proceed, Mr Collaery.

MR COLLAERY: Mr Speaker, the concerns raised - and I will summarise them again for those who wish it - were firstly a concern about Mr Tony Hedley. I have answered those matters. Mr Hedley in his response confirmed that he kept his Government informed of all the steps he took. That raises the most profound concerns for the Rally. It raises the question whether the Australian Labor Party in government has a proper perception of conflict of interest situations and a proper idea of the community interest, and in particular the development of a building in Northbourne Avenue during vexed community discussion about the encroachment of high-rise development in residential suburbs.

We indicated also the concerns about Mr Hedley's membership of the business leases review body at the same time as he was a Canberra landlord. That probably was declared to the Government and, as I have said, the recommendations of that report are probably acceptable to the retail tenants of this Territory by and large, with some updating. The fact is the recommendations were not implemented themselves, and we are concerned to know why. We do not imply that Mr Hedley was the sole reason for that, but clearly here is an Australian Labor Party without the resolve to ensure that its Government is beyond reproach.

The second issue raised by Mr Hedley concerned rents at Thetis Court. I read from a letter signed by Ross Gengos, Abels Records, Bougainville Street, Manuka. It is dated 30 June 1989. This is the letter that I foreshadowed earlier. The letter is as follows, and I believe it has been sent to each of the party leaders in this house. Did they come forward with it, Mr Speaker? I do not know. It reads:

I am writing about the proposed introduction of legislation to regulate business leases.

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The matter has considerable urgency for me as a retail tenant. Although we have successfully traded in this location for 14 years, rents are now escalating beyond our ability to pay.

After our building "Thetis Court" changed hands in June 1987, we had an immediate rent increase in July of 25 per cent, and in July of 1988 another 11.9 per cent. When outgoings are taken into account -

That is the compulsory outgoings the tenant has to pay under some of these iniquitous leases -

these percentage increases are even higher. We are now confronted with a rent review as of 1 July this year which asks for a further increase of 29.5 per cent on base rentals -

My words, Mr Deputy Speaker, the period after Mr Hedley purchased it -

...unless we are successful in reducing the latest demand, we have been confronted by a total increase in base rental of 81.6 per cent - and if projected increases in outgoings are included probably in the order of 84 per cent.

Mr Gengos goes on to state:

This increase corresponds to a period of downturn in real terms of retail demand, and certainly bears no relationship to increases in consumer price index. We are at a loss to know how to meet such demands as we are a retailer with no capacity to increase either margins or prices above the recommended retail set by our industry.

The current basis of "market" review is often an artificial concept as tenants are forced to accept ever increasing demands by the fear of the consequences of removal from locations in which they have built up the reputation of their business over a period of many years. Additionally -

Mr Gengos ends -

rents more and more frequently seem to be justified by the sometimes inflated prices often paid for premises in the area. Most tenants have little confidence in the existing channels available for arbitration in any dispute.

Our predicament is a very real one and I would be delighted to discuss it with you at any time.

I might add that in my evening discussion with Mr Hedley recently Mr Gengos was present. Compare that with Mr

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Hedley's letter to the Assembly where he said that he had been advised by his agents, Jones Lang Wootton, that the real increase was 27.5 per cent or thereabouts.

There is a profound difference in fact between Mr Hedley's letter and the letter put forward by the proprietor of Thetis Court. That raises other issues going to credibility and the rest, as any of us trained in the law understand. I say no more, other than to indicate that I have provided irrefutable evidence that my statement in the house about the 80 per cent rise in Thetis Court was an understatement. I seek to hear from the mover of this motion as to what his complaint is about that statement.

The proposals that the Rally wishes to make about section 19 have been aired from time to time. They are of acute concern to the Rally, and it is only proper that, if the Rally comes across information which it grades as reliable concerning Mr Whalan and his associate - an associate saying that he has got the casino contract - we raise it. I remind members that casinos are used for laundering drug moneys. Why is the casino being pushed so hard in this Territory? Who is behind it?

We now have the unresolved Verducci allegations. Verducci is a so-called supergrass whom the police used to discover a major drug ring here in Canberra. Verducci alleged that millions of dollars of drug money were being sent to the Labor Party funds. We have not got to the bottom of that yet. We had the royal commission of Mr Costigan; we got close to naming the Mr Bigs and identifying corrupt figures in the Labor Party branches in Sydney; and his inquiry was promptly terminated. The National Crime Authority has attempted to follow it further but appears to be running into the sands - which, as my friend Mr Wood said the other day, include the unwitting collaboration by the public in allowing values to be subverted in our society.

The real problem in Queensland was that the public took it as fair cop. The real problem in the Territory at the moment is that this Federal Labor Government allowed Mr Hedley, firstly, to declare the changes in his financial interest - that is, the erection of a large building in Northbourne Avenue purchased off two ground rents, the purchase for \$3.2m of Thetis Court in Manuka, and a number of other commercial enterprises - which clearly conflicted with his functions of being an objective proponent of the public service values and traditional values.

I challenge any traditional senior public servant in this Territory - the marvellous, honest men and women who established this Territory - to deny the words I just used. Why do those great people across the lake - people such as Sir John Overall; people who developed the National Capital Development Commission; people who put their lives into this town; Sir Harold White, a member of the Residents Rally; people such as that who are moving in droves away from the Liberal Party to the Rally - have doubts that we

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have? We have doubts because real values, community values in this town, including the people who were there ultimately to guard against them, have been subverted. We have to be careful, Mr Speaker, that in reacting to this "incorporated" problem we do not overreact and also, as the Rally warned in its policy statement, that we do not descend into a situation where we have a problem that the pendulum swings and we start to restrict rights.

Mr Speaker, I seek leave to have one of my colleagues sit next to me in this debate.

A member: Someone come and hold his hand.

MR COLLAERY: Well, I am not ashamed to have my hand held. The fact is, Mr Speaker, that, if the Labor Party wants to hear an informed debate, I will need some assistance because there is a massive quantity of information to refute the motion on my desk and in my safe. Who brought the first safe into this Assembly, a four-drawer safe ordered on the first day? It was so that the Rally could cart its papers in here and not have them lost or otherwise got at.

Mr Kaine: Mr Speaker, on a point of order, there is a clear imputation in that statement that members of this Assembly are in some way associated with stealing papers and documents from the Residents Rally. My office is on the same floor as Mr Collaery's and I really do ask that he withdraw that imputation, Mr Speaker.

Mrs Grassby: I second that, Mr Speaker.

MR COLLAERY: Mr Speaker, I unreservedly withdraw any imputation that any person could have derived from that in the Assembly. The statement I made, Mr Speaker, as the Hansard will show, is that the Rally wanted to make sure its documents were secure. The Rally has documents and the Rally has prepared its case for the establishment of an independent commission against corruption. It will proceed unless the Public Accounts Committee gets going quickly with a Bill in its own right.

The New South Wales Government has taken the nettle and run with it. A Liberal government cancelled the casino at Darling Harbour within 24 hours, established the Independent Commission Against Corruption, and it is sweeping the State. Council rents, municipal rates and a whole variety of issues will be improved for so many of the poor, the aged, the disadvantaged in our community when we find where civic councils are really spending the money. I have in this chamber the New South Wales Independent Commission Against Corruption Act. Framed against the background to that Act - - -

Mr Whalan: I rise on a point of order, Mr Speaker. I draw your attention to the words of the motion, which suggest that Mr Collaery is in breach of standing orders, as you had earlier ruled.

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MR SPEAKER: Please proceed, Mr Collaery, but be closer to the point.

MR COLLAERY: My friend Dr Kinloch has reminded me that Top Silk is on in town. Mr Speaker, I do not aspire to that, but it is going to be interesting to see what the judgment of the people is about this crafty, tactical move to put me on my feet on an issue that I am more than happy to speak about.

I want to summarise it again. I have refuted utterly the suggestions that we said anything improper or unfounded about Mr Hedley. We have managed to indicate that one of his statements is clearly wrong, and the witness lies in a letter from one of his own tenants. The other issues relate to Mr Whalan's concern about being named in this house - by himself, mind you - as knowing Mr Geoff Da Deppo.

I do not raise Mr Da Deppo up to any profound or horrific consequence. He is simply a person in this Territory. He may well be, and he probably is, a reputable person, but he has said, according to reliable information - and the Rally has taken, as I said, the precaution of ensuring that a statutory declaration can be secured - that he has got the casino, he has got the job at section 19, and he has said a few other things that I do not propose to raise in this chamber at the present time.

Mrs Grassby: Why not?

MR COLLAERY: Mrs Grassby will challenge me on that at the peril of her Government.

Mrs Grassby: I wish you would raise it. We have got nothing to hide.

MR SPEAKER: Order!

MR COLLAERY: I do not believe that unsubstantiated allegations should be raised in this chamber. The irony is that my friend Mr Kaine believes that, by saying that, one should muzzle this democratic process and not raise concerns. In his statement that unsubstantiated allegations should not be raised, does my friend Mr Kaine - who tabled the letter from Mr Hedley with alacrity in this chamber, the letter that is wrong - say that the words "unsubstantiated allegations" mean that I cannot in this chamber, Mr Speaker, under your capable guidance, raise reasonable questions that clearly are going to have some implication or innuendo? They are clearly going to stick and they are clearly, as we have seen, going to hurt where they land, but that is the process of democracy.

Mr Kaine: Perhaps unfairly, Mr Collaery, and the problem is that they do stick.

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MR COLLAERY: Let me assure my friend Mr Kaine and the house that I have spent many years in far more exacting circumstances where one needs to be very careful of what one says, and I am very careful, I assure the house. I do take precautions before I make statements in this house. The matter concerning Mr Hedley was fully researched. It is fully researched as to title dealings and caveats on title. It is a small town, and those of us in this town know that we can prepare reasoned concerns that are understood by the community. The Rally, of course, supports the view that the proceedings of this house should not be used to run unsubstantiated allegations when there is a possibility that those allegations can be attended to in another place.

Clearly, there has been vast inaction by the Federal ALP on those issues, and it is only with great compassion for those affected and it is only with great frustration that the Rally starts to niggle away at this problem. We will niggle away at it, and it will go. I absolutely assure the house that, before I leave this place, there will be established in this Territory an independent corruption inquiry system that will ensure those great values that the early public servants, the inheritors of this country, set up.

My father went to school in Goulburn and used to spend his weekends in Canberra. When I was going through his letters, letters written in an air force base in the United Kingdom during the war, letters to his family, friends, his wife, I read in one of the letters a statement he made about Canberra, the garden city. That letter dated 1942 from an air base somewhere is a very eloquent testament to the values that ordinary people have in terms of this city. It is a great letter. It guides me in much of what I say about Canberra. I also found amongst his books a book called Russia Unveiled. I found another book of his. I had it here in the chamber the other day but I did not think one should be so personal, so I did not say it. I have learnt so much about him from his pencil linings in those books. In the Russia Unveiled book, he speaks and he says - - -

MR SPEAKER: Order, Mr Collaery! Please stay close to the point.

MR COLLAERY: The issue before the house is whether Canberra deserves an assembly which will be forthright and fearless in raising matters of ministerial and public service impropriety. That is the motion, because the Rally has not yet come to that conclusion. The Rally waits to hear the response from those opposite us, but that is the motion they put. They put in the word "impropriety". If you look at the Hansard, you will see that the question asked of the Chief Minister was simply that she give us an assurance about a matter in relation to one of her ministerial colleagues. We got a response about a loan. The question was whether the discharge of that loan being

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investigated at the time by the National Crime Authority included matters that should concern her as Chief Minister and her appointment of a Minister for housing.

Mrs Grassby: Tell us what you want to know about it.

MR COLLAERY: The Minister chose to respond to that question and has not addressed that issue; the Minister obviously indicates that she would like to respond to it and she will have the opportunity when I sit down. She can respond to the transfer of the funds from Griffith to discharge that mortgage, if she wishes.

Mrs Grassby: I can tell you that, definitely.

MR COLLAERY: I warn her, also as a lawyer, that she is not obliged to answer the question, otherwise the proceedings might be taken down, but the problem is that the proceedings cannot be used in evidence. The real thing here is to flush the Rally onto the record so that those matters can no longer be used in evidence, because we all know that privilege applies to things said here. The fact is that the Rally will not be fooled into going too far on a few issues because protection applies and it can really seriously impede any usual inquiries.

The fact is that we have in Canberra a Rally of Canberra citizens who do not wish to be professional politicians. I said that my colleague Mr Moore is dedicated to teaching; my colleague Mr Jensen is dedicated to studies and matters that he wishes to pursue, having finished 20 honourable years serving this country including service in Vietnam; and my dear friend - - -

Mr Whalan: I rise to make the same point of order, Mr Speaker.

MR SPEAKER: Stick to the point, Mr Collaery.

MR COLLAERY: The motion is that the standing orders be suspended. They have been suspended and the Rally has not cavilled at speaking to the issue of ministerial and public service impropriety. The fact is that the word "impropriety" has been coined by the drafters of this motion. It has not been used by the Rally. The Rally has no intention of being flushed into criticising the vast number of honest and hardworking public servants of this Administration. The Rally is on record time after time as saying that the vast majority of public servants in this Territory are honest and hard working. They do certainly suffer the problems associated with - - -

Mrs Grassby: This is unbelievable.

MR COLLAERY: Associated with being part of and somehow inexplicably unable to dissociate themselves from some of those in their midst. I was reading the other night - - -

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Mr Moore: I rise on a point of order, Mr Speaker. When the Labor Party has put this motion forward and then Labor members continually interrupt, that of course makes it difficult for my colleague to concentrate on making sure that he manages to speak to the topic.

MR COLLAERY: The intervention by my colleague indicates where the intellectual capacities in this chamber lie, and I thank Mr Moore for helping me to get back on the path. I was going to say that recently I got some more bedtime reading. It is called A History of the German Resistance 1933-1945. That is a noble text. Few Australians know that from the year 1933 there was an active body of community members - - -

MR SPEAKER: Order! Mr Collaery, please address the motion.

MR COLLAERY: Thank you, Mr Speaker. The Residents Rally at the moment is becoming a resistance party to the party machines. It is having to battle this one alone.

A member: When are you going underground?

Mr Whalan: Good line.

MR COLLAERY: I am very saddened to see that I carry this motion on my own. This cowardly attempt to frighten me off will never succeed. I can assure you I will never be intimidated by the likes of those facing me, and in particular Mr Whalan and Mrs Grassby, the supreme tacticians, the very competent strategists they are, but they have failed this time. We have eloquent evidence of the concerns raised by the Rally. We have the first report of the ACT Administration on fraud control initiatives. It is there, and it deals largely with the blue-collar concerns of the Administration. The introduction to that report indicates very clearly:

In September 1987 and February 1988 the [Federal] Government decided that all Commonwealth agencies should pursue a systematic approach to fraud and bring forward a fraud control plan, for which ministerial approval should be sought.

