DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

26 July 1989

Wednesday, 26 July 1989

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

ABSENCE OF ACTING CLERK

MR SPEAKER: I wish to inform the Assembly that due to the unavoidable absence of the Acting Clerk during today's sitting, Mr Pender, a senior officer of the House of Representatives will act as Clerk of the Assembly.

ESTABLISHMENT OF A CASINO - SELECT COMMITTEE
Report

MR HUMPHRIES (10.31): Mr Speaker, I present the report of the Select Committee on the Establishment of a Casino, together with dissenting reports from Mr Jensen and Mr Stevenson and copies of the minutes of the proceedings. I move:

> That the recommendations be agreed to.

I present to the Assembly the report of the select committee. It is one of the most significant reports handed down to date by any committee of the Assembly to date. It addresses an issue which, to some sections at least of this community, is of great importance and indeed is something of a test for fledgling self-government in this Territory.

One of the most bitter and contentious elements of the Federal Government's announcement in early 1987, that it would build a casino in Canberra as part of a hotel-retail development on section 19 in Civic, was the fact that this decision was made by a Federal Minister with no accountability to the people of the ACT, whose electorate was hundreds of miles distant, and whose priorities appeared to be altogether different from those of residents of the ACT.

It was for this fundamental reason that my party joined with others in the Assembly to support the resolution establishing a select committee and providing an opportunity, for the first time, for the people's elected representatives to assess whether the Federal Government's priorities match those of the ACT. It is the committee's opinion, Mr Speaker, that those respective priorities are, to a large extent, compatible.

The committee, in its deliberations, was not traversing new ground. The proposal by then Minister Brown in early 1987 for a casino was more or less the fifth attempt by the Federal Government to establish a casino in Canberra. These attempts generated a number of inquiries by a range of bodies. Two select committees and one standing committee of our predecessors, the old Legislative Assembly and the House of Assembly, were held. The Caldwell social impact study was commissioned last year to inquire into the social impact, the likely effect on individuals and families, the likely effect on business and tourism, and the likely effect on the character of Canberra as the national capital.

It was clear to the committee at an early stage that it would not be possible for us to cover in 60 days all the ground that has been covered previously by others. I am confident, however, that the best possible use was made of the time available to us and the maximum number of sources and opinions were consulted in order to enable us to assess for ourselves whether the conclusions of earlier reports were justified. The importance of the process we undertook was its ability to directly probe the views of citizens of the ACT on these issues.

Although this process occurred to some extent with the Caldwell report and other reports, it was particularly relevant in this case because those conducting the inquiry were a representative cross-section of those who would ultimately make the decision about whether Canberra should have a casino. I hope that it is as a result of this fact that this inquiry will have been the last on this subject and that the divisions and anxieties generated around this issue will be put to rest by a quick decision and the implementation by the Government of the recommendations of this report.

The debate on this subject has, in the committee's view, been more than reasonable and the suggestion that the issue should be further referred to a referendum was rejected by the committee. The committee went to great lengths to probe community views and to take a full range of opinions on the issues raised. It examined officially 58 witnesses and received more than 100 submissions. In addition, it met with a number of other people involved with the operation or surveillance or social impact of casinos in Adelaide and Hobart, where members of the committee made an informal trip earlier this month. Nonetheless, a totally comprehensive inquiry of all possible issues arising out of the terms of reference given to the committee was not possible. The committee presents its report with that caveat firmly to the fore.

Mr Speaker, the terms of reference of the committee required it to examine the extent of a casino's possible contribution to Territory revenues; the appropriate location of a casino in particular to the section 19 site; the environmental and social impact of such a development;

and the implications from the operation of other casinos in Australia on the proposed Canberra casino.

These terms of reference boiled down to two central issues: Firstly, should the ACT have a casino and, secondly, should the casino be located on section 19? The answer to both of those questions is a guarded yes. Permit me, Mr Speaker, to outline some of the essential conclusions and recommendations of the report.

There was considerable debate before the committee about the veracity of various means of probing opinions of Canberra citizens on the subject of a casino. Some groups, in particular the Committee for a Casino-Free Canberra, were keen to discredit various surveys purporting to show that a majority of Canberrans were at least not ill-disposed to the establishment of a casino here. Notable among these surveys was a survey conducted by the Canberra Association for Regional Development, the opinion poll conducted on behalf of Channel 10 in December 1988, and the opinion polling done by the Caldwell inquiry.

Although reservations were expressed by members of the committee regarding all three of these polls, the committee did note that the general thrust of generally properly conducted inquiries has always been that a majority of people favour the establishment of a casino in Canberra.

Taken together, the various surveys are so similar that the committee was compelled to the conclusion that they represent, broadly speaking, the views of the community. The point was, of course, well made that the depth of opinion on each side of the issue does vary considerably, however. In my opinion, the depth of opinion opposing the casino is somewhat deeper than the conviction of those favouring its construction. It is perhaps a flaw of democracy that it gives to a conviction a person is prepared to die for the same weight as to an opinion held merely on the balance of probabilities.

I do not believe, however, that the committee would have supported the concept of a casino in Canberra if it were not convinced, irrespective of the views of the majority of electors, that the benefits of a casino would outweigh its disadvantages. In this respect, it was of course measuring chalk against cheese, and the issue vexed our minds for quite some time.