The Commonwealth established, to my knowledge, a fraud control committee. Heads of department, including the heads of the Social Security Department, met and decided to develop a stratagem and other tactics to deal with fraud in the system - fraud being perpetrated both within and out of the system. This is an enlightening document. It is a document that sets the stage for a greater expansion of our awareness of fraud in government. Those who run government must set the standard, and the fact is that Ministers move to a new podium, which means that their conduct must be beyond reproach on issues involving the discharge of their office. It is not appropriate for the Rally to learn that a person in this city is saying he has got the section 19 contract, that he has got the casino job.

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Now we hear that, we hear it in a reasoned fashion, and we hear some other matters. We invite Mr Whalan to respond to this motion, just to tease it out a little bit. The word "impropriety" has been developed by the Labor Party in this debate, but let us see what its members have to say. There is no way, shape or form that the Rally is going to allow matters that may ultimately go to judgment elsewhere to be prejudged in this chamber and to be ruined for investigation by the laws relating to privilege here.

The Rally saw in its policies the need for a comprehensive assessment of policing needs in the Territory. We believe that the crime problems are variable of our many social factors and they must in turn be identified and tackled. In asking some quite reasonable questions that would be seen to be very moderate, even wimpish, in the other house, we have had an extraordinarily defensive response from the party machines in this house today. I am saddened that my Liberal colleagues were not with me on this day. I must say, and I am sure all my colleagues feel the same way, that we got something in the back this morning. It is a very sad day when that happens. We have come forward out of our own lives to run issues, and on this issue Mr Kaine says that he does not want to hear unsubstantiated allegations. The Rally welcomes a debate on what the standard should be in this chamber in terms of unsubstantiated allegations.

I remind the house that it is only through those forms of democratic address, the capacity to ask questions in question time, the capacity of some signally courageous people in this community to come forward from time to time, that we do have proper inquiry, the beginnings and the first glint of light thrown on the improper practices of government and Ministers from time to time. The events in Queensland are eloquent.

The fact is that this has been an extraordinary week in the life of the Assembly. The Rally has found out who its friends are and we will go it alone from now on. Clearly the Labor Government has got power. It is going to stay there, and we are going to stay on its tail. We got our answer on morning radio. Mr Kaine is in no way going to be reliable, clearly, on the issue of the independent commission against crime. We are not going to get the sustained support we want, and Mr Whalan's tactic - supremely competent he is in tactics - has succeeded. He has once again split the Rally and the Liberal Party.

It is very sad that that has occurred. The tone was set this week when the Chief Minister decided to respond in what we thought was a knee-jerk reaction to the Fitzgerald report. But we now see it for what it was: a very carefully crafted tactic to flush us out again on corruption, to divide the Assembly, to get Mr Kaine again to go forward with his sentiments about unsubstantiated allegations.

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I say in fairness to Mr Kaine that he probably holds those views honestly and fearlessly, but I do say to my colleague Mr Kaine that the difference between the two of us is: Where do you start with the problems in town; how far can we go; and what is the dividing line between propriety and impropriety? Clearly Mr Kaine and I differ, but I am certain that on the real issue of corruption and ministerial responsibility he agrees.

I regret that that wedge has been pushed between us again by the craftsmen of this house, and I congratulate the craftsmen on that. They have produced a situation where my Rally executive will surely say to me at the next meeting, "It looks as if you are going to have to go it alone". We were warming to a situation where we could determine what would happen if this Chief Minister could no longer at least support two of her Ministers. That looked like an interesting prospect. It looked as if we could get to collegiate government in this chamber. Of course, our hopes are dashed again.

The Australian Labor Party decided to give me unlimited time today to talk about a matter of ministerial and public service impropriety. I have raised in that address a further concern about Mr Whalan. I have indicated to Mrs Grassby that her response was about the loan and not the discharge.

Mrs Grassby: But I have asked you to tell me what you want to know about it and I will tell you. You still have not told me what you want to know.

MR COLLAERY: I have indicated to the Chief Minister that my question to her on 4 July was, in exact terms, that she provide to the Assembly a statement relating to her ministerial colleague. The question I asked of the Minister was this - and I want to remind people who state that we have made an unsubstantiated allegation:

Is she aware that the National Crime Authority has interviewed a former Commissioner for Housing of this Territory, Mr Grills, regarding the discharge of a Commissioner for Housing loan given to one of her ministerial colleagues? If so, would she be prepared to look into the matter and provide a statement to the house on it?

Mrs Grassby: I rise on a point of order, Mr Speaker. I remember the answer of the Chief Minister, who asked for the evidence, and she was prepared to look after it. We seem to have been all around the world with corruption, in every country in the world. Maybe we could go to Herodotus. I believe they had a lot of corruption, too.

MR SPEAKER: What is the point of order?

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Mrs Grassby: Could he give the evidence which the Chief Minister asked for?

Mr Whalan: Sit down.

MR SPEAKER: Thank you, Mrs Grassby.

MR COLLAERY: You were supported in that request for Mrs Grassby to sit down by Mr Whalan, who also told her to sit down. I thank Mr Whalan for keeping control of the house, as he usually does.

MR SPEAKER: I take objection to that.

Mrs Grassby: Yes, I take objection to it, too. You do a good job, Mr Speaker.

MR COLLAERY: I withdraw that comment, Mr Speaker. I meant keeping control of his party, as he usually does. Mr Speaker, that was my first big mistake; I hope there are no more. I am advised that Mr Whalan has three times said that the casino will proceed after the casino review committee was formed. I ask him to respond to that. I ask him to respond to the suggestion the Rally has received that someone in this town is saying he has got the casino job. I ask him to detail the length of time he has known that person, the extent of his social liaison with that person, if any, and I challenge him to indicate whether he will confirm to the house that the Australian Labor Party received in recent times donations from construction companies and, if so, the size of those donations and from whom they were received.

Mr Speaker, what is wrong with that sort of question? Is that an improper request? What is wrong with using this Assembly to ask questions of those who purport to govern us? The prospect that this motion offers to the Rally is that we can get the time this afternoon to be a little more specific. Over the lunch hour we may well produce some statutory declarations. I do not know if we can manage it in this time. If we had been given notice we would have done that, but it is a strange state of affairs when those to be guillotined erect the guillotine.

The fact is that there is one aspect that I cannot comment on in this town because there is a sub judice consideration on one of the matters that the Rally is concerned about. I am restrained in that regard, and I am sure that all the members will appreciate that the Rally wishes to proceed properly in a statesmanlike fashion to throw light on the oft-expressed concerns, often in editorials in this city, about how the city is governed and whether we have a real commitment to the highest values of keeping people at arm's length in the city.

One part of our concern about the section 19 development which is implicit in my question of Mr Whalan is that the Rally's policy, stated before the election, is that one of

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our first priorities will be "to review the complete workings of the gambling and liquor legislation in the ACT". The Rally said:

There will be a merciless exposure of organised criminal links in and around the ACT. Criminal fraud in the Australian Capital Territory is of extreme concern to the Residents Rally. The Rally, in government, will request the Australian Federal Police Commissioner to continue Operation Angler.

The Rally believes that standards must be set and maintained at senior level.

The Rally in government will not countenance insider trading, criminal fraud, racketeering, fraudulent tendering, bribery and other forms of chicanery.

Legislation will be implemented by the Rally to deal with insider-trading and public service industry revolving door appointments.

We all know about revolving door appointments. A disciplinary standard will be set "to deal with public servants who" - and I underline this - "without criminal intent fail to bring conflict of interest situations promptly to the attention of supervisors".

The Rally's agenda has been firmly set for months and months. We are only pursuing our announced aims in this chamber. I submit to you, Mr Speaker, that the two questions raised and put to Mr Whalan were not in the least bit scandalous, if you compare those questions with the sorts of questions and interjections made in the other house on the other hill, as Mr Whalan well knows having served four or five Federal Ministers in the governments of this Territory. The Rally has said - - -

Mr Stevenson: On a point of order, Mr Speaker; are we going to continue through lunch, it now being 12.30?

MR SPEAKER: I will take a vote of the house on that.

Mr Whalan: I am sorry; you can only take a vote on a motion, Mr Speaker.

MR SPEAKER: I can gauge the opinion; I beg to differ, Mr Whalan.

Mr Whalan: I am sorry; but, with respect, Mr Speaker, it would require a substantive motion.

MR MOORE: Mr Speaker, I move:

That the sitting be suspended.

Question put.

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The Assembly voted -

AYES, 10

Mr Collaery
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Stevenson

NOES, 7

Mr Berry
Mr Duby
Ms Follett
Mrs Grassby
Ms Maher
Mr Whalan
Mr Wood

Question resolved in the affirmative.

Mr Whalan: On a point of order, Mr Speaker; I wish to give notice that, when Mr Collaery finishes speaking, I intend to move a motion pursuant to standing order 213. The motion I will be moving will be that all documents from which Mr Collaery has quoted during his address be now presented to the Assembly.

Mr Stevenson: Mr Speaker, is this being raised as a point of order?

MR SPEAKER: Yes.

Mr Whalan: I would seek your assurance, Mr Speaker, that no document is taken from this chamber during this luncheon adjournment which could in any way frustrate - - -

Mr Jensen: I rise on a point of order, Mr Speaker. I understood that a vote had been taken and that a decision has been made. I am just wondering why we are going through this nonsense.

Mr Whalan: There has been no adjournment announced.

MR SPEAKER: Please be seated. I will take advice on this matter.

Mr Whalan: There has been no adjournment announced, Mr Speaker.

MR SPEAKER: Deputy Chief Minister, I will take advice on the matter.

Mr Whalan: We need to be sure that no documents are taken surreptitiously.

MR SPEAKER: Deputy Chief Minister, please resume your seat. I wish to take advice on the matter. Thank you.

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Members, my advice on this is that there is no point of order being raised by the Deputy Chief Minister. The sitting is suspended. The chair will be resumed at 2.30 pm.

Sitting suspended from 12.38 to 2.30 pm

MOTION TO SUSPEND SITTING

MR SPEAKER: Prior to the luncheon break I accepted a motion from Mr Moore that the sitting of the Assembly be suspended. I have considered the situation and I recognise now that Mr Moore should have sought leave to move a motion and that leave should have been granted by the Assembly before he actually moved it. I regret that the correct procedure was not followed. I intend that it not be a precedent.

MOTION TO SUSPEND STANDING ORDERS

MR SPEAKER: The motion to which the Assembly agreed earlier today was to suspend standing orders to allow Mr Collaery to speak. However, this motion does not suspend the temporary orders which the Assembly has adopted to allow question time to be called on at 2.30 pm and for the automatic adjournment to apply at 4.30 pm.

AUTHORITY TO RECORD, BROADCAST AND PHOTOGRAPH PROCEEDINGS

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

That the Assembly authorises:

- (1) the recording on videotape without sound by Australian Capital Television Pty Ltd of proceedings during question time on Thursday, 6 July 1989;
- (2) the use by any television station of any part of the recorded proceedings in subsequent news, current affairs and documentary programs; and
- (3) the taking of still photographs during question time on Thursday, 6 July 1989, and the use of such photographs in the print media generally.

QUESTIONS WITHOUT NOTICE

Union Ban

MR KAINE: I direct a question to the Chief Minister. Is it true that the TWU has placed a ban on the delivery of office furniture to this building? Is it true that this

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ban has been placed in response to the Police Offences (Amendment) Bill put forward by the Liberal Opposition and therefore represents simply an example of a union using its muscle to achieve its objectives? Does the Minister intend taking any action to ensure that the civil liberties of the members and staff of this Assembly will not be infringed and that the business of this Assembly is not impeded?

MS FOLLETT: I thank Mr Kaine for the question. I am not aware of the circumstances that he has outlined in the question so, Mr Speaker, I will take that on notice, if I may, and get some advice on that as quickly as I can.

Cleaning Procedures

MR WOOD: Mr Speaker, I seek your protection. Therefore I direct this question to you, if you will agree. You must be aware as are all other members, of certain cleaning work going on, on the ground and first floors of this building. Given the apparel of the people carrying out that work, it looks a somewhat dangerous procedure, and the fumes certainly have an effect on me. Can you give any background to this? Is there anything you can do to assure us of our safety?

MR SPEAKER: I accept the question, Mr Wood. I recognise the problem and, because 80 per cent of the air that is in this building is recirculated, we are all getting a dose of the fumes from acid cleaning of the floors in some areas of the building. I was aware that it was going on earlier on the ground floor, but I thought that was the only area to be treated. I believe they are now on other floors. Upon your notice to me that it was still going on, I contacted the Office of City Management and requested the work be ceased immediately and that it not be undertaken again in the future until after hours or during weekends.

Disposal of Tyres

MR MOORE: My question is to the Minister for Housing and Urban Services. Is the Minister aware that tyres dumped at the Belconnen tip were burnt off recently? If so, can she explain why this was allowed to occur in view of the contribution this action made to the pollution problem? Is the Minister aware of cryogenic methods of recycling of rubber products?

MRS GRASSBY: I understand that the tyres are buried at the Belconnen tip and this is also done, I understand, at the other tip. I understand the cause of the fire is not quite known at the moment, but it was under full control the whole time and there was no danger to anybody. They are trying to find out now what actually caused it. Tyres are buried very deeply at the tips.

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Tyres are some of the hardest things to get rid of. If somebody could come up with some way to recycle tyres or put them into something, that person would make a lot of money because there are a lot of tyres. Burying them is the only way of which we know at the moment. The tyres were buried, but unfortunately that fire got going and caused a problem. That has been under control, I understand, completely.

MR MOORE: I wish to ask a supplementary question, Mr Speaker. I asked the Minister whether she was aware of the cryogenic method of recycling tyres.

MRS GRASSBY: No, I am sorry, I am not. If the member would like me to check that out, I will get back to him.

Community Welfare

MS MAHER: I wish to ask my question of the Minister for Community Services and Health. An article in today's paper, on page 3, says, "Fraud not ruled out...". Can the Minister state categorically whether fraud has been perpetrated by staff of the community welfare branch of the ACT Community and Health Service? If so, will there be any prosecutions? If not, how does he account for the drastic increase in the cost of running this scheme?

Mr Moore: You will be able to put up or shut up shortly.

MR BERRY: I will put up. I thank Ms Maher for the question. I have been fully briefed on the matter. What has happened, which gave rise to the report in the Canberra Times, is that there has been a tightening up of administrative controls, which will mean more effective management of the program. But I should point out that there will be no disadvantage to people requiring emergency assistance.