It was pointed out, and the committee accepted without reservation, that the existence of a casino in Canberra will increase gambling overall in the Territory; will increase the particular problems of excessive gamblers; will accelerate the problems experienced by the families of excessive gamblers; and will necessitate some additional burden on those social welfare organisations which provide assistance to victims of excessive gambling. That evidence was not disputed by any member of the committee.

What was more difficult to assess was how this problem should be weighed against the advantages and opportunities which a casino would bring. On the down side, the most authoritative evidence before the committee - the view of the Caldwell study - had it that an estimated 11.4 per cent increase could be expected in the number of excessive gamblers over present levels. This translates, in 1988 terms, to about 86 additional excessive gamblers in the ACT community. That is the Caldwell committee's conclusion.

It was for this reason that the committee accepted strongly the view that certain, as yet unimplemented, recommendations of the Caldwell inquiry be addressed as a matter of urgency by the ACT Government; specifically, that the counselling, referral and educational services recommended by Caldwell be established as a matter of priority. This decision does not depend on whether a casino is ultimately approved and goes ahead. The committee also recommends that a proportion of total government gambling revenue be dedicated to the funding of such services.

On the other side of this difficult equation I have spoken of, the committee was mindful of the jobs to be created during both the construction phase and the operational phase of a casino. The evidence put before us was that about 3,000 jobs would be created during the construction phase and a further 1,000 to 1,400 jobs would flow directly from the operation of a casino in Canberra. At its very simplest - or simplistic, perhaps - the equation boiled down to about 100 problem gamblers against several thousand additional jobs. The committee's unenviable position was eventually resolved by a majority vote in favour of the view that the demonstrated benefits outweighed the adverse social impact. Gambling is a serious social problem, but so is unemployment.

Another issue of significance, Mr Speaker, was the question of crime, in particular organised crime. In this respect, the committee received starkly different evidence from a range of sources. The insistence of authorities in Tasmania and South Australia that there was no nexus between organised crime and the casinos there was challenged directly by other evidence which insisted that organised crime could and would be a feature of any casino in the ACT.

On balance, the committee leaned towards the views of those with direct experience of casinos as against the views of those whose advice tended to be more second-hand or hearsay. The Australian Federal Police, for example, warned that a casino had the potential - and I stress "potential" - to attract organised crime and that strict precautions will be necessary to exclude or minimise this possibility.

The committee was anxious to interview Mr Bob Bottom, who had appeared before a previous Legislative Assembly inquiry

prior to self-government. Mr Bottom was unable to appear, but advised that he had no further opinion to express beyond what he had conveyed to the previous inquiry. His conclusions to that inquiry were that casinos are a very attractive area for organised crime, that organised crime would attempt to infiltrate an ACT casino, and that the application of strict controls can avoid organised crime involvement in an environment such as Canberra where a situation of crime and corruption is not already established.

The committee, in summary, did not receive any conclusive evidence of the involvement of organised crime in Australian casinos. I have to caution that this does not mean that any of us accept that organised crime can never infiltrate a casino. Clearly, that possibility exists and it is only through watertight legislation and fiercely independent statutory watchdogs that this possibility can be excluded. This is, of course, a perfect situation, but the committee believes that, on the basis of the ACT's existing Casino Control Ordinance, a very good start has been made at achieving this goal.

The committee was also satisfied that the Adelaide and Hobart experience would be repeated in Canberra in respect of street crime; that is, that no special problems will develop providing appropriate police resources are made available. The committee found that the casino has the potential to provide an important catalyst to tourism in the ACT. The committee accepts that the casino market is now a crowded one, but believes that the existence of a casino in Canberra would add a significant additional dimension to the city's tourism potential. Canberra's image at present is somewhat monochromatic; that is, it is typified by an image of public buildings, institutions and monuments rather than the city of interest, colour and vitality which we all know it to be.

Like it or not, gambling is a significant pastime for a great many Australians. It is arrogant of us to exclude this dimension from any array of attractions which we might present to the visitor to Canberra. It is interesting to note that one witness before the committee mentioned that an opinion poll outside the ACT showed that 98 per cent of Australians were unaware that the ACT had poker machines. This may indicate that few outsiders see Canberra as a place where, among other things, the more "lowbrow" pastimes might be enjoyed.

Mr Speaker, the question of the community facilities which have been frequently linked to the development of section 19 was an issue of great importance to the committee. The committee was strongly of the view that the provision of these facilities is central to the entire proposal and cannot readily be separated. That is not to say that these facilities, including a lyric theatre and perhaps a playhouse and/or library, are the only benefits a casino might bring, but they are, in the first place, readily

identified in the public mind with the advantages of a casino.

There has been some considerable element of exaggeration on both sides of this argument. I am sure that the level of destruction to be wreaked by a casino has been overstated by opponents of the same. However, I am equally confident that there has been a serious overstatement on the part of the proponents of a casino of the benefits it would bring and in particular of the extent to which the proceeds of the development of section 19 would fund the community facilities which have so often been linked with it.

It is clear to the committee, Mr Speaker, that the premium which can be obtained from the development of section 19 will not cover anything like the full costs of the community facilities which have been promised. I personally do not see that as an argument against accepting the not inconsiderable sum which will be provided by the premium towards those costs. However, I do believe it necessitates an early commitment on the part of this Government to indicate, if the casino proposal goes ahead, where the additional funds will come from that will pay for these facilities. It is unacceptable for the Government to say that the casino should come now and the community facilities later. The two have been promised together and must be provided together.

Mr Speaker, I have limited time available to expand on the other recommendations of the committee and I hope that my colleagues in this place might do that for me. I wish to indicate that chairing this committee has been a memorable experience and has provided a fascinating insight into the issues surrounding this complex debate. There must be few better ways of coming to a full understanding of an issue like this than to sit on such a committee.

I have nothing but praise for my colleagues, all of whom were unstinting in the efforts they put into ensuring that the committee did its job thoroughly and rigorously in the short time available to it. Nor can I overstate the enormous assistance provided by our staff. With the members of the committee being so inexperienced in these matters, it was very fortunate that we had John Cummins as the secretary of the committee, with his enormous experience over many years in the House of Representatives. He was ably assisted by Cameron Kent.

Mr Speaker, I approached this task as a person who would basically be described as opposed to casinos and one who was reluctant, notwithstanding the position of my party, to endorse the idea for Canberra. There is no doubt in my mind that, if I had had an unfettered opportunity to vote on this issue three months ago, I would have voted against a casino. My experience on the committee has changed that. I am now firmly of the belief that the casino proposed at section 19 will make a dramatic difference to the vitality of the ACT's economy and, in particular, to the life of the

Civic area. I came to that opinion purely on the evidence put before the committee.

To those who still have misgivings and fears about a casino for Canberra, I can convey only my impression of the change that has occurred in the communities of Adelaide and Hobart following the introduction of casinos there. Although there was strong initial opposition from the local communities in both those cases, today the casinos there are non-issues. The fears and dire predictions about the casinos simply did not materialise, and I hope I can say with confidence that the same things will occur here. Mr Speaker, I commend the report to the Assembly.

MR JENSEN (10.47): I rise to speak on this report submitted to the Assembly by the Select Committee on the Establishment of a Casino, of which I was a member, a report you have no doubt gathered I do not totally agree with and to which I have added a dissenting report. I will comment on some of the key factors from my dissenting report during the time available to me this morning.

However, before I go too far into my comments, let me echo the reference by the committee chairman, Mr Humphries, to the staff support we had during this particular project. I have no doubt that other committee members will also support me in these comments. The committee secretary, John Cummins, and staff member Cameron Kent, throughout the committee deliberations were very strong in their support. The experience of Mr Cummins was very important and useful to us as we struggled with our task on a time scale that I felt was far too short. His advice on procedures and assistance during a short fact-finding visit to Adelaide, Hobart and Melbourne was much appreciated.

As with the select committee on police powers, the committee staff's best friend, the computer, decided to be difficult. I know that the support of the secretarial staff from the Assembly, who were burdened by their own work, helped us to ensure that this important report would be available to you this morning. I thank all the staff who helped us produce our report.

Mr Speaker, at this stage I believe it appropriate to say that, while I have submitted a dissenting report, I fully participated in preparing the main report. While not accepting all the conclusions and recommendations, I believe it was the best we could do in the time made available to us by the Assembly.

Members are no doubt aware that it was not the wish of the Rally, to ensure that the report be prepared, to restrict our deliberations to the 60 days we were allowed. However, as my colleague Mr Collaery said yesterday when referring to Mr Stefaniak and his move-on powers Bill, we in the Rally also know where the numbers are on issues like this. It is unfortunate, however, that I was not able to convince one of the other four members to support me in debunking

some of the myths that have been put about on this project by the Government.

I must be thankful, I guess, that they did agree to strongly recommend that some of the perceptions about what we as a community would be getting after we had sold our souls for another hotel and a casino on section 19 should be dispelled. Let us all be under no illusions, Mr Speaker; there will be a multimillion dollar shortfall between what we, as a community, will get for section 19 and what we need to provide our much-needed theatre complex, library, and Civic Square redevelopment. I do not believe I saw anything in the budget papers that would lead me to believe that we would be committing funds to the shortfall. You will note, Mr Speaker, that I have referred to a theatre complex, because that is what the community believes we are getting.

Certainly this idea has appeared in the media, and the government - both Federal and our own - have not seen fit to correct that misconception. Even one of the project supporters whom one would have expected would be well aware of what the shortfall might be, when questioned by me on this matter, said that he expected "the redevelopment of the theatres, the demolition of the North and South Buildings, the provision of funds for the redevelopment of a library and a number of other things". When further questioned as to whether he thought that the premium from the site would pay for these facilities, he answered in the affirmative.

Clearly, Mr Speaker, if one of the supporters of the project, and a very vocal one at that, had had that idea, what could we expect of those of us in voter-land who do not normally move in developer circles? I suggest, Mr Speaker, that many of us were being seduced by the old chestnut, "Nothing will happen in the way of construction, jobs and tourism if we do not have section 19" - the same bribe that keeps coming forward each time the matter is raised. However, I would like to suggest that those responsible for the management of the ACT, while not being responsible for a totally dishonest approach to the matter of what we could rightly expect in return for the site, certainly left out a fair bit.

It is this factor of only telling half the story that I submit has coloured the debate. Just as it was clear to me that only some of the surveys were used by both sides of the argument to make this case, one could argue that some of the information being provided to support the proposal was only part of the story. Sins of omission are often just as bad as sins committed.

I believe it would be charitable of me if I were to give the Government and some of its advisers an A pass in that area. As my colleague Hector Kinloch might say, "Nice try, but more work and research needed before I am able to give you a pass mark". I am sure he would have said that to any

of his students who had not put in the necessary work. Maybe he will not give this report a good mark. However, a parliamentary committee report, from my point of view, does not produce the numbers needed to make the Government think again about the future development of our city-state.