I can understand that busy professional people may overlook the paperwork and that this may result in some cash discrepancies. Fraud is highly unlikely, on my information, but in the absence of paperwork to account for the discrepancies the Community and Health Service has requested the fraud investigation unit of the ACT Administration to conduct an investigation of the area and report back to me as soon as possible.

Bruce Stadium

MR JENSEN: Mr Speaker, my question is directed to the Minister for Industry, Employment and Education. Is the Minister aware that the construction project for the Bruce Stadium will result in the warm-up track not being

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available for use from August this year until February 1990, with the effect that training for the Commonwealth Games will be disrupted, no athletics competitions on a world-class track will be possible in Canberra for 1989-90, and the International Wheelchair Games scheduled for January 1990 will be prevented?

MR WHALAN: Mr Speaker, I thank Mr Jensen for the question. The negotiations with the various athletics groups, which were outlined in question time yesterday, have always been on the understanding that the redevelopment and upgrading of the warm-up track at the Australian Institute of Sport would be completed in time for the commencement of next season's athletic activities, and that, as I understand it, was always to be from the end of September. The program in relation to the redevelopment of Bruce Stadium was that it would be ready for the beginning of the football season in 1990. It is my understanding that there has been no departure from those dates.

Construction Industry

MR STEFANIAK: My question is directed to the Minister for Industry, Employment and Education. It is about the redundancy payment scheme in the building industry. Will the Government authorise the Long Service Leave Board to establish a construction and housing industry redundancy trust fund in the Territory, to save an estimated \$6m per year from the building industry flowing out of the Territory into interstate schemes if such a local scheme is not established?

MR WHALAN: Mr Speaker, this issue is under active consideration by the Government, which essentially has two options available to it. One is to participate in one of the existing operating schemes and the other is the possibility of using the administrative processes and resources of the building industry long service leave. It has yet to make a decision. The points which the member has made will be among the issues that will be taken into account in arriving at a decision.

Secondary Schools

MR WOOD: Mr Speaker, I direct a question to the Minister for Industry, Employment and Education. It reflects my interest, during the election campaign and earlier, in a report from the Schools Authority concerning high schools which we all identified as an area that needs attention. Can the Minister give any comments about that report and what outcomes there may be from it?

MR WHALAN: The report in relation to high schools is titled "Cohesion, Coordination and Communication". It is a

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working paper prepared for the Chief Education Officer by a group of secondary school principals. It addresses a number of areas in which improvements in the operation of ACT high schools are possible.

The report has been distributed to the Canberra educational community for discussion, and responses are due by the middle of this month. The Chief Education Officer has not yet responded to the report. He wishes to canvass the views of the wider educational community on the issues raised before considering the specific recommendations contained in the report.

The Government is concerned that ACT public schools offer the best education possible to their students. Given the concerns expressed in the community about ACT high schools, the Government will pay close attention to the outcomes of this particular question.

Legislative Program

MR HUMPHRIES: Mr Speaker, my question is addressed to the Chief Minister. In line with her policy of open government, will she undertake to provide the opposition parties with a weekly or fortnightly legislative program, as happens in Federal Parliament, or does she intend to keep the Assembly members in the dark about her Government's legislative program, assuming, that is, that she has one?

MS FOLLETT: I thank Mr Humphries for the question. Also, I believe it is an occasion to wish him a happy birthday. I hope that, as part of our birthday present to him, we will indeed be able to provide him with a legislative program in due course. It is something to which the Government is giving consideration now.

Mr Humphries: Can I share it with the others?

MS FOLLETT: You can share it with as many people as you like and blow out the candles if you wish, but I will certainly be happy to provide it to you and to update it regularly as soon as it has been drawn up.

Driving Licences

DR KINLOCH: Mr Speaker, my question is directed to the Chief Minister as Treasurer, but Mr Berry, the Minister for Community Services and Health, may have a concern and interest in this question. Recently the regulations for the licensing of drivers over the age of 70 were changed to require those drivers to have annual medical examinations in order to have their licences renewed.

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This involves some citizens in costs larger than those of their fellow citizens, at a time of life when extra costs are not easily met. So my question to the Minister is: Could she undertake to review this situation so as not to discriminate on the basis of age for those people over 70? Could free medical inspections be provided for them automatically?

MS FOLLETT: I thank Dr Kinloch for that question. Perhaps he is thinking of having a birthday as well. I do not know the detail that his question involves, but I would be more than happy to take it up for him and get some advice on the matter. I have been advised that Mrs Grassby is the Minister who would be looking after that area, but certainly we will check up on the detail and give a full answer as soon as possible.

Parks and Conservation

MRS NOLAN: My question is addressed to the Minister for Housing and Urban Services. Prior to ACT self-government, an ACT parks and conservation consultative committee was in place, with the membership appointed by the Minister, to advise on aspects of land management relating to nature conservation and outdoor recreation in the ACT. Will this Government be reconstituting a similar committee to allow community interest communication in relation to park management, nature conservation and outdoor recreation? If so, when?

MRS GRASSBY: I thank Mrs Nolan. I understand that the ACT parks and conservation consultative committee about which Mrs Nolan is asking has lapsed. Yes, we are looking at that at the moment. Of course there will be consultation, as we promised, with people involved in the community and other members of the house if that committee is to be re-formed.

At the moment it has just come before me. It has lapsed, and we need to decide what the Government is going to do before going back to the committee. We will be talking to the other side of the house about it. It will be gender neutral - is that the term? It will be fifty-fifty male and female, I understand.

MRS NOLAN: I wish to ask a supplementary question. What sort of time frame are we looking at in relation to making some decision on that?

MRS GRASSBY: At the moment, as I say, there are other things on the agenda, and committees are a little further down the line. That should be coming up, I would say, when the house sits next time.

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Awarding of Contracts

MR COLLAERY: My question is directed to the Minister for Industry, Employment and Education. I draw his attention to question on notice No. 2 which first appeared on the notice paper of this Assembly on 24 May 1989. That is a question about contracts awarded to a company. Will the Minister expedite a response to that question? It has been on the notice paper since 24 May.

MR WHALAN: Yes, I must say, Mr Speaker, during the proceedings yesterday I went through the list of the questions that were on notice, and I noticed that that had been on the notice paper for some time. I have asked my staff to expedite a response to that, and I will try to get it to Mr Collaery as quickly as possible.

MR COLLAERY: I wish to ask a supplementary question, Mr Speaker. Is the Minister informing the Assembly that he first saw the question yesterday?

MR WHALAN: No. What I said, Mr Speaker, was that on going through the notice paper yesterday I noticed that it was there, and it reminded me to mention it to my staff to see what was happening about preparing a response to it. So I did not just notice it yesterday.

Building and Construction Statistics

MR STEFANIAK: My question is addressed to the Minister for Housing and Urban Services. Will the Minister advise whether the April 1989 private sector building and construction statistics for the ACT are accurate or whether the figures published are understated and do not include the true downturn in private housing permits and approvals? Is it this Government's policy to withhold this information, as at present figures which were available at short notice are now taking months?

MRS GRASSBY: I have to take that question on notice, but there has been no decision to hold anything back. I will have to check with the department to see why that has not been addressed. It has not come across my desk.

Hansard

MR HUMPHRIES: My question is to you, Mr Speaker. Can you comment on the report in today's Canberra Times headed "Fear of libel puts limits on the ACT's 'Hansard'"? In particular, is legislation planned which will facilitate protection from defamation to the printers, publishers and distributors of Hansard?

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MR SPEAKER: I am unaware of the circumstance with regard to legislation, but let me assure you, the members of the public and members of the Assembly that the daily Hansard is available to members. The daily Hansard is available for perusal in the Hansard office. The reason why this is not available for general distribution is that it is a proof copy only, and therefore we should not let it go outside the Assembly. But anyone who is interested in looking at it can do so in the company of the Hansard staff. Also, we have available the Weekly Hansard, which takes some time to produce. That is available to members of the public who request a copy of it.

So I do not see that there is any problem with holding back of information as printed in Hansard to report the events in this house. I think it is open to the public, and I do not see that we have held it back in any manner because of legislation being in place or not being in place. I hope that answers your question.

Bus Service

MR DUBY: My question is addressed to the Minister for Housing and Urban Services, and it is in relation to the publication Bus Book 2. Given that commuters need to purchase this book which contains details of every available bus service in Canberra, even though they may need details of only a few, I would like to know: Is a profit made from this publication or is it provided at a subsidised cost to commuters? Can persons who merely wish to obtain information on one particular bus route do so without purchasing the complete book of timetables?

MRS GRASSBY: I thank Mr DUBY for the question. There were 60,000 copies of Bus Book 2 printed. These were printed by the Government Printing Office; the cost was \$160,000. When they were sold - and after paying commission to newsagencies and such - there was \$90,000 revenue. This went back into ACTION. So we lost money on the deal. The book still returns a little money. We are printing the sheets which are free and they will be distributed free.

The one thing about having the books printed was it gave people an opportunity not to have to go out and find all the sheets; they had them in one book. But the other point is that, when this book was released, I arranged for copies to be sent to organisations such as ACTCOSS and Jobless Action so people who really needed the book but who could not afford to buy it could have access to it. Also, I sent copies to all the Federal members' and senators' offices, asking that they keep them in their offices so that they could be photocopied if somebody needed a page desperately and it could be sent out.

When I sent them out to the organisations, I also suggested they keep one copy in the office for this reason. If there

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is any organisation which any member in the house knows would need some copies because people really cannot afford to buy one, then I am quite sure we could help them out in that way. But the sheets are available and they are free.

MR DUBY: I wish to ask a supplementary question. Given that these books have been provided to our Federal members, would it be appropriate that copies be provided to members of this Assembly?

MRS GRASSBY: I am sorry that I did not go on with that. There is a package to be sent to all the members, with not only a book but also an outline of ACTION buses and a whole lot of information about ACTION buses. Members will be getting invitations to visit one of our bus stations and learn a little more about it, for those who would like to go.

Self-government

MR STEVENSON: My question is directed to the Chief Minister. Would she please inform this Assembly whether she has received legal advice on the constitutional validity of this Assembly and self-government.

MS FOLLETT: I thank Mr Stevenson for that question, which is difficult to answer because it is true to say that during the election campaign - before the formation of the Government and before the outcome of the election was known - my party, the Australian Labor Party, sought legal advice from a very eminent constitutional lawyer on that question. It established beyond any shadow of a doubt in my mind and my party's mind that there was indeed no impediment to self-government by virtue of the constitution. Since the election outcome has been known and since the Government has been formed, I have not sought further advice.

MR STEVENSON: I wish to ask a supplementary question. In the interests of open government, I wonder whether the Chief Minister would be kind enough to obtain and make available to this house that legal advice.

MS FOLLETT: The legal advice which the Labor Party sought and for which it paid? I have no objection to that, but frankly the document is not within my control. It is a document of the Australian Labor Party and, as I say, it paid for it and paid quite dearly. I am quite happy to ask my party whether it would wish that document to be released. I think that it was made available during the election campaign anyway. But certainly I am happy to ask the party if it wishes to see it given another round.

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Secondary School Courses

MR MOORE: I refer the Minister for Industry, Employment and Education to an article in today's Canberra Times by Stephen Boyden, a professorial fellow in human ecology at the ANU, recommending the introduction of a core subject of biohistory to all secondary schools. Biohistory, according to Stephen Boyden, is "an integrative and coherent system of knowledge that reflects the sequence of happenings in the history of the biosphere and of civilisation from the beginning of life to the present day".

Will the Minister give serious thought to the introduction of such courses which attempt to expand students' intellectual understanding rather than concentrating their learning on courses simplistically calculated to respond to economic interests and pressures?

MR WHALAN: I thank Mr Moore for the question. It continues a series of questions which demonstrate his interest in the education part of my portfolio. A feature of the ACT schools system is excellence. Only yesterday or the day before I had the opportunity, in response to a question from Mr Humphries, to indicate the achievements which have been made by students from our ACT schools system under the ASAT procedures, and compared with the rest of Australia those results in the ACT are quite excellent.

But the system is also a dynamic one; it is one which is subject to constant change and constant review. The earlier question from Mr Wood, which I answered, is an indication of that ongoing process of continually reviewing the education system and attempting to improve it. It is one of the advantages of a relatively small system and a relatively flexible system, which we have in the ACT. I am not familiar with the particular issues that the member has raised, but certainly I will get a more direct response in relation to that issue from the Schools Authority and let him know.

Water Recycling

MR PROWSE: Mr Deputy Speaker, I address my question without notice to the Minister for Housing and Urban Services. I refer to the need for a substantial increase in the water storage facilities of the ACT, which is required in order to match the increasing demand for domestic water supplies in the Territory. Based on the fact that advice presented at numerous forums on water treatment shows that the water leaving the lower Molonglo sewerage treatment works is of a very high quality and also based on the fact that other dry nations such as ours - for example, Israel - effectively conserve this precious commodity by recycling, is the ACT Government not in a position to take the lead in Australia and install a water

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reticulation system which will supply recycled water to homes which can be used for gardening, other outdoor activities and toilet flushing?

Based on that, can the Minister advise: Has the proposal for a second domestic reticulation system for recycling used water been considered? If such a consideration has been made, then what were the estimated costs of such a proposed reticulation system? What is the dollar saving to be gained from this proposal compared with the building of a new dam?

MR DEPUTY SPEAKER (Mr Stefaniak): I would ask members to keep their questions short if they can. I know Mr Prowse has not had a chance to ask one before.

MRS GRASSBY: The Chief Minister says I should give a short answer. May I say that I cannot give Mr Prowse all the answers to that, and I will get back to him. But, like him, I believe in conserving water. Most of our water in Australia runs to waste or runs to the sea. Coming from an irrigation area, I appreciate how important it is. I lived in an area where we wanted another dam built to save water that was running down the Murrumbidgee, because we had to order it a week ahead but if it rained then and we did not take the water it all ran down the Murrumbidgee and we lost it. So, can I say yes, we will be looking into that, although we have on the agenda the fact that a new dam has to be built. I am quite sure if there is a way of not spending the money we will find it. So I will get back to him with those figures.

AIDS Testing

MR WOOD: Mr Deputy Speaker, I direct a question to the Minister for Community Services and Health. It concerns the controversial issue of AIDS testing. Has the ACT Government or the Minister examined the issues surrounding testing for AIDS before surgery? Are any decisions to be reached in this matter? What information can he give the Assembly?

MR BERRY: I thank Mr Wood for the question. Because AIDS is a very serious problem for those who undergo surgery and for those who perform it, the Government is concerned about it, as are doctors, patients and those who might consider that one day there is some risk of their being patients. Mr Deputy Speaker, Australian health Ministers at a conference in March this year, unanimously rejected a call for mandatory testing for AIDS. The Australian Medical Association has also endorsed such policies and agreed that patients should voluntarily submit to AIDS testing before treatment. So I think that those who find themselves in the unfortunate circumstances of having to undergo surgery should volunteer for that sort of testing, but it will not be a requirement under this Government.