At this stage, I think it appropriate to comment on some aspects of the report. In paragraph 2.24 the majority committee report says that the committee does not support a referendum. As members are no doubt aware, I dispute this comment and, in fact, I have suggested that a referendum on the matter should be held. I am disappointed that the majority report from the committee does not fully explain the reasoning for this conclusion. I would be prepared to accept the results of such a plebiscite, provided there were no problems with the questions being used, and would seek to ensure that all interested parties were involved in developing the question or questions.

However, my report provides a compromise solution to this problem because of the cost of a referendum. Once again, all the key peak groups should be involved with the question or questions, and I would accept the results. In other words, what I am talking about is that we should have a properly constructed poll to enable a plebiscite of a lesser degree to take place. However, I think it important to ensure that the decision on this issue should, in the first instance, be provided by a free conscience vote on the issue on the floor of this Assembly.

Reference to things academic - and I refer back to my colleague Dr Kinloch - reminds me of the need to put in the effort if one wants results. It is also important to ensure that the work one does on a subject is balanced and looks at a number of options and arguments before coming to a final conclusion. At this juncture, Mr Speaker, I would like to suggest that the Government's advisers have been misled by an illusion, an illusion that a casino on section 19 will be the answer to all our problems in the construction industry, for tourism and for our budget.

I make the analogy with the pot of gold at the end of the rainbow; the quick-fix solution to all our problems. I note, Mr Speaker, that there was a comment made on the radio on the huge increase in gambling turnover at this time of economic stress. It seems that when things are tough we, in Australia, seek to find that elusive pot of gold that will solve all. Any of us who have ever put in a dollar or two, or even more in some cases, which I do not propose to mention here, know deep down that despite our hopes for the big win we will eventually lose out.

It is this sort of bankrupt, starry-eyed thinking, Mr Speaker, that we in Canberra risk repeating if we accept the "take it or you won't get it" argument we have had put to us each time the issue has been raised. In my report I have referred to the problems that come with being at the end of the line with a new idea. I have no doubt that the

Casino at Wrest Point in Hobart was successful when it was the first. At last count, Mr Speaker, there were two in Queensland, two in Tasmania, one in Western Australia, two in the Northern Territory, and another one in the pipeline for Christmas Island. Need I say more?

I would have thought that the major warning bells would have been sounding now about whether we are not about to get in on the act in a saturated market. It seems to me, Mr Speaker, that those who come into something at the top of the market, especially where turnovers and profit are a little shaky, seldom "make it past Go", if I may use a Monopoly analogy. We must think very carefully before we make the mistake which could be fatal to our economy.

In the time left to me I would like to briefly address some of the conclusions and recommendations. In fact, as I read through the recommendations of this report, I see a number of concerns raised by the members of the committee. As I said, some of the recommendations made by that committee I strongly endorse. You will no doubt have noted that, while the recommendations generally refer to what should happen if a casino is built in Canberra, there is no clear recommendation that a casino be built in Canberra.

In the unfortunate event that this project should go ahead, all of those recommendations but one require the Government to take care and provide the people with more information. However, if one were to consider the record of the current Canberra Government and the one that preceded it from the Federal arena, one would note that the first recommendation provides a strong rebuke. We have, Mr Speaker, in this city one of the most addictive forms of gambling - the poker machine. If one considers the quiet addition of draw poker machines, club TAB centres and the Sky Channel, with their live race broadcasts, one would concede that there is already a problem which I am sure will be added to if the casino is built.

Where are the funds in the budget for the recommendations of the social impact statement on the provisions of epidemiological studies, counselling referral and education services recommended by Dr Geoffrey Caldwell and his team? One could be as cynical as one of the SIS team members clearly was when he said that the need for such facilities had been identified by every inquiry that has looked at this issue. I trust that the Chief Minister will ensure that some of the take from the clubs and the TAB be put aside immediately for this task. You will note that this is one conclusion in paragraph 1.26 that I supported without reservation.

The conclusion in paragraph 1.27 refers to the analysis of the economic benefits from the land premium, employment and annual revenue which the majority expect would flow from this development. However, I do not believe that we, as a committee, are qualified to make this assessment. Here was a report commissioned by a government keen to get the right

answer, a report we could not fully assess. Also, there were at least two proposals which, because of their sketch plan nature, were not subject to the same assessment process.

Once again my thoughts turn to the bribery analogy. Why were the only suggestions for funds to provide our replacement facilities related to a casino? Where were other options that could have been used to help fund the development by sale of land? Remember, we own the leasehold rights to the majority of the land in the ACT. If we want to construct a community facility on the dearest block of land which we own, we can do so; that is our decision.

Why must all the proposals consider the need to redevelop the North and South Buildings by knocking them off? The committee saw no real figures on this option. Certainly, it is one alternative proposal which needs more work and should be submitted to the same assessment process as those that were included in the Jebb report before it was discussed and before it was discarded out of hand.

Why have we not gone out into the marketplace to seek further options by looking to the next boom industry, an industry that it may be possible to bring to Canberra? The time for following is over and we as a community must ensure that we are not hoodwinked by proposals that really only examine one side of the equation. During my time in the military, when preparing our technical plans we were required to do an appreciation of the various courses open to us and to the enemy as well before we prepared our plan on how to help the commander achieve his mission. One of the key things our instructors used to tell us was, "Never situate the appreciation" - I am sure Mr Kaine will know what I mean when I am talking about that.

Mr Kaine: I do, yes.

MR JENSEN: "...or decide what course you are going to take and then write your appreciation to fit the solution". That is one of the cardinal sins of any tactical appreciation. To do so would often result in some important factor being left out.

A member: Never take on a battle you are going to lose, either.

Mr Whalan: And you never do unless you do situate the appreciation.

MR JENSEN: Let me repeat that for the Deputy Chief Minister's benefit: It would result in some important factor being left out and our plan being made vulnerable. Mr Speaker, I would suggest that this is exactly what is happening here. During the hearings, supporters of the project were keen to tell us how important this project was to our economy, the labour market and the tourist industry,

a contention I do not doubt. However, we must ask ourselves: Is that really the only option? What else can we do to provide the necessary money to rebuild our theatres and our square and revitalise the city centre? I did not see too many options put to the committee about this subject.

My impression was that no other real work had been done on the other options. A quick look at the site plus some number crunching was all that was done. All we saw was the idea that all was lost without the casino and that section 19 was the only viable option. However, as this report clearly shows, even this project will hardly build a lyric theatre, let alone a library and two other theatres and redevelop the square. (Extension of time granted)

A well-known Labor supporter in a now infamous TV advertising program asked the Liberals during at least one of the last few election campaigns, "Where is the money coming from, Mr Howard?". I ask the same question of the Chief Minister here.

The committee has clearly put the Government on notice on this matter, and I think that if this proposal does go ahead the Government should tell us where it is going to get the facilities to provide the requirements. The Deputy Chief Minister can rest assured that we in the Rally will be watching carefully if this proposal is allowed to begin.

In closing, I would like to make a few brief comments about an alternative proposal that I passed to the committee for consideration. It is one that came to me after submissions had closed, and there were some aspects about it that concerned me. Not the least of them was that, while the proposition removed the casino from section 19, it recommended one on the other side of City Hill. That did concern me and I said so in my report. Despite my concerns about this proposal because of the nature of two of the buildings in it, it at least provided the same amount of premium to start - note, I say "start" - our new cultural facility.

One of the key aspects of the proposal was its ability to open up the access to City Hill and to ensure that we could once again use it as a city park and link the two parts of the city via the park and a new city plaza; hence the name it was given. It is strongly recommended that this project be passed on for further consideration and assessment.

My final comments refer to a matter dear to my heart: ensuring that the Federal Government contribute to the provisions of what will be identified as the national entertainment centre. Its location in the national capital on the third corner of the Triangle and the nature of the site require the construction of a facility that will reflect both of these aspects. Like the promise to provide the Assembly with a new building, it is appropriate that the Federal Government ensure that it put in its share of

the use and symbolism the centre and its location require. No-one expects the Federal Government to totally fund such a project. However, there is a clear responsibility to provide some financial input into such an important project, especially as it will be a major attraction in the year we celebrate the bicentenary of federalism in Australia.

The needs of the time, Mr Speaker, require us to look ahead and not rely on the easy money provided by this project in its current format. Remember, it is those on the end of a boom who miss out. Concrete Constructions, I would suggest, would probably be thinking that at this very moment. This casino boom has long since passed us by. It is necessary to go out into the marketplace and seek to anticipate what the next boom might be and ensure that we in this city are ready to take up the challenge of new ideas and concepts.

The advertising on the TV for the Adelaide casino uses the pot of gold at the end of the rainbow in its symbolic representation of the riches one can expect to find there. However, we really know that rainbows are never permanent and have a nasty habit of fading away.

I urge you all not to be fooled by the easy money options we are being sold. I believed at the start of this exercise that the figures did not add up and that there were better and more innovative ways to improve our economy. The committee deliberations have not substantially changed my mind. I therefore urge my fellow members to give the Government and its advisers one more chance to come up with some long-term projects for development and innovation without the need to sell such a prestige site for a casino and a hotel. In my book, the Government still has some work to do before it reaches its grade.

MR WOOD (11.06): Mr Speaker, the fact that this document was handed to us hot from the photocopiers indicates the pressure under which it was presented, and our compliments go to those people who accommodated all circumstances to do that. Perhaps I should first declare my interest, or in some respects my lack of it. I am not inherently a gambler. I have tried to think what I may have spent last year on gambling, and apart from the never-ending purchase of raffle tickets I doubt I would have spent more than about $25, and that being on poker machines and lotto tickets.

I can also say that I wagered $5 at one of the casinos I visited, and lost. So I am not particularly a gambler, but I am not opposed to gambling. I think, in these days of economic stress, money invested in gambling might be more productively used, but I am not against the concept of gambling. Perhaps that is because it is simply a fact of life; it is all around us, and has been for as long as I have been in Australia.

The volume of expenditure in Canberra is a clear indication of that fact. Indeed, Mr Jensen made the point that we already have casinos in Canberra. You can go to any licensed club and there you are, with the poker machines, the draw poker machines, the TAB betting facilities, and Sky Channel. We have those and that has been an important part of my thinking.

If people want to gamble, it is a free society. Nevertheless, a casino is a particular kind of place. The only value that you will find in a casino is that of winning or losing money; money is all. It is a further refinement of what we already have in extensive gambling facilities. Because of what a casino is, for me, the question of a casino in Canberra is, first of all, a moral and a social issue.

If it cannot be justified on moral and social grounds, a casino ought not to proceed. To this matter I have given a great deal of thought over the last two months. Prior to that, prior to my appointment to this select committee, I had not given it a great deal of thought one way or the other. But in the last two months I have listened, I have observed, and I have considered and pondered the matter most deeply. As I will explain, as the report explains and as my statement to that report explains, I have concluded that, while many people may regret it, the mores of Canberra society are such that a casino is a compatible development. If it is justifiable in those terms, with those prime considerations, what other factors ought to be considered?