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Chief Territory Planner

MR COLLAERY: My question is directed to the Chief Minister. Will she advise the house whether she adopts the notion that the appointment of a chief planner is extremely important for the future of the Territory? If so, will she advise the house whether she will undertake to have the position, which we understand is not yet filled, advertised nationally and internationally?

MS FOLLETT: I thank Mr Collaery for that question. I am sure that most members would be aware that that position is actually filled by Mr Geoff Campbell and that Mr Campbell has been performing the role of the Chief Territory Planner - - -

Mr Kaine: It is on an interim basis.

MS FOLLETT: On an interim basis, as you say. I think that the future of that position is one to which I have not given active consideration at the moment, but I take on board Mr Collaery's comments that he believes the position should be advertised nationally and internationally. I have not formed a view on that, other than that if and when the position is advertised and filled, the normal principles of merit selection and equal opportunity will apply.

MR COLLAERY: I wish to ask a supplementary question, Mr Deputy Speaker. I thank the Chief Minister for her response to that question. Will she undertake to consult the Assembly's planning and infrastructure committee and the leaders of the parties in this house with respect to both the form of advertisement and a final appointment?

MS FOLLETT: Mr Deputy Speaker, I am caught a bit unawares by this question, as I think it involves some fairly far-reaching considerations as to the role of the Government in selecting and appointing to positions of the sort to which Mr Collaery is referring. I am of course open to consultation on all matters; I am happy to take people's views on matters, including those of appointment; but I do not think it would be a wise precedent to set in general that matters of a confidential nature, such as the applicants, the interviewing and the selection for a position, should become widely known. I think that would be very unfortunate if that were to be the case. There are confidential issues to be observed there.

However, I take on notice Mr Collaery's interest in this position and in involving the Assembly's committee in it. I undertake to give some thought to what role the Assembly's committee might play in the selection for this position, but I do not believe it would be appropriate at this stage, Mr Deputy Speaker, for me to give the kind of undertaking that Mr Collaery seeks.

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School Visits to Canberra

MR MOORE: My question is directed to the Minister for Industry, Employment and Education. He is aware that the Residents Rally has proposed that all school students throughout Australia be encouraged to make a visit to the national capital. What concrete steps has the Minister taken to implement this well-received proposal?

MR WHALAN: The Canberra Tourist Bureau has upgraded its activities in the schools promotion area. In recognition of the importance of the youth market to tourism in the ACT, the bureau has appointed a youth promotions manager to define the area and develop strategies to attract youth to Canberra, not just in the traditional school excursion groups but also in family and sporting groups.

Far from reducing its services to school groups, the bureau has carried out a comprehensive review of the services previously provided and has begun a program of developing these services to meet more closely the needs and capture the imagination of today's school children. For example, a theatre program is being developed to replace the lecture on Canberra. A series of youth news sheets featuring photographs of Canberra children and celebrities is being published, emphasising the many and varied attractions of our city and its region.

To support our travelling youth sporting teams in their role as tourism ambassadors, the compete in the capital project has been devised in liaison with the sport, recreation and racing branch of my department. It is vital for us to recognise that the experience of children brought to Canberra must be exciting and memorable so that they return home as dedicated ambassadors for their capital.

Bruce Stadium

MR JENSEN: My question is directed to the Minister for Industry, Employment and Education. Is it correct that he has made claims that the Bruce Stadium will hold some 28,000 people when it has been refurbished? If so, how does he explain the discrepancy between this figure and the specifications for toilets in the upgraded stadium for only 16,000 people?

MR WHALAN: The provision of toilet facilities has been one of the extraordinary disadvantages of the current facilities at Bruce Stadium. It has always been a feature of Bruce Stadium that there has been insufficient provision of toilet facilities for spectators at the stadium. That was not quite so important because the stadium was very rarely used, so very rarely did the demand arise for toilets to be there.

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But now, with the new promotion of the stadium by the trust, we expect that it will have quite heavy usage. So a major feature of the upgrading was the provision of toilets, and those additional toilets are being provided in four separate blocks at appropriate locations around the field. The number of 16,000 clearly indicates an appropriate number for which to provide.

On occasions when it is likely that there would be the need for additional toilets we anticipate that we would be able to hire the toilets which are owned by the Canberra Festival committee and which are used quite regularly where additional toilet facilities are required.

Bruce Stadium

DR KINLOCH: Mr Speaker, my question is addressed to the Minister for Industry, Employment and Education as Minister for sport and recreation. Is he aware that the planned construction of an access road as part of the Bruce Stadium works will remove part of the main cycleway from Belconnen to O'Connor? If so, will the Minister give this Assembly an assurance that alternative arrangements will be made for the cycleway?

MR WHALAN: It is the access road to the warm-up track to which I think you are referring, rather than to the Bruce Stadium.

Dr Kinloch: Yes, the phrase was "the Bruce Stadium works" - the whole thing.

MR WHALAN: Yes, it is an access road which will be taken around the southern side of the warm-up track to provide access to the redeveloped grandstand and office facilities, change rooms and that sort of thing. The fact is that that cycle-pathway is not officially gazetted; it is an unofficial cycle-pathway and I understand - and I will confirm this and let Dr Kinloch know - that steps are under way to regazette and make official the cycle-pathway in that area. It may not be in exactly the same location, but it will certainly provide the same general route for cyclists to follow. I will check on that and let him know.

Union Ban

MS FOLLETT: At the beginning of questions without notice Mr Kaine asked me a question about the possibility of TWU bans on this building. I have been provided with some advice by my staff on that matter. While there are currently no bans on this building, there is indeed some concern that they may be instigated, and currently discussions are going on between the union, the TWU, and the Administration officials to try to resolve the matter.

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MR SPEAKER: I will hold up proceedings for a few moments while the television cameras and other equipment are removed. It is just a pause in proceedings; it is not an adjournment.

SELF-GOVERNMENT - SELECT COMMITTEE

MR SPEAKER: I have received letters nominating the following members to the Select Committee on Self-Government, namely: Mr Duby, Mr Jensen, Mr Kaine, Ms Maher and Mr Wood.

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

That Mr Duby, Mr Jensen, Mr Kaine, Ms Maher and Mr Wood be appointed to the Select Committee on Self-Government.

POLICE OFFENCES (AMENDMENT) BILL 1989 - SELECT COMMITTEE

MR SPEAKER: I have received letters nominating the following members to the Select Committee on the Police Offences (Amendment) Bill 1989, namely: Mr Collaery, Ms Maher and Mr Stefaniak.

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

That Mr Collaery, Ms Maher and Mr Stefaniak be appointed to the Select Committee on the Police Offences (Amendment) Bill 1989.

MINISTERIAL AND PUBLIC SERVICE IMPROPRIETY

MR COLLAERY: Mr Speaker, I rise to continue my response to a motion moved this morning by Mr Berry to give me, in Mr Berry's words, unlimited time to speak on the matter of ministerial and public service impropriety in the Australian Capital Territory. The very interesting thing about this, Mr Speaker, if I could make a comment, is that this question was phrased, of course, by the Government and the word "impropriety" was, of course, used by the Government, so clearly it regards the topic as containing such magnitude as to give me unlimited time to respond to it.

One realises that there is a certain contradiction between the tactic employed by this group opposite me, the tacticians of this house, and the reality. The reality is, Mr Speaker, that the bully boy intention - I should say, with my friends' indulgence, the bully boy/girl intention - was to ensure that the Rally would be lost for words and

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that some kind of demonstrative event could flow from the Rally sitting down without rising to the issue. Mr Speaker, in the best traditions of the Hop Harrigan radio programs, I will now summarise the morning's dramatic instalment so we can proceed with the afternoon's. This morning we saw a lot of hop-hops, because people got to their feet on points of order, but I hope that I can proceed with the rest of this debate in a fair sense of compassion for someone who is so deeply concerned, as obviously Mr Berry is, for that topic.

Mr Speaker, the issues raised relate, on the statements from the members of the house opposite me, to comments made by the Rally, principally made by me, in this chamber. Those comments, when one reviews Hansard, relate firstly to a commentary made by me concerning a named official and an unnamed official when moving the motion for the establishment of a form of independent commission against corruption in the ACT. In that debate I mentioned a number of concerns relating to a former senior official of the Administration, a Mr Anthony Hedley.

We know that since that time a letter from Mr Hedley has been tabled in the house, responding to some of the points I raised. This morning I went through the three principal points raised by Mr Hedley. With respect to one such matter - that is, that Mr Hedley's company, whilst he was a senior official, purchased two homes in Northbourne Avenue for \$650,000 and \$750,000 respectively - I indicated that the most compelling and important aspect of that declaration by Mr Hedley was, in his words, that he made a full declaration of the purchase and the proposal to develop an office building to the secretary to the department at the time.

This was consistent with his - now wait for the words, Mr Speaker - usual practice of advising the secretary of any changes to "my financial interests". So clearly Mr Hedley refers to a practice, and he clearly refers to the fact that the Administration had cognisance of that practice. That really is the important aspect arising out of the first section of Mr Hedley's report, and I said this morning that that was an indictment of an administration which could countenance that level of involvement in development activity from an official involved at senior level in an administration charged with the overall conduct of this Territory, including the issues of development.

The next point raised by Mr Hedley was that he paid, amongst other things, a \$15,000 fee to extend the terms of the crown leases for a fresh 99 years. He mentioned that the amount represented 10 per cent of the unimproved capital value of the land. We can all tell that that means that if he paid \$15,000 the unimproved value was \$150,000. It seems, Mr Speaker, on its face, that \$150,000 for two residential blocks relates to the valuations, the UCVs, of those blocks before they were purchased for the sum of \$1,400,000 by this senior public official.

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So, the concern of the Rally is: Why would the unimproved capital value datum base be the unimproved capital value of the two blocks that were formerly in the hands of the two widows? Was the correct valuation not something approaching what Mr Hedley paid, as he claims, on the free and open market - \$1,400,000? That would have meant that \$140,000 was paid. Mr Speaker, they are legitimate concerns. There may be technical reasons, but we doubt them, because we have seen the manuals available to the Administration. There may be technical reasons why the decisions were taken by the officials. But on the face of it, and as a matter of practice, and bearing in mind the necessity to protect the revenue and maximise the revenue, there is something inexplicable about that issue. It is the very issue of betterment that of course has been a major issue in the election campaign, not only by the Rally. It is in the Rally's interests to see the issues of betterment made certain for both developers and others affected by them; that is, the ratepayers who might otherwise pay more rates because not enough revenue is brought in. So, Mr Speaker, the issue raised was a proper one. We used a specific example and it was properly the case for those issues to be raised.

Mr Speaker, the next issue Mr Hedley took up in his letter was that he had been advised by his managing agents that in relation to Thetis Court, which he had purchased for some \$3m about three years ago, the rentals had gone up exactly 27.6 per cent. Yet I have a letter, which I will make available under the standing orders at the Deputy Chief Minister's request, from a proprietor of one of those stores. He justified, on the basis of this letter, that his rent up to 1 July was projected at a rise of 81.6 per cent. The figures are there. They can be debated somewhere else. But there is a complete answer, Mr Speaker, to the questions raised.

The other issues that seem to have concerned Mr Berry, but more importantly certain of his colleagues, are questions raised on 4 July 1989 in this Assembly. The first related to a question I directed to the Deputy Chief Minister, asking whether he had negotiated a donation from a director of Wollongong Constructions and, if so, would he indicate where the funds were banked. What is wrong with that question, I ask the Assembly. What is wrong with that question? If one looks through the Hansard of the other house, one will see that type of question commonly asked in relation to any manner of things. If there were an implication there, how else could one get the question out, Mr Speaker?

The next question asked of the Deputy Chief Minister was a follow-up one. The question was whether he had met with a director of Wollongong Constructions to discuss, among other things, the section 19 development? The supplementary question, of course, asked the Deputy Chief Minister if, in any event, he met on a certain date, a director of Wollongong Constructions.

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Mr Speaker, the remaining issues are the only issues that those sitting opposite me can complain about, because they are the only questions raised that go to the question of impropriety of Ministers and public servants. The other was a question directed by me to the Chief Minister, asking her if she was aware that the National Crime Authority had interviewed a former Commissioner for Housing, Mr Grills, regarding the discharge of a Commissioner for Housing loan given to one of her ministerial colleagues. The Chief Minister was asked whether she would be prepared to look into the matter and provide a statement to the house. I submit that that is not an inflammatory question. That is a reasonable question when one considers the fact that her ministerial colleague has ministerial responsibility for that particular area of government, the Commissioner for Housing. The Chief Minister said she was quite happy to undertake an inquiry and, provided she had the information, the inquiry would be undertaken in a timely and efficient manner.

So there we are, Mr Speaker. That is the summary of events in the Assembly. Since that time, there has been a suggestion that those questions represent allegations. Certainly, I would concede that the issues affecting Mr Hedley allege at the most, a conflict of interest, as we said in that speech. We specifically said no suggestion of corruption was being made, and that the issue was being raised as an example.

Elsewhere we said we did not necessarily believe that when an independent commission against corruption was established it needed necessarily to go backwards, even though I indicated in the Assembly today, Mr Speaker, that the New South Wales Independent Commission Against Corruption, in at least one of its references, was going back to issues and events at the Municipality of Waverley for a period from July 1982 onwards.

Mr Speaker, the Rally is trying to be reasonable about an issue on which it is receiving a lot of messages. The Rally is raising issues that on their face appear to be reasonable. It is raising issues after having made due and careful inquiry with the resources available to it.

In respect of the matter involving the Chief Minister's colleague and the National Crime Authority investigation, the question raised by the Rally was very genuine, because the Rally did not know the outcome of the National Crime Authority investigation. It simply wanted to know and have the issue put at rest. The responses received in respect of the latter matter related to a loan issue. That matter was not raised by the Rally. The Rally wanted to know what the outcome was in relation to funds used to discharge the mortgage and it sought an assurance in that regard.

Mr Speaker, the Rally may be in its early years in this Assembly and there may be times when the Rally goes at an

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issue at a fairly hard pace, but it does come out of the community. I submit that the community feels a deep sense of injustice and outrage at some of the inequalities of life in this city. Those views are shared, as I said during the morning debate, by a large number of retail traders in this city, who are moving behind the Rally on the important issue of their economic circumstance, the failure to properly regulate their business leases, and the like.

I then outlined the welcome speech given by Mr Greiner, the Premier of New South Wales, in introducing the Bill to produce an Independent Commission Against Corruption Act in the State of New South Wales. The Premier drew attention to a number of issues. One statement he made really rang true to me this morning. I will read it out:

No government can maintain its claim to legitimacy while there remains the cloud of suspicion and doubt ...over government...