The one factor which was of the most concern to me was that of criminality and corruption. I had heard the allegations. Almost all of the letters that I received against the casino expressed the view that they did not want a casino because it would bring crime and would encourage corruption.

Many of those letters mentioned the Connor report. So the very first thing I did, as I set out on this path, was to read the Connor report. What a fascinating, interesting, intriguing report it was. I commend it to you. Therefore, I was most keen to have Mr Connor, formerly Mr Justice Connor, come and sit in that room there and talk to the committee and answer our questions. I noted his anxieties and I still do. He makes the point that, in the main, his views were expressed following his examination in the American context of casinos. He indicated that he still has grave concerns about casinos. His views have not particularly changed, though he did note that he would be less apprehensive now, in the light of what has happened in Australia in the last six or seven years, because that experience has shown that casinos can operate, they do operate, without criminality, without corruption.

Instances were given to us of misdoings in casinos, but it is my assessment that those instances are much fewer than you would find in the general run of business. The critical factor is that we must first establish the legislation and put in the provisions and the processes to see that these casinos remain safe. We are doing that. That legislation includes the need to scrutinise and to watch what goes on in the casinos, what goes on in the management, indeed what management will be contracted to develop the casino.

That is one of the reasons why I do not think I will be visiting the casino particularly, unless it is to show it to some visitors to Canberra, because I do not care to be spied on at my leisure activities. The very extensive spying that occurs in the casino was disturbing to me. It is necessary. So I believe that the casinos themselves and their operators in this context will not be subject to criminal influences or be open to corruption.

There was one other item of the most major concern, and that was the position of a casino in the national capital, on section 19. I love this city, I am proud of it, and as a legislator I will do nothing to damage it; I would only work for its benefit.

Dr Kinloch, I listened carefully to every point on this issue and I considered them. I worked on the principle that the vision of Burley Griffin must not be diminished. Canberra must only get better. In all of my thinking, assessments and judgment, this was uppermost.

As you know, when I saw the casinos in Adelaide and Hobart - the only casinos I have seen - my perceptions of casinos changed. I said, "What's the big deal?". Casinos are not places of glamour or excitement, nor are they places of degradation and horror. The setting and decor of the casino in Adelaide, for example, if not the clientele, are rather grand. The Hobart casino would fit unobserved into the club scene in Canberra.

A casino is not inappropriate to Canberra, nor is it inappropriate on section 19, because those rather ordinary places that are casinos in Australia will not provide the focus for what we put on section 19. The other buildings, and in particular the arts complex, will provide the architectural and social focus of this very important part of the ACT and of Australia. The casino will be relatively insignificant.

Let me turn now to that arts complex. It is worth noting that there is a long history in Australia of gambling supporting the arts - note the development of the Opera House - and our GALA funds here are used for arts development. A recommendation from this committee seeks from the Government a clear statement about future development. I know that will wait until we see what the premium for the site is, and that is of necessity.

I would make it clear that the position regarding the development of the community facilities was clearly established in all documents. The Government never tried to con the ACT community; it was always clearly expressed that we would have to wait until the premium was established before the extent of the development could be known. (Extension of time granted)

So I await future developments with interest. The other point to make is the need for a response to the arts community about the provision of a greatly increased number of performances to fill those theatres, from the Canberra community generally. So the performances and attendances will have to be lifted considerably. That is a very difficult task.

I also considered the argument about jobs. I have to say I reject the argument that we need building construction just to provide jobs. For me, that is like saying, "Let's chop down some more forests to keep jobs", and I do not accept that. It is fine to have construction, but that construction must be based on the need for the structure and the facilities being provided. My experiences in this were rather like those of Mr Humphries. This exercise made me focus my thoughts where I had not particularly done so before. I believe that, in the period before the establishment of the select committee, my views to those who were interested were well enough known. I was not wildly excited about the issue. It was known that I was marginally against the proposal, not being particularly concerned about gambling but being concerned about crime, corruption, and the moral and social aspects.

However, my views too have been modified. I believe that, if we look at the casino in the context of what we already have in the ACT and, more than that, what the ACT community supports and accepts, then the development of a casino is supportable. Further, if we look at this development in the context of the package that we are offered and the benefits for convention centre, for tourism, for arts and for the general enhancement of what happens in Canberra, the proposal is supportable.

MR DUBY (11.19): Mr Speaker, I rise to endorse the words of Mr Wood, as Mr Humphries has done, and also those of Mr Jensen. We on this committee set out on a task which we knew would be thankless to a lot of people, because the establishment of a casino development in the heart of Canberra is a very contentious issue. I repeat the sentiments of Mr Wood, in the sense that at the start I think some of us were marginally against gambling and some marginally for. I personally could not have given a hoot either way whether there was a casino in Canberra. But we were charged with the task, and the task was to determine the suitability of a casino in the heart of Canberra. Many people gave submissions to us - many people whose feelings are very strong on this issue, both for and against. I

think we have tried to do an impartial job and look at the benefits for and the costs against such a development.