I submit there have been sufficient illustrated examples of concerns in the ACT Administration to justify some putting to rest of that cloud. It is most regrettable that that cloud lies above the heads of the vast majority of honest, decent, hardworking civil servants in this town. But it is there unpleasantly and, probably without scoring votes on it, the Rally raises the issue. The Rally indicated this morning that an air of corruption fatigue was developing in society and that it could be going hand-in-hand with compassion fatigue; that is, that people were just sick of hearing all of this and were turning off and not reacting to it. As was so eloquently put by my friend Mr Bill Wood in this chamber recently, the people of Queensland themselves were to blame for a lot of what happened to them because they acquiesced in a standard of behaviour which was less than the norm one would have expected in a democratic society.

The danger the Rally sees is that these issues must be attended to soon in Canberra. We need a government which clearly indicates its commitment to bring stability and to address concerns, not only of residents who largely comprise the smaller people in our community, but of builders, developers and all the rest of the people who appear to wonder sometimes whether they have all received a fair run on the goals they have sought. One would hope that the Rally would not have to address this topic for a long, long time. One would also hope that when the Public Accounts Committee of this Assembly gets going there will be a very professional result from the recommendations made and notes already passed to that committee by the Rally.

The Rally does not want to hijack this issue. It is an issue that needs bipartisan support, which, interestingly, Mr Greiner got in New South Wales. Why have we not got it here? We have received support for the implementation of the notice of motion calling for the referral to the Public

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Accounts Committee. But there seems to be an attempt in this motion this morning by the Government to somehow frighten the Rally off its tracks. The concept developed this morning was that the Rally had to put up or shut up. Of course, that is Joh Bjelke-Petersen language. We had read out here in the chamber a report by a detective sergeant about Operation Angler. We passed through this morning a number of illustrative issues relating to the casino, organised crime, and the like and we saw that in Queensland the recommendations of the Fitzgerald commission were largely those of a body of people, a body politic, haunted by a total breakdown in its processes.

There is no suggestion from the Rally that that exists here. I joined with my colleague Mr Kaine recently in debate in suggesting that to bring the Fitzgerald issue on this week and to provoke the issues that still confront us today on sitting day 3 of the week, really lies at the Government's feet. Who started talking about corruption this week? It was the Chief Minister, with this absurd knee-jerk reaction and point-scoring exercise on the Fitzgerald report, complete with a homily that "everything is all right in the ACT". It was clearly incorrect. There are concerns, a lot of which may be unfounded, and one knows that that is one of the big issues in the criminal law. Only an iota of that which is suspected is ever proven, and my legal colleagues in the chamber know that. But that does not mean to say that the iceberg is not there.

The Rally is not about fear tactics. This debate came upon us this week because, after due consideration, the Rally raised some issues. The question of unsubstantiated allegations needs to be looked at to see what the standard will be in this Assembly. I am new to this Assembly; the Rally is new. There are some experienced politicians here, but to the best of my ability I have determined that vigorous debate at times, particularly vigorous questioning of Ministers, has been practised elsewhere in this country, and there is nothing improper in what I am doing. I want to assure the Assembly that the issues raised in this matter do not go to personalities; not at all. I have no personality issue at all with either Minister Grassby, with whom I have always had the most cordial relations until these regrettable last few days, or Mr Whalan, who only a few days ago came and sat in the suite of offices of my two colleagues and allowed us to bestow on him a Residents Rally scarf - only for a few seconds, I might add.

There is a sign of the tightening noose. But the fact of the matter is that there is a cordiality in this Assembly which is not always evident in this chamber. As I said to my friend Mr Kaine a few moments ago, we tend to get unstuck together on the floor and not elsewhere. The same applies to Mr Whalan, who has come in for some vigorous questioning. What is the Rally doing? The Rally is the flying wedge on a number of issues being raised, and the Rally tries to sift out the ever-increasing amount of

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documents flowing in about maladministration of this Territory over a number of years. A very minor proportion of these issues might remotely relate to Deputy Chief Minister, Mr Whalan, and only relate to him because he has happened to be a consultant to government during various years. Certainly it is not suggested that they relate to him as the accused.

The reaction of the Government today has been that of the accused. Is that not, I submit, a thin-skinned response to normal, fearless debate? It is a surprise to the Labor Party, I submit, Mr Speaker, to find a cohesive group of four Residents Rally members willing to take the issue and willing to put the learning curve into effect with gusto but without causing real damage to the conventions and traditions of this Assembly.

Mr Speaker, I wish the Assembly well in the rest of the afternoon's proceedings. It is quite apparent to the Rally that the public does not wish to see this Assembly humbugged by filibustering speeches. A considerable amount of public funds has already been expended on this motion to date; the community has heard at length from the Rally; the issues have been debated; the Rally waits to hear a response.

The Rally could go through a whole massive pile of examples of the problems in Canberra; the issues raised in and about Canberra; the trials; the prosecutions; the unfinished investigations; the tragic events in the Territory; slayings; questions about whether the ICAC is likely to cross the border from, say, Queanbeyan in New South Wales to the ACT. They are all issues that could be debated here. I will take some pity on my colleagues.

Finally, I want to say this, Mr Speaker: We were told to "put up or shut up". It is my view that if you look at the Hansard you will find that the questions raised were reasonable; they were certainly needling. It has been suggested that there was innuendo in the question that Mr Whalan sought a donation. It was not spelt out whether the Rally was suggesting the donation was to go to party funds or to him; that was not spelt out. There is no justification for anyone, particularly the media, to jump to any conclusion that the Rally itself has a concluded view on that aspect. It was simply a question.

The very difficult position the Rally finds itself in is that if it starts presenting evidence it will turn this chamber into some sort of inquisitorial body. But I will, Mr Speaker, produce the statutory declaration that I promised earlier. I will read it out to the house. I say again, before I read it out, that it was the Government that wanted the statutory declaration produced. It is the Government that is forcing me to read this document now. The Government is accelerating the issue. I do not know whether that is a tactic or an error but, whatever it is, Mr Speaker, I submit it is regrettable that we have to go

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this far in the Assembly to get off the hook, as has been said by the Government members opposite. The Rally does not feel it is on the hook. The Rally has tried to be restrained.

I now read in text the statutory declaration of Elisabeth Frances Daly:

I, Elisabeth Frances Daly of 24 Willis Street, Evatt in the Australian Capital Territory, invalid pensioner, do solemnly and sincerely declare as follows:

1. I have personally known Geoffrey Da Deppo of 36 Monkman Street, Chapman since 1974.
2. I recently asked him to sponsor me in the Miss Australia Quest and I have had a number of meetings with him and many telephone conversations.
3. My brother Christopher Daly has been employed casually at a city restaurant/wine bar known as De Depot.
4. In August 1988 I said words to the effect to Geoffrey Da Deppo, "How's business" and he said, "Great - I've got the casino". I said, "How long have you had that?" and he said, "Since the beginning of July". He then said, "Don't tell anyone".
5. On 28 June 1989 I telephoned Mr Da Deppo on his telephone number -

and I will not read this out in the house, Mr Speaker -

some time after 1.30 pm. I said, "I'm concerned about the lack of time to sell tickets for a fashion parade at De Depot". He said, "Don't worry I can get people there, Paul Whalan's coming. I've got to look after my \$100,000 investment". I said, "Really?".

On 11 May 1989 I was at De Depots when Geoffrey Da Deppo said among other things words to the effect that my friend Paul Whalan will be Chief Minister within 12 months.

That is the end of the statutory declaration dated 6 July 1989. Mr Speaker, I had to spend the entire break going out with a legal colleague to take that statutory declaration from Elisabeth Daly. It should not be the job of any member of this Assembly to do that.

Those are the actual facts put to the Rally which precipitated a reasoned question. I will go back to the question, Mr Speaker, that was asked of the Deputy Chief Minister. This statutory declaration jelled down in this Assembly to this fairly reasonable question:

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Will he advise the house whether he negotiated a donation from a director of Wollongong Constructions Pty Limited? If so, will the Deputy Chief Minister indicate where the funds were banked?

Mr Speaker, I submit that, rather than being asked to produce the statutory declaration information, Mr Whalan was given a question and other questions in an attempt to see whether there was substance in that allegation. The declaration by Miss Daly is a declaration that "I have a \$100,000 investment". That could mean a number of things, Mr Speaker, none of them necessarily that \$100,000 has been paid to Mr Whalan. It could mean that there has been some other investment in town. It could mean anything. It could also mean a \$100,000 donation to the Labor Party.

Mr Speaker, the Rally asked a number of questions. What does the Rally do if a good citizen - a very reputable citizen, I might add - and a citizen known to us since 1974, long before the Rally was formed, is one of the principal actors in this alleged play? Mr Speaker, the real issue is the level of suspicion in society. It is not a healthy sign; it will not rest; it will not go away until there is some form of inquiry, some standing committee in the ACT to which people such as Miss Daly can go and be guaranteed protection.

One hopes, Mr Speaker, that the Rally will not be put to this any further. The Rally feels that it has again illustrated an issue. The Rally has no brief to see where that particular declaration by Miss Daly goes from here. The Rally has no particular brief, because the Rally is quite able to accept a situation where Mr Whalan can utterly refute the implication of that on behalf of the Australian Labor Party if necessary, if it were the solicitation of a donation to the party. There is nothing improper about soliciting a donation to a party.

Mr Whalan was asked to indicate his level of association with Mr Da Deppo. In effect, that was the innuendo, if he wants to hear it. The Rally intends to press on with issues of this nature, but does not intend to personalise further the illustrative method it has chosen to demonstrate the need for an independent commission against corruption. This regrettable day's debate will come to an end in a few moments when I resume my seat. It is the powerful and the weak in this community who have the biggest interest in this debate. Between those two are those who are prepared to speak out on behalf of either camp. The Rally waits to hear a full and very clear indication from the Labor Government that it is going to firstly respond clearly to its promise for open government. If we are to get a fully consultative process, some of these suspicions may not raise themselves again.

Finally, the Rally will move at an early date to assist the Assembly's Public Accounts Committee in the formation of some form of structure in this Territory to give greater

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confidence to the public servants who get harmed by association with a very minuscule element of officials who may be too close, as John Haslem says, and the rest. The Rally looks forward to the development of that structure. The Rally had no expectation that it would talk about corruption this week. It was the Chief Minister who put this issue on the agenda this week. The questions raised by the Rally were quite legitimate and required an answer and not the defensive response which has arisen to date. Thank you.

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

That, pursuant to standing order 213, all documents from which Mr Collaery has quoted during his address be now presented to the Assembly.

MR COLLAERY: I present the following papers:

ACT Administration First Report on Fraud Control Initiatives, March 1988.

Advertisement from the Sydney Morning Herald, 10 May 1989, titled "Independent Commission Against Corruption - Notice of Public Hearing".

Copies of -

Australian Federal Police Internal Minute, dated 16 August 1988, concerning "Operation Angler - Final Report".

File note, dated 16 May 1989.

Letters from -

Mr B. Collaery to Mr D. Prowse, dated 27 June 1989.

J.W. Constance to Mr P. Doyle, Jones Lang Wootton, dated 2 June 1989.

J.W. Constance to M. Sukroo, Jones Lang Wootton, dated 9 June 1989.

NSW Legislative Assembly Hansard -

26 May 1988, pages 672-85

31 May 1988, pages 842-44

5 April 1989, pages 5897-98.

Debates of the Legislative Assembly for the Australian Capital Territory (Hansard) - Proof Copy for 4 July 1989.

Letter from Mr A.R. Hedley to Mr B. Collaery, with 2 attachments, dated 21 June 1989

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(1) copy of letter from Mr A.R. Hedley to Mr D. Prowse, dated 21 June 1989.

(2) copy of facsimile message from Mr J. Service to Mr Hedley, dated 7 June 1989.

Letter from Mr R. Gengos, (Abels Records) to Mr B. Collaery, dated 30 June 1989.

Statutory Declaration by Elisabeth Frances Daly, dated 6 July 1989.

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Personal Explanations

MR KAINE: I seek to make a personal explanation of a matter that arose from Mr Collaery's discourse.

MR SPEAKER: Does the member claim to have been misrepresented?

MR KAINE: Yes, Mr Speaker. There is reason to believe that I may have been misrepresented, and I would like to clear that matter up. Mr Collaery has completed an erudite discourse. It has been wide-ranging; ranging from 1933 Nazi Germany to the USSR and back to various activities within Australia and within this Territory. During the course of his learned and comprehensive response to the Government's challenge, he alluded to the fact that once I sat on the GALA board concurrently with Mr Tony Hedley. It happens that I did sit on the GALA board for a short time while Mr Hedley was the departmental representative on that board. Indeed, as a member of the House of Assembly between 1982 and 1986, I saw Mr Hedley on a business basis on many occasions in his capacity as a senior officer of the ACT Administration.

I had a similar relationship with all other members of the GALA board and with all senior public servants in the ACT Administration. In some cases, those other relationships were closer and more sustained than that which I had with Mr Hedley. I was not in the chamber when Mr Collaery's comment was made, and I missed the context of it. I trust, however, that Mr Collaery was not implying any impropriety in the fact that I once, for a short time, sat as a member of the board of GALA, and that Mr Tony Hedley happened to be a member at the same time. But to ensure that no such inference can be drawn, by the media or by others, I would ask Mr Collaery to make it clear that there was no such implication in the words that he used.

MR COLLAERY, by leave: I rise to address the Assembly with the complete confidence that there was no suggestion of impropriety. The indication in respect of Mr Hedley was an aside to do with the perceived level at which Mr Kaine appeared to know of this senior official, Mr Hedley. There was absolutely no suggestion, of course, that there is any association with any of the matters raised. It was simply an aside to deal with a former colleague. The remark was meant in that context. Of course, I hope that the press does not draw any inference from that of the nature that Mr Kaine mentioned, because it would be a sad day if that occurred. When one is on one's feet for that period, there is always the possibility that there can be a suggestion arising from the words which has no relevance to the issue.

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OCCUPATIONAL HEALTH AND SAFETY **Ministerial Statement and Papers**

MR BERRY (Minister for Community Services and Health), by leave: I would like to inform members of a considerable landmark in the implementation of badly-needed reforms in the area of occupational health and safety in the ACT. It is a duty of considerable pleasure for me to tell members of an agreement reached by the ACT Government's largest employer, an organisation under my direct control as Minister for Community Services and Health. The accord is one between the ACT Community and Health Service and the ACT Trades and Labour Council to govern workplace safety standards for more than 5,000 people occupied with the health and welfare interests of the broader ACT community.

The accord predates legislation currently under consideration by the Commonwealth Government for all public sector employees including the ACT. As members will be aware, it was only in the inaugural sitting of this Assembly in May that the Government introduced legislation to rectify the fact that the ACT remains the only State or territorial jurisdiction in Australia without comprehensive occupational health and safety laws for its private sector. As members know, that legislation is currently under review by a select committee and is to be returned to the Assembly during this sitting for appropriate action.

I think it is very fitting that the organisation charged with providing health, community and welfare support to the people of the ACT should also be able to provide an example for other organisations who will be required to comply with the Occupational Health and Safety Bill 1989.

I would like today to detail to the Assembly the Community and Health Service in-house agreement, which is the result of the extensive negotiations conducted following periods of somewhat turbulent industrial relations. The process by which the agreement was developed was in itself instrumental in improving relations between the parties.

I would like to take the opportunity to thank members of the working parties who conducted the negotiations; in particular, Mr Charles McDonald, Secretary of the ACT Trades and Labour Council, and Mr John Bissett, General Manager of the ACT Community and Health Service.

One of the main aims of this agreement is to help reduce the cost of compensation claims to the community by better prevention methods. It is my belief that the document I am about to detail will establish strong guidelines for a dramatic increase in the level of industrial harmony within the ACT Community and Health Service. In general, the ACT Community and Health Service occupational health and safety agreement has objectives that are threefold.

It has been drawn up to establish methods for staff to have access to prompt advice wherever occupational health and

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safety issues arise; to establish a network for communication of occupational health and safety information throughout the organisation; and to organise activities such as training, health promotion, or the provision of expert assistance for staff throughout the organisation.

Primarily, the agreement accepts that the management of the ACT Community and Health Service, its employees and the trade unions to which they belong, recognise the importance of developing and maintaining healthy and safe working conditions in all workplaces. The agreement also acknowledges the importance of keeping the health and safety policies and standards in these workplaces under constant review. Of course, the review and updating of health and safety standards is an important feature of any occupational health and safety agreement.

The fundamental thrust of the document is that its goals will be best achieved through the joint participation of management, employees and their unions at all levels. In signing the agreement, management of the Community and Health Service has undertaken to regard all legislative standards and regulations on workplace safety as the minimum acceptable levels and will strive to improve all occupational health and safety standards.

At this stage, I should point out to members that, whilst the document is a record of the arrangements agreed between the service and the TLC, the agreement is also dependent on Federal Government policies. Certain criteria exist for plans such as those outlined in this agreement, in particular, that such arrangements are to be interim subject to further consideration of occupational health and safety issues by the Commonwealth.

I would like to remind members that the Labor Party, at both Federal and ACT levels, has an ongoing commitment to ensure that workers are provided with working environments that provide a minimum of risk to their health and safety. The Federal Government has stated that arrangements such as this are to be implemented and maintained in a spirit of full consultation between the parties and, wherever possible, on the basis of full consensus. In addition, any agreement between managements and unions on the handling of occupational health and safety must recognise that the agreement does not negate management's responsibility for the efficient operation of the organisation and the provision of a safe and healthy working environment.

The agreement makes a distinction between health and safety, with most sections in the plan dealing with responsibilities and procedures for handling occupational health and safety matters. As the document states, this approach is especially suited to dealing with safety issues, but it is possible - and the agreement is evidence of this - to take a different approach where questions of health promotion are concerned. In relation to health promotion, as distinct from basic workplace safety, the

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document encourages the innovation of ways to publicise information and to encourage participation in activities designed to improve the general level of staff health. Already, under the terms of the agreement, the hospitals division of the service has begun to implement a program to overcome problems associated with manual handling, which accounts for about 40 per cent of all compensation claims.

As a result of the signing of the agreement, in-house training programs are likely to begin soon in the hospitals division, whose staff are already participating in specially designed training programs conducted at Sydney's Royal Prince Alfred Hospital. In addition, a program is under way for the compilation of safety information about more than 60,000 chemicals available for use by the service.

Under this agreement, management of the ACT Community and Health Service recognises that it has a legal responsibility to provide a healthy and safe place of work. Importantly, management agrees to plan for the provision of sufficient funds to implement any programs developed under the agreement. Employees of the service will accept responsibility to work safely and to take immediate action to avoid situations involving an unacceptable level of risk to their safety.

To implement the agreement, each division within the organisation has an occupational health and safety policy committee. These committees have the important role of distributing information and seeing that occupational health and safety activities are efficiently coordinated across each division. These committees will report regularly to senior management.

Within each division, branch operations will each have their own local health and safety committees. Each section of employment will be eligible to appoint representatives to the committees, which will meet on a monthly basis. In fact, within the hospital services division of the organisation, these committees have been meeting since last December in anticipation of the agreement coming into place, as it duly did, on 22 May this year.

Members would be interested to know that, because of the existence of this agreement, major industrial unrest at the Royal Canberra Hospital was averted on Friday, 23 June. Prompt action by employees of the service led to an immediate resolution of problems associated with the discovery of asbestos fibre in an air-conditioning tunnel near the hospital's boiler room.

I would like to thank my fellow members of the Assembly for giving me this opportunity today to outline the details of this momentous agreement. Given that members will soon be considering general legislation due to be reintroduced into this Assembly covering workers in the private sector, I commend members to fully consider what this Government has

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done for its own employees in the ACT Community and Health Service.

I am sure, Mr Speaker, that you and members will join with me in congratulating the parties to this agreement and wishing them a high degree of success in its future implementation.

I present the following paper:

Occupational Health and Safety -
Agreement between the ACT Community and Health Service and the ACT Trades and Labour Council.
Ministerial statement, 6 July 1989.

I move:

That the Assembly takes note of the papers.

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

ESTABLISHMENT OF A CASINO - SELECT COMMITTEE

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

That paragraph (2) of the resolution of appointment of the Select Committee on the Establishment of a Casino, as amended earlier this day, be further amended by omitting "25" and substituting "26".

OCCUPATIONAL HEALTH AND SAFETY BILL 1989 - SELECT COMMITTEE Report

MR STEFANIAK (4.04): It is with pleasure that I present the first report that this Assembly has actually completed, that is, the report of the Select Committee on the Occupational Health and Safety Bill 1989.

First, Mr Speaker, this has a fairly long and somewhat chequered history. There was an initial draft in 1988, which a number of groups saw and a number of groups did not. This led to some consternation in about November and December of last year. At that time, there was further consultation and further submissions were made from various interested parties, leading to a second Bill that was sent out this year to those various groups.

On 25 May 1989, the Minister for Industry, Employment and Education, Mr Whalan, presented this Bill. On 11 May 1989, prior to the establishment of the ACT Executive, 600 copies were circulated. There was a limited consultation period and there was public consultation and comment. Indeed, there were two drafts: one in November 1988 and the other in April 1989. A committee was established on 25 May 1989

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to inquire into, and report on, in the widest public context, the Occupational Health and Safety Bill 1989, and the Bill was formally referred to the committee on the same day.

The committee was required to report to the Assembly by 27 June 1989 and this was subsequently extended, during the course of the inquiry, to 6 July 1989. The committee placed advertisements calling for submissions from interested people and organisations in the Canberra Times. In all, 19 submissions were lodged with the committee. The committee held nine meetings and examined 22 witnesses representing 12 organisations. A list of witnesses appears in the report at appendix 2.

In order to more fully appreciate the workplace environment, the committee inspected a number of work sites in section 38, Civic, where discussions were held with the prime contractor concerning safety matters and practices. Various workers there and foremen were spoken to. On 20 June, the committee inspected the Canberra Southern Cross Club, an entirely different work environment and one of the largest clubs in Canberra. That club was thoroughly inspected; various workers were spoken to, as was the management; and a number of points were noted.

Finally, on 26 June, the committee visited Pirie Printers Sales Pty Ltd, a work environment involving large, complex machinery and industrial chemicals. That workplace was inspected; the machinery was observed; workers were observed operating machinery; a number of things were noted and a number of persons were spoken to. At each of those sites, therefore, the committee observed work practices, safety procedures and talked with the various relevant people there.

A member: Any charges laid?

MR STEFANIAK: No charges were laid. A number of major recommendations were presented in this report, Mr Speaker, and perhaps I could go through those for the benefit of this Assembly. The first recommendation was that the Bill be agreed to in principle and that the amendments set out in the attached schedule to the report be considered by the Assembly at the detail stage of the Bill. There were some further recommendations of a general nature, and I will deal with those. These probably go beyond the actual terms of this committee, but I think they have important ramifications for further conduct of business in this Assembly. The three members of the committee felt that it was important that the recommendations be made.

One recommendation was that all Acts passed by the Assembly commence on a day not less than six months following the notification required by section 25 of the Australian Capital Territory (Self-Government) Act 1988. In the schedule attached to this report the committee suggests an amendment to clause 2 of the Bill to give effect to this recommendation.

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We also recommended that those bodies with statutory annual reporting responsibilities furnish those reports within three months of the end of the financial year to which they relate and that Ministers table those reports within six sitting days of their receipt. That is recommendation 4.

It was also recommended that the Executive give consideration to requiring Executive departments and non-statutory authorities of the Territory to furnish reports within three months of the end of the financial year to which they relate and that Ministers table those reports within six sitting days of their receipt. That is recommendation 5. In the schedule attached to this report the committee suggests an amendment to clause 12 of the Bill to give effect to this recommendation.

I will deal now with some specific matters. In the schedule attached to this report the committee suggests an amendment to clause 5 of the Bill to give effect to definitions. In discussions with a number of witnesses concern was raised about the provision under the definition of "registered union", whereby a body could become a union for the purposes of the Act simply by the Executive Government making a regulation. Many witnesses felt that paragraphs (a) and (b) were sufficient there for the purposes of the Act and requested paragraph (c) be deleted. The committee agreed with that point of view.

A lot of concern, and indeed a lot of time, was spent by the committee considering paragraph 27(2)(d) of the Bill. That related to appropriate languages. Witnesses expressed their concern to the committee over the requirements of that paragraph to provide information, instruction, training and supervision in appropriate languages. Some witnesses felt that it was particularly onerous to provide training and supervision in an appropriate language.

It was intimated to the committee that such provisions as set out in this paragraph could possibly be used as a deterrent to engaging non-English speaking employees. The committee also, however, at its site inspections noticed the use of international safety signs on machinery, and this was also felt to be important. We believed that the reference to appropriate languages could be deleted and, accordingly in the schedule attached to the report we suggest an amendment to the Bill to give effect to this matter.

In relation to the designated work groups there was a fair bit of argument and discussion about this. We ended up deciding that 12 persons should form a designated work group, 13 perhaps being a little unlucky, although Mr Moore indicated that 13 was very much his lucky number. So the designated work group was agreed to as consisting of 12, although I made a comment in my dissenting part of the report as did Mr Wood, as to our perceived ideal number. But 12 is what was agreed to by the majority.

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Also there was, in the Bill, reference to certain activities in relation to changes to designated work groups and replacement of health and safety representatives by 25 per cent of employees. We felt that that was undemocratic and indeed felt that it should be increased to 50 per cent. That was unanimously accepted by the committee.

In relation to involved unions, many witnesses were concerned about provisions that made it legally binding on employers when establishing designated work groups to consult each involved union in relation to its employees. The committee felt that, without limiting the legitimate industrial role of unions in the workplace, it is an appropriate measure to take to delete from the Bill references to involved unions, particularly as registered unions are recognised bodies, anyway, for the purposes of the legislation. Accordingly we recommend that.

In relation to designated work group formation, after giving careful consideration to the minimum number of workers required to form a designated work group and the overall percentage of private businesses that are to be affected, the committee could see no reason why the fears of employers could not be allayed by stipulating that enterprises comprising 12 or more should establish a designated work group. I have already mentioned there was some dissent in relation to that. Again, that was recommended.

In relation to plant and substances, Mr Speaker, during the examination of witnesses it became apparent to the committee that many in the private sector thought the duties imposed on employers by clauses 32 and 35 were unnecessarily onerous. We examined that matter, took advice from the officers of the department of industry, employment and education, and the majority of the committee members formed the view that the provisions were not onerous in that what is required of persons or body corporates is that they act with reasonableness, that the manufacturer, the supplier and the installer are required only to take all reasonably practical steps.

We formed the view, however, that in the interests of clarity the Bill should provide that where a manufacturer, supplier or installer has abided by the relevant Australian safety standards, which members should realise are very high, that should be prima facie evidence that the manufacturer, supplier or installer has taken all reasonably practical steps. That overcame a number of problems, rightful problems, expressed by various employer groups in relation to that, including, I think, the problem which was there initially in the Bill in relation to truck drivers bringing goods into the Territory and being responsible for any defects.

I now deal with penalties. We could see little consistency in the way penalties were provided for in the Bill. We

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acknowledge that some offences are more serious than others, and indeed there was general discussion as to whether there should be terms of imprisonment and the degree of penalties. The committee felt that certainly penalties should be provided for but that there were some incongruities with the penalties. Some offences which seemed more serious carried less of a penalty than others which seemed less serious.

There seems to be a disparity with penalties ranging up from \$5,000. For example, there are penalties for a natural person of up to \$20,000 without a custodial sentence; in other instances there are penalties in the nature of fines of \$5,000 or imprisonment for one year, or both, and fines of \$10,000 or imprisonment for two years, or both. There is one instance indeed where someone tampering with safety equipment could be fined \$5,000 or imprisoned for one year but someone tampering with a notice, which would seem to be a much lesser offence, could be fined \$10,000 or imprisoned for two years.

The committee has formed the opinion that there need to be either guidelines or a consistent and appropriate policy in relation to penalties to be imposed by the legislation. We recommend that at an appropriate time the Executive table for the information of the Assembly guidelines to be followed when establishing penalties to be imposed by the legislation and that, following the tabling of penalty guidelines in the Assembly, the penalty provisions of the Bill be reviewed by the Assembly.

We made some further recommendations in relation to training, that information on the provision of health and safety training programs by both the ACT Institute of TAFE and the Trade Union Training Authority and the appropriate means of funding such courses be available; also, that the employer could choose where people are sent for training.

In the schedule attached to this report we suggested amendments to the Bill to give effect to our comments on regulations, and I commend that to you. One of our other recommendations was that a standing committee on subordinate legislation be established. That occurs in most other parliaments in Australia, and we feel that is a necessity here.

We recommended also, in relation to publicity, that the Executive, through a major publicity campaign, inform the community of the roles and responsibilities of the designated work groups, the Occupational Health and Safety Council, health and safety representatives, health and safety committees and the registrar and inspectors, penalties imposed by the legislation and benefits to be gained from comprehensive occupational health and safety practices.

We recommended in relation to COMCARE that the Executive holds discussions with the commission for the safety,

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rehabilitation and compensation of Commonwealth employees, concerning the joint administration of occupational health and safety in the ACT. We made further recommendations in relation to Commonwealth legislation.