I would like to remind members of the terms of reference of our inquiry, the first of which was to determine and report on "the extent to which...a casino may be expected to contribute to Territory revenue having regard to revenue received by State and Territory Governments from casinos established in the respective States and Northern Territory". A lot of people do not seem to realise that in talking of a casino we are talking about a substantial revenue raiser. Apart from the ongoing revenue that would be received in the first year of operations of a casino - an estimated $5.4m - there are also the other revenues and benefits which would flow to the community from just the building of a complex of the type we are talking about on section 19. In the construction phase alone we are talking about 2,700 jobs being required to build the proposed development on section 19. That is an enormous input into the Canberra community - 2,700 jobs - and we all know that the Canberra economy at this stage is in need of a push of some kind. Whether it is the Museum of Australia or other proposed developments, the fact remains that this proposal will provide those jobs. When the casino and hotel complex is operational, we are talking about 1,800 jobs. Not all of them will be full time; we believe it would be in the order of two-thirds - 1,200 full-time jobs and 600 part-time. That seems to be the mix of jobs that a casino-hotel complex operates on.

In the Canberra community which has severe and grave doubts about the ability to provide jobs to our school leavers, these are factors which have to be taken into account. Those, of course, have a flow-on in regard to revenue for the Government right through the Canberra economy. So there is no doubt about the fact that a casino-hotel development in the Territory will have a substantial impact on Territory revenue.

The second item we had to look at was the practicability and desirability of locating any casino in Canberra at a site in Canberra other than on section 19 and the revenue implications of so doing. The committee looked at a number of sites, as this report clearly spells out. I think it goes without saying that there is no question, in my mind anyway, that section 19 is clearly the most appropriate place to place a casino in Canberra. Other sites simply could not match the benefits that would accrue from having a development like this placed on section 19.

There are reasons for that which the report clearly spells out, but I will simply go through some of them shortly. The simple situation is that the revenue implications of having this development placed on any other site are mainly common sense when you think about it. It is a prime site and if the casino and hotel development was to be placed elsewhere in the city the premium to be paid by the developer would simply not match that to be gained from placing the development on section 19.

In addition, there is the additional tourism flow-on from placing the casino development here on this site. The need for a central city hotel, with the soon-to-be opened convention centre, and a casino as a major tourist drawcard, as I am sure it will be, in a close proximity is clear. The increase in tourism that placing the casino on section 19 will bring about I think is irrefutable.

The third item we had to look at was "an assessment of the environmental impact of such a development and an assessment of the findings of the Caldwell Report". In a way, that is really what this committee had to do. The crux of the matter was to determine whether the Caldwell report about a casino development for Canberra, the social impact report that was brought down, really was accurate.

Of all the evidence that has come before us, I do not think anyone has been able to logically refute any of the arguments that are placed in that Caldwell report.

Dr Kinloch: Not so, Craig.

MR DUBY: I would like to think so, Dr Kinloch, but unfortunately I have to agree with the Caldwell report. The arguments in it in a lot of ways may be contentious, but they certainly stack up better than any arguments on the opposite point of view.

The Caldwell report closely examines the effect that having a casino will have on life in Canberra. That social impact study clearly demonstrates, as Mr Jensen pointed out, that there is a large need in this city right now to help people who are currently experiencing the problems of excessive gambling. But I think it also clearly demonstrates that the placing or establishment of a casino in Canberra will not lead to a large increase in excessive gambling. It will lead to a minute increase - I believe 11.4 per cent is the figure that people keep quoting - in excessive gambling. People do not realise that. When they think of 11.4 per cent, they automatically think that 11.4 per cent of Canberrans is an awful lot of people. That is not the case. We are talking about an 11.4 per cent increase in the current rate of excessive gambling.

The current rate of excessive gambling, I believe, is in the order of, but no-one can really be sure, one per cent of the population, with perhaps another one per cent who fluctuate, who might go mad over Christmas and then take it easy for the rest of the year. Who knows? But basically we are talking about 0.1 per cent of the population who are going to be adversely affected by the establishment of a casino in Canberra. When I look at the costs - and they are severe costs - and compare those with the benefits that are going to accrue to the community as a whole, I am afraid that I simply have to come down on the side of the community as a whole.

We have taken all those things into account in the recommendations that the committee has come up with. I think people will see, when they read and examine these recommendations closely, that should they be adopted any casino in Canberra would be probably the most excessive- gambler-friendly casino in Australia. We particularly have recommended that steps should be taken to ensure that people who are having problems with their excessive gambling should be able easily to obtain help and so also should members of their family. I think that is a very important thing.

The committee's final term of reference was the "implications from the operation of casinos in Australia as may be relevant to the desirability of a casino in Canberra". You can take that a lot of ways. (Extension of time granted) The vast majority of people who wrote letters objecting to the placement or establishment of a casino in the ACT used the argument that crime and criminal elements would be associated with the management and running of the casino. I would like to state categorically here and now that no one on the committee, even our dissenting members, was able to find any proof in any way of criminal involvement in the management of casinos in Australia. I have been assured by police officers, but in particular I refer to the current commissioner for police in Tasmania, a man who has had extensive experience in policing over many years in the Victoria Police Force and in the National Crime Authority, that criminal involvement in casino management is simply non-existent. We had reports from our own Australian Federal Police who advised that they had had no information of any kind over a number of years of criminal involvement in the management of casinos. The casinos in Australia are probably the squeakiest clean casino operations in the world, from what I could find out from research we have done.