Our conclusions are listed at page 15; the recommendations, 12 in all, are at pages 16 and 17. There are the submissions, and additional and dissenting comments by me at page 20 and by Mr Wood at page 21. It is good to see Mr Wood has finally got out of being on one committee.

I want to thank a few people now, on behalf of the committee. First and foremost, I would like to thank Mr Ron Owens, our secretary, for the assistance he gave this committee. Although Mr Wood has served on a large number of committees, and continues to do so, Mr Moore and I certainly have very little experience in that regard, and I think the three of us found Mr Ron Owens' assistance of great value. On behalf of the committee, I thank him very sincerely for all his efforts.

I also thank the departmental officers, Mr Adrian Rumsey and his superiors, such as Mr Guilfoyle, who gave invaluable assistance in the committee's deliberations and interpretations. I thank my two colleagues, Mr Michael Moore and Mr Bill Wood, for their time and efforts, their invaluable assistance and their comments.

Finally, I thank all persons and all groups who made submissions to this committee. I have a number of dissenting comments, on which I will elaborate later when we get to the detail stage, and a number of more specific and detailed comments in relation to other bits and pieces of the legislation. Mr Speaker, I present the report of the Select Committee on the Occupational Health and Safety Bill 1989, July 1989, duly signed by me as chairman, and attachments. I move:

That the recommendations be agreed to.

MR MOORE (4.19): Mr Speaker, the interesting part of this committee for the Residents Rally really was, we believe, that our task became to present a very balanced view. The Rally's occupational health and safety policy from the campaign is that the Rally, in consultation with residents, unions and business, will seek to introduce rapidly the legislation which has been prepared by the ACT Administration on occupational health and safety.

My goal was set quite clearly. It needed to be done. It was that consultation process that we believed was very important. The process started with the advisory committee when we agreed with the Liberals that there ought to be a period of consultation on this very important Bill, to which we could contribute.

One thing to note about the report that has been tabled is that there are additional comments by both the Liberal

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Party person, Bill Stefaniak, and the Labor Party representative, Mr Bill Wood. There was no need for the Rally to present an additional comment, simply because it happened to hold the middle ground and looked here for the balance, and that balance, as we perceived it, was between what business - small business and large business - and the unions wanted.

It takes into account compromise. I believe that consultation is about compromise and about still having what we believe to be effective legislation. The concerns that were presented to us by small business, particularly represented by CARD and others, and large business, particularly represented by the Australian Federation of Construction Contractors and others, led us to recommend the omission of the words "any involved union". Let me say that that does not in any way preclude unions from involvement in this legislation, but it does not compulsorily include them, and that - - -

Mr Berry: So that excludes them.

MR MOORE: It does not actually exclude them.

Mr Berry: That means they are excluded.

MR MOORE: I will get to you in a minute. The duty of care is the most critical part of this legislation, and it applies to everybody, completely, across the ACT, working within the ambit of this legislation. Occupational health and safety in the ACT Community and Health Service is very welcome. Mr Berry's statement today about occupational health and safety is very interesting in that it does not contain any mention of the designated work groups, which were considered by Labor to be most important in relation to this Bill. It was the Labor Party's wish that the compulsory designated work groups would apply right across any business at all. It was the wish of the Liberal Party that these designated work groups would start when businesses have a staff of around 20, and there was a certain number of submissions that wanted it larger than that - 30 and so forth.

I notice in the ministerial statement made by Mr Berry today that there is no mention at all of designated work groups. It was the Rally's intention to change the legislation to read "12", so that if you have more than 12 you would then be required to have a designated work group. But I was convinced by Mr Wood that if that were the case we would have then a number 13 for designated work groups and one could easily see the poor publicity that could be attached to that situation, in which people would say, "You are unlucky. You have 13. You have to have a designated work group".

It is critical, because I believe that the most important part of the occupational health and safety legislation will be the publicity, the education and the attitude. That is what this legislation is genuinely about. That is

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why the statement by Minister Berry really does not make that much difference in terms of the designated work groups, because it is the attitudes that it seeks to change that become critical about this legislation.

In our visits that were mentioned by Mr Stefaniak, we could certainly see the need for change in attitudes in some places, and we could certainly see the effect that a strong, positive approach to occupational health and safety has had, particularly with reference to the section 38 building site and the Southern Cross Club.

We certainly look for consistencies in the penalties. I think that the committee felt, as a group, that it was difficult. It was indeed the same difficulty that we had encountered with previous Bills in the Assembly. We need an overall guideline for penalties. I would exhort the Government to set about, as quickly as possible, establishing some sort of guideline for penalties for each Bill that comes before the house.

Another major concern was training. It would appear that the unions were concerned. They certainly claimed, and I have no reason to disbelieve them, that they had the best system of training people in occupational health and safety and had the most experience in it. On the other hand, some businesses felt that it would be inappropriate, if they were paying for the training, to send people off to what could easily become, as they perceived it, a situation where the unions could use that as a method of indoctrinating people into unionism.

Let me say at this point that I am a long-term union member, and have been for basically all of my working life. So I have no particular problem with the unions. I have been a union representative for various parts of my working place. However, I recognise that small businesses, particularly when they are paying for something, should have a choice. It is that choice that we have presented in our recommendations on this Bill - that the employer can have a choice, in conjunction with his employees, as to where the training takes place, whether it be by a union or at TAFE.

I would imagine that in the not too distant future, as this Bill takes place, training will become part and parcel of the whole apprenticeship training scheme, as indeed it should be, so that people are in the frame of mind to think of safety and to think about a positive approach to hazards and how to deal with them.

Mr Stefaniak drew attention to the language problem that took so much of our time, and in some way it seemed to be a disproportionate amount of our time. However, the concern was clearly that, if we insisted that we have employers train people in a specific foreign language, they may decide not to employ a person because the easier way out

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would be not to employ him or her. I believe that by taking out the specific phrase we still do not lose the general requirement to ensure that whoever is being trained understands about occupational health and safety.

The same, I believe, applied to a change in the penalties. Mr Stefaniak wanted to apply penalties to safety representatives. You will find that in his additional comments. If the same penalties that apply to employers applied to the safety representatives, I believe you would have trouble. Some evidence was presented to us that in Victoria, where they have this, there was difficulty in getting safety representatives. I think it is much more important to ensure that we have safety representatives than a situation in which they will not take that risk in case they may be the subject of a penalty.

In recommendations that went beyond the terms of reference certain principles, I think, were particularly important in this case, and I think we were prepared to go beyond those terms of reference because this was the first such report, and some of the areas with which we dealt obviously needed to break new ground. The first of those - - -

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

OCCUPATIONAL HEALTH AND SAFETY BILL 1989 - SELECT COMMITTEE Report

Debate resumed.

MR MOORE: It became very clear that the subordinate legislation regulations that will be attached to the Occupational Health and Safety Bill will be quite wide-ranging and should be reviewed by this Assembly. We will need to have a reasonable and efficient way to review them.

The annual reporting requirement was also, I believe, strained a little to ensure that that annual reporting requirement would take place. We have certainly seen in the press recently a number of articles that have indicated that there are situations in which annual reporting requirements have been up to three and four years behind in

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the Federal Parliament, and by setting up the appropriate situation here we ought not get ourselves into that predicament.

The third point that I would like to make is that all Bills that are passed here should come into effect immediately. I believe that, in the late 1970s, 12 Acts which had been given assent but had never come into effect were found by the Senate. It seems to me that we should prevent such a situation arising in this Assembly. As a new assembly we should be able to put into place certain requirements that become part and parcel of every Bill which require immediate effect, or certainly effect within a reasonable time, so that, where necessary, financial and other concerns can be taken into account.

I would like to support Mr Stefaniak's comments of thanks for the very professional services from the secretary of this committee and the advice we had from the public servants. Similarly, I would like to echo his sentiments about the various people who presented arguments and ideas to the committee, and the other members of the committee, of course.

In conclusion, let me say that in this instance the Rally seemed to provide a balancing point or a compromise point, and I believe that in no way did the legislation become watered down. The duty of care remains. The most important thing that we need to push with this particular legislation - I would strongly recommend it to the Executive - is a public attitude, education and publicity program. Without that, a lot of the work and a lot of what it attempts to do will not be achieved.

MR WOOD (4.33): Mr Speaker, there will be further debate on the legislation that we have been considering, so I will not make any detailed comments now; I will talk in general terms only.

This is the first report by the Assembly's select or standing committees. That historic first has already been noted. I want to add my expression of appreciation that I have been involved in that.

It was an interesting process. It will surely set the pattern for other committees, although I hope that we do not ever establish a pattern that never varies. I think it is always open to us to improve our arrangements. I believe it should have properly settled the concerns of those people in the community who claimed - I am not sure that it was with great justification - that the Bill at first was being hurried through.

It is interesting to note the way that my two colleagues and I worked in that committee and perhaps compare it with the slightly more charged atmosphere that may arise from time to time in this chamber. It was an interesting experience and, for me, a valuable one. Our deliberations

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on that committee, as on other committees, are a cooperative venture; we are working together. We appreciated the work of Ron Owens, the departmental officers and all of those people who made submissions.

As to the report itself, I believe it has been weakened. I believe there is a general recognition from all those people who came before the committee of the need for such legislation. I do not recall any group or person saying, "No, we don't need this". Their arguments were on the points of the legislation - admittedly, some of them were very important.

Mr Moore said that the Residents Rally had the balance in this and provided a balance to the report. I believe - and I say this without rancour - that it was a weakening of the report. I really see no reason why stronger measures could not have been taken, but I acknowledge his point of view.

I have made some comments in the report in an appendix by way of reference to the designated work groups, the languages to be employed in training and supervision, and the role of unions. I think the changes to the legislation in those areas weaken a Bill that was already pretty well watered down before we got it. But they are there. It may be that the Assembly will be influenced by the debate when it comes to it and perhaps restore those provisions or hopefully make them stronger still.

There is another range of matters in the report, representing points of the legislation, which I think will need the benefit of debate in this chamber. The report is a document that requires further examination; that is the purpose of it. It comes back here now for us to consider. I hope that when it comes here we can look at it carefully again and strengthen some of those provisions.

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

STATUTORY DECLARATION

MR WHALAN (Minister for Industry, Employment and Education), by leave: It is a pity that Mr Collaery is not here to do me the courtesy of being present.

Mr Kaine: Did you tell him you were going to make a statement?

MR WHALAN: If I told him something, it might turn up in a statutory declaration. Mr Speaker, I claim to have been misrepresented in several respects by Mr Collaery in an interview on Pru Goward's program this morning. First, Mr Collaery claimed that his group - his group being the Residents Rally party, the Katharine West party, whatever they like to call themselves - - -

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Mr Stevenson: I rise on a point of order, Mr Speaker.

MR SPEAKER: Yes, Mr Stevenson.

MR WHALAN: Or the Dennis Stevenson party. I notice that they sent Dennis Stevenson up at lunch time to negotiate on their behalf, Mr Speaker.

MR SPEAKER: There is a point of order before the chair, Mr Whalan.

MR WHALAN: I find this an interesting new development.

Mr Stevenson: I believe the point has been made by the Rally that Katharine West is not a designated - - -

MR SPEAKER: Resume your seat, Mr Stevenson. There is no point of order in this matter.

MR WHALAN: Mr Collaery claimed on the Pru Goward program this morning that his group had somehow assisted the Follett Government into power. This is absolute rubbish. It campaigned against Rosemary Follett. Bernard Collaery stood against Rosemary Follett and tried to gather votes. The only votes that he could collect - - -

Mr Collaery: I rise on a point of order, Mr Speaker. I have difficulty knowing what this has to do with Mr Whalan's claim to have been misrepresented in this chamber, which is what the standing order relates to, on my understanding. The Deputy Chief Minister is stating that he has been misrepresented elsewhere. His remedies for that lie elsewhere.

MR WHALAN: I am not making a statement in relation to - - -

MR SPEAKER: Order! I will take advice on this matter.

MR WHALAN: I have been given leave to make a statement. It has nothing to do with misrepresentation.

MR SPEAKER: That is correct.

MR WHALAN: Sorry, Bernard. You should have been in the chamber instead of loitering outside.

MR SPEAKER: The Deputy Chief Minister has been - - -

MR WHALAN: You should be careful that you do not get moved on.

Mr Jensen: I rise on a point of order, Mr Speaker. I understood that you asked Mr Whalan, the Deputy Chief Minister, whether he claimed to have been misrepresented.

MR SPEAKER: No, he - - -

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Mr Jensen: I understood that he said he had, and that was why he was choosing to make a statement.

MR SPEAKER: Please resume your seat. You are out of order. The Deputy Chief Minister has been given leave to make a statement. There is no point of order relating to relevance or direction on this matter.

Mr Kaine: I rise on a point of order, Mr Speaker. I would like it to be known that Mr Collaery was loitering with me, so there was no ill intent in the loitering.

MR SPEAKER: Please proceed, Deputy Chief Minister.

MR WHALAN: With the knowledge, Mr Speaker, that Mr Kaine was present, I now know that there was at least one decent person there. The second point - - -

Mr Collaery: Mr Speaker, I rise on a point of order. The Minister is saying I am indecent. I do not feel that way, Mr Speaker, but, if he will rephrase that, I will assume any position that he wants on that topic.

MR SPEAKER: I request the Deputy Chief Minister to withdraw that comment.

MR WHALAN: Yes, I withdraw it, and it is obvious that Michael Moore had better come back and start holding his hand or something else again.

The second point that I would like to make, Mr Speaker, is that Mr Collaery suggested that a section of the Labor front bench is unable to support the Chief Minister on the floor. That is patently untrue. Thirdly, he suggested that there is some doubt as to whether I am dedicated to allowing the Government to become stable. The fact is that the Government is totally stable, and I am dedicated to keeping it that way.

Fourthly, he suggested that I had proposed that the Assembly not sit through the spring period, to quote him, or, to quote him again, across the Federal budget period. That is totally mendacious.

Mr Collaery: Spell it.

MR WHALAN: You will not be able to, Bernard. You did not go through the ACT school system. The fact is, Mr Speaker, that I have been meeting with party leaders to attempt to establish an agreed pattern of sittings for the rest of the year. I have proposed, simply as an option, that because we will sit for two weeks in July, which is unusual for Australian parliaments, we need not sit in August. There has been no decision on the matter at this stage.

I turn now, Mr Speaker, to the statutory declaration which was tabled as a result of my motion requiring Mr Collaery to table documents. It is the statutory declaration of

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Elisabeth Frances Daly of 24 Willis Street, Evatt, the witness being a Mr Donohue, solicitor. Presumably he is the member of the Katharine West party whom we know so well.

A member: President.

MR WHALAN: The president, is he? He is the president of the Katharine West party. Having read the statutory declaration which Mr Collaery has tabled, my reaction is that it contains no allegation about any behaviour on my part. I am sure that, when members have the opportunity to look at the statutory declaration which was read by Mr Collaery, reasonable members will agree that I cannot be held responsible for statements allegedly made by third parties.

I should say, Mr Speaker, that it is interesting that this flaccid document is the only new thing that Mr Collaery has been able to produce in a tedious four and a half hour ramble. I dare say that the Canberra Times may present it differently, and that will be regrettable, but I have not come to expect the highest standards of reporting of the proceedings in this place from the Canberra Times.

I reiterate the statement I made yesterday: To the best of my knowledge - and I am almost prepared to leave that phrase out - I have never discussed the casino project with Mr Da Deppo. I reiterate the answer that I gave to a question which was asked of me in the chamber last week by Mr Collaery, to which he, in his repetitious manner, referred no less than a dozen times during his ramble today. It was the question that he asked about donations from Wollongong Constructions Pty Limited. I state again: I have never solicited or received any donation or payment from Mr Da Deppo, Wollongong Constructions or any other company or individual associated with Mr Da Deppo and/or his companies, for the ALP, let alone for myself.

I have checked with the secretary of the Australian Labor Party in Canberra. The one contribution which has been made by Wollongong Constructions was the purchase of a ticket - one ticket - to a fundraising dinner which was held prior to the election campaign. The essence of the allegation in this statutory declaration is that Mr Da Deppo has claimed to have been awarded or promised the casino contract.

From my knowledge, that allegation is false, but it is so bizarre as to be incredible. Members who are familiar with the processes by which major projects are let will know that the steps are systematic, involve thorough scrutiny by expert officials and are conducted at arm's length.

Mr Collaery: I hope so.

A member interjected.

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MR WHALAN: Mr Collaery has just made an interjection which I find particularly offensive, Mr Speaker, but it is consistent with the type of behaviour that we have come to expect of this person and his abuse of the privileges of this chamber. I really sincerely hope that after today we see a complete and dramatic change in the behaviour of this person.

I conclude, Mr Speaker, by saying that the processes for the casino licence are even more demanding than they are with normal large projects. A summary of the procedures which will be required in relation to the granting of the casino licence reads as follows:

- . Expressions of interest called for seeking developers and nominated casino operators.
- . Initial internal assessment of viability and expression of developer and operator.
- . Full submissions called for including financial capabilities and full disclosure of all key personnel and associations.
- . Analysis of submissions from developers. Reference to independent assessors for architectural and financial competence. Reference to Australian Federal Police for full investigation concerning integrity requirements.
- . Recommendation of short list to Cabinet.
- . Investigation of short listed applicants by Casino Surveillance Authority.
- . Consideration by Cabinet of applications, assessments and reports of the Casino Surveillance Authority.
- . Report by Minister to Legislative Assembly of arrangements concerning community facilities.
- . Grant of licence by Minister.

ADJOURNMENT

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

That the Assembly do now adjourn.

Photographs of Members and Staff

MR STEFANIAK (4.49): It struck me over the last couple of weeks that one thing is still missing which I think this

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Assembly should consider in terms of it being the first assembly for the Australian Capital Territory. Members have been given, I think, a video of the first day's sitting, but no-one has taken any photographs. I suggest that three photographs be taken: firstly, a photograph of the initial staff of the Assembly, because I think they have done an excellent job in assisting members and in assisting the setting up of the Assembly; secondly, a photograph incorporating the 17 members and all the staff; and, thirdly, a photograph of the 17 members of this initial Assembly. I commend that idea to you, Mr Speaker.

Return of Lost Property

MR JENSEN (4.51): Mr Speaker, I will make a very brief statement in relation to an incident that occurred last night in the Assembly area, and I suggest it is a very good example of the sort of support that we hope to receive as members of the Assembly. Last night I had to return to the Assembly for a reason, and I inadvertently left my wallet in my office. When I returned this morning there was a pleasant little note on my drawer to indicate to me, "Mr Jensen, your wallet is in your drawer", signed, "The cleaners". I would like to express publicly in the house my gratitude for the scruples involved in doing such a thing, and I will be writing to thank them personally.

Question resolved in the affirmative.

**Assembly adjourned at 4.52 pm until Tuesday, 25 July 1989,
at 2.30 pm**

ANSWERS TO QUESTIONS

The following answers to questions were provided:

Public Service (Question No. 9)

Mr Moore asked the Minister for Community Services and Health, upon notice, on 27 June:

- (1) What is the actual number of employees employed by the ACT Community and Health Service in administrative tasks as distinct from providing health care service to the public?
- (2) What proportion of the total annual salary budget was paid for administrative staff for the last financial year for which figures are available?

Mr Berry: The answer to the member's question is as follows:

It is, of course, difficult to define what should be described as administration, particularly in an organisation as diverse as the ACT Community and Health Service.

The service delivery areas range from the management of Belconnen Remand Centre, and Quamby, the provision of welfare payments, grants to community organisations and the management of community facilities, the health centre program, community health services as well as the public hospital system.

However, this financial year, the ACT Community and Health Service employed about 833 full-time equivalent staff in administrative tasks out of a total of about 5,255.

To the end of May, the ACT Community and Health Service paid 15.4 per cent of its salaries to administrative staff.

These figures include areas such as patient billing, payroll, general accounting and personnel operations. They also include the staff in nursing and medical administration. These are nurses or doctors who are employed as managers specifically because of their professional training. It is difficult to decide in these cases whether this work is more closely aligned to the provision of health care or to administration. It has been included in the administrative category here.

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The administration of the pathology laboratory which processes test data has also been included.

The functions which can be described as central office functions, such as legal services, industrial relations, organisation development, internal audit, policy, planning and resource management, together comprise some 80 to 90 of the total 833 administrative staff.

Asbestos Removal

Ms Follett: At the Assembly's sitting on 24 May 1989, Mr Jensen asked whether the Government is prepared to take the issue of costs of removal of asbestos to a higher court if problems occur in renegotiating the issue with the Commonwealth.

The present funding arrangement for the removal of asbestos did not result from negotiation between the Commonwealth and ACT governments. The question of the ACT and Commonwealth governments' financial responsibilities for costs of removal will be included in negotiations with the Commonwealth on a range of outstanding financial issues. It would be inappropriate to speculate on the outcome of such negotiations or foreshadow what further action the ACT government might be able to take. I should emphasise that the Government will take every reasonable step to ensure that the ACT's interests are protected.

Government Promotions

Ms Follett: On 27 June (Hansard, page 403), Mr Kaine asked whether the Hyatt Hotel was an appropriate place to launch the ACTION Bus Book and Out of Sight Out of Mind, a book related to the first Schizophrenia Week. I undertook to obtain further information about the two launches.

My answer is:

The function held by ACTION at the Hyatt on 7 June 1989 was organised before my Government took office. I am informed that it was primarily to launch ACTION's new school bus safety campaign. This is an important safety campaign for which broad media exposure was desired. This high quality campaign was made in association with Channel 10 and the Neighbours program. Actors from the program donated their services free. Unpaid support of a number of Canberra community agencies was also received. Many of those who contributed their time, including school children, were invited to the launch.

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At the same time, ACTION used the opportunity to draw to the media's attention the introduction of Bus Book 2.

The Hyatt was chosen on the advice of the advertising agency. It provided a large presentation area with access to large-scale video facilities and other support equipment necessary to promote this important safety message.

The function held at the Hyatt on Thursday, 25 May 1989 to launch the publication Out of Sight Out of Mind was sponsored by the ACT Association for Mental Health, a non-government body. The launch was one of the many activities taking place during national Schizophrenia Awareness Week to promote awareness and understanding of mental health issues.

The publication Out of Sight Out of Mind is the result of a cooperative venture by the Schizophrenia Association, the Canberra Times and the Canberra City Rotary Club.

The ACT Government did not organise or pay for this function. Our only involvement was my launching of the publication.

I understand that in fact the Hyatt donated the venue to the ACT Association for Mental Health for the occasion.

Night Shift Workers

Ms Follett: On 28 June 1989 Mr Collaery asked:

Will the Chief Minister launch an early public awareness campaign for employees to ensure that staff, particularly women, who work night shifts are escorted to their vehicles under a staff approved and agreed arrangement similar to that in operation for nurses at one location in Canberra?

Is the Chief Minister aware that a considerable proportion of the population, including women, who work night shifts are feeling vulnerable in going to car parks, particularly in the city area - even from this building and even from this chamber - in the dark hours?

I realise that there is a certain level of community concern about personal safety, and that anxiety is higher in some quarters than it is in others. This was highlighted in the 1988 Canberra Health Survey done by the ACT Community and Health Service. However, I would like to reiterate what I said in question time: that I have not received any representations on this matter since I have been in office, nor have I had any advice that people in this building have expressed particular concern.

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As for the possibility of a public awareness campaign targeting employers on the subject of employee security after dark, the idea requires further exploration and evaluation, and would need to be considered along with other government priorities and fiscal responsibilities.

In relation to your reference in question time to a staff security arrangement presently operating in Canberra, I am advised that the Royal Canberra Hospital hires security officers to escort nurses to their cars after dark. The Commonwealth Treasury and Customs also have guards available for staff who leave work after dark, and I am informed that security officers at Customs are happy to oblige Legislative Assembly building staff who wish to be escorted to their vehicles after dark. This arrangement is strictly informal. From Monday to Friday until 11.30 pm, personnel can phone either 756003 or 756004, and a Customs guard will meet them at the doors of the Legislative Assembly building.

Of course, employee security is a concern of this government and staff in this building have a right to feel safe when they leave work after dark. However, if we are to address this matter formally, we first need to obtain some relevant data. My department has discussed this matter with building security personnel, who have agreed to receive telephone calls from staff concerned with this issue. People who are leaving work after hours and who are worried about their personal security should phone Security on 462747 and help us identify the grounds for action.

Gaming

Ms Follett: On 29 June 1989 Dr Kinloch asked about allegations concerning betting activity at the Molonglo Tavern on 8 April 1989 which resulted in bets of some \$270,000 not being settled, the largest amount in bets ever made and not settled in the ACT. I undertook to obtain further information on the alleged betting activity.

My answer is:

I am advised that on 8 April 1989 the ACTTAB subagent at the Molonglo Tavern, Fyshwick, accepted bets on behalf of the authority totalling \$251,000 without receiving the sum wagered in cash at the time - that is, credit betting. The subagent was immediately suspended and the subagency closed down pending investigation of the incident and legal recovery action.

On 17 May 1989 the authority issued a writ seeking the recovery of the amount owing from the proprietors of the Molonglo Tavern in relation to the ACTTAB subagency operated on the premises. A writ has also been issued against the punter alleged to have made the credit bets.

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The proprietors of the Molonglo Tavern have so far failed to provide a monetary settlement to the authority for business transacted during the week ending 8 April 1989, amounting to \$246,909.76.

I view this matter with some concern and have sought further information from the authority on the circumstances leading to the occurrence.

Gaming

Ms Follett: On 29 June 1989 Dr Kinloch asked whether I was aware of, and whether I planned to act on, any allegations about the ACT pub-club TAB system similar to allegations made recently about large-scale fraud in the New South Wales pub TAB system.

My answer is:

I understand that Dr Kinloch's question refers to an article which appeared in the Sun-Herald of Sunday, 18 June 1989. This article concerns a statement made by the Australian Hotels Association President, Mr John Ross, that some Sydney publicans with pub TAB were allegedly facing financial ruin because staff were making substantial bets without paying for them.

ACT TAB betting facilities have been conducted in ACT hotels and clubs since 1980. The ACT Gaming and Liquor Authority has indicated that it is not aware of any instances of staff credit betting in those premises nor has any representation been made by licensees, clubs, the ACT branch of the Australian Hotels Association or the Licensed Clubs Association of the ACT on this subject.

The Authority has recently consulted with interstate TABs and reviewed its systems in relation to credit betting, and it is the view of the chief executive of the Authority that the systems in place in the ACT to detect credit betting are generally better than industry standards.

Notwithstanding the foregoing, I have been advised that further checks relating to the acceptance of cash bets will be implemented through the Authority's computer systems on Monday, 10 July 1989, which will provide a basis for more stringent monitoring of credit betting at all of ACT TABs on- and off-course outlets, including subagencies located in hotels, taverns and clubs.

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Detention of ACT Protesters

Mr Collaery asked the Attorney-General, without notice, on 31 May 1989:

Will the Chief Minister advise the house whether she will be taking any action on the scandalous state of affairs which has arisen as a result of ACT citizens being arrested, fingerprinted and detained without bail in New South Wales during recent protests in south-eastern forests?

Ms Follett: The answer to Mr Collaery's question is as follows:

There have been several media reports of a number of protesters being arrested and charged for trespassing in restricted areas of the south-eastern forests. I understand that some of these protesters have come from places outside New South Wales, including the ACT. When brought before the courts, some have refused to give an undertaking, as a condition of bail, that they would not return to the protest area. Bail was accordingly refused, and they were remanded in custody.

Whether or not they are guilty of the offences with which they have been charged will be decided by a New South Wales court. However, I have been given no reason to believe that the ACT protesters were treated any differently from any other persons appearing before New South Wales courts in similar circumstances or that they were treated otherwise than in accordance with the law in New South Wales.

As you know, I am always concerned about the welfare of ACT residents. Should any evidence be produced to indicate that ACT residents are being discriminated against or treated illegally, I will naturally consider taking appropriate action.

Metal Recycling

Mrs Grassby: On 4 July 1989 Mr Stefaniak asked a question without notice on what the Government proposed to do about the metal recycling yard run by Rod Wallace and Company in Newcastle Street, Fyshwick, who, he suggested, is not abiding by the terms of the contract issued by the ACT Administration in relation to the recycling of car bodies and other scrap metal.

My answer to the member's question is as follows:

The contract referred to is actually held by Wanless Scrap Metal of Sydney, with supervision of local operations by Steelma Holdings trading as MG Metals.

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There have been recent problems with the hours of operation of the site.

These have been discussed with the contractor and confirmed in writing, as required under the contract.

The situation is being monitored and further action as provided under the contract depends on the contractor's performance.

The site has been security fenced to keep people off the site outside normal operating hours.

There have been problems with people, including children, illegally accessing the site, and these persons run the risk of possible injury.

The contractor is required to hold public risk insurance and to keep the ACT Government indemnified against all claims.

The contractor is required to accept all unwanted vehicle bodies delivered to the site and can also accept other ferrous metals for the purpose of recycling.

As the contractor is paying the ACT Government for the rights under the contract, it is unlikely that any item of commercial value would be rejected or disposed of to the tip.

The variety of ferrous metal items in the yard at Fyshwick indicates that the public is making good use of the facility.