That brings us to the final question of whether it is appropriate to have a casino in the nation's capital. Once again, this is a major contention of people who are opposed to casino development. The Caldwell report looked into this matter at length and I can only concur with its findings. It found that Australians as a whole and Canberrans in general had no problems with the establishment of a casino within the national capital. I must admit that those reports did not address the problem of a casino on section 19, but the information that we have had from opinion polls and other surveys taken would indicate that, with the exception of a very vocal minority who have very strong feelings, which people have to remember are quite legitimate feelings, the vast majority of people in Canberra feel that the location of a casino on section 19 will not greatly or adversely affect the role of Canberra as the nation's capital.

With that in mind, I would urge members to read the recommendations of the report. We have put a lot of thought and effort into it, we know it is a contentious

issue, but we firmly believe that for the future of the ACT this development should go ahead, and should go ahead as soon as possible.

MR STEVENSON (11.32): Mr Speaker, there have been a number of myths exploded this morning to do with the casino or a proposed casino in Canberra. The Canberra people have been told that if we gamble on a casino we will win three plus one - a theatre complex with three theatres plus a library. We have already heard that this is not true. The suggestion, we now know, is that we could possibly receive a lyric theatre if we agree with the bribe of a casino. We are also told that there will be a tourist bonanza, if you like, and also a great influx of money into the local economy. These things are also untrue.

First of all, let us take what I call the bribe. Most people in Canberra, I believe, consider that if we do not have a casino we do not get a theatre complex of three theatres and a library. If we accept the bribe, we do not get them anyway. The money, perhaps most of it, would need to come from elsewhere. It has been the experience when we talk about casinos that proponents of casinos use the community bribe. In 1983 the people of Canberra were told that, if they did not accept a casino then, they would not get a convention centre. Experience has shown us that, one, the casino did not go ahead but, two, the convention centre did.

Perhaps a major concern of people who oppose a casino is to do with the crime aspects. Mr Duby said that the members of the committee, including the dissenting members, of which I was one, have not given any proof in any way of any criminal involvement in casinos in Australia. Once again I dissent. Let us look at some of the evidence that was presented to the committee. The major concern is that casinos, because they are places of large cash flow, will be used to launder black money, criminal money, money that has been obtained by unpaid taxes, et cetera. The belief as to how this is done is that someone goes into a casino with cash, buys chips, may win a few grand or lose a few grand during the evening, but then comes out at the end of a night with a cheque which he can suggest were winnings in the casino. The committee, however, learned that this was handled by the casinos by having winnings cheques and non-winnings cheques. The casinos say that if gamblers cannot show that the money was actually won during the evening then they do not receive a cheque with the word "winnings" across it, and this was the main concern.

While we were in Tasmania we learned that a senior manager of Wrest Point Casino signed a $20,000 winning cheque when that was not a winning cheque; he knew full well that it was not. The reason we were told he did it is implausible to say the least. We were told that the gambler was a high roller, a regular customer, as it were, and that he had been pestering this senior casino manager for a winnings cheque and that the manager had sort of made an honest

mistake and written the cheque out. I find that implausible to say the least.

The suggestion has also been made that there have been no criminal connections with casinos in Australia. This is not true. Unfortunately, this information was not presented to the committee by the police in Tasmania, by casino authorities or by government authorities. It was unfortunate that I had to look at a newspaper casino file in Adelaide before I gained some of this information. The information showed - and I presented this to the committee - that indeed there were two companies who are now intimately connected with the operation of casinos in Australia which had or have directors who have been brought to police notice for reasons of impropriety or criminal behaviour. There is apparently a case in Western Australia where charges have recently been laid.

The fact of criminals being attracted to the casino area in Australia - do not worry about America - is highlighted by the recent look by the New South Wales Government into casinos. They called for submissions by companies who were interested in obtaining a casino licence. There were four submissions to the New South Wales Government, none of which was deemed to be acceptable - not one. This is in Australia.

We have only spoken to police in two areas, the Tasmanian police commissioner, who has been working in Tasmania for the last 18 months, and also the Australian Federal Police. The Australian Federal Police said crime will increase in Canberra if a casino is allowed.

They also said that Canberra has a particular attraction for criminals, particularly from New South Wales, because they can come down here for a short while, do their deeds and then leave and in 20 minutes they are out of the jurisdiction of Canberra. Police cited experiences involving these occurrences. People have come down for the Black Opal races, committed crime and then left.

While we were in Tasmania we heard from a government worker who has been associated with Gamblers Anonymous for a number of years. He gave us an interesting profile of compulsive gamblers. They become compulsive cheats, compulsive liars and compulsive thieves. There is no doubt that social welfare problems will increase if we proceed with the casino. In my dissent to the report I mentioned that there will be marriage break-ups. If Tasmania is a guide, there will also be suicides brought about by compulsive gambling.

The major area of crime, I suggest, will not be from street crime but will be caused by gamblers trying to fund their habits. If we assume that the extra 86 habitual gamblers, as mentioned in our report and in the social impact study, succumb to their addiction, and they and their families require social welfare assistance, psychiatric and

rehabilitation assistance, et cetera, then the estimated cost to the community will be high. (Extension of time granted)

If we look at 86 average family welfare payments, we find that the cost is slightly over $1m. The loss of average family tax payments to the Government or the community would be $588,000. If only 65 per cent require counselling or psychiatric help, on a conservative estimate of $19,000 per annum, that will again be over $1m. It is a total figure of $2,904,000. This does not take into account the extra police manpower and facilities that will be required to ensure that street crime does not increase, and I am sure that that can be made sure of, but there will be a financial cost. It also does not allow for the short-term loss of jobs in the licensed club or other gambling associated industries.

We look at whether or not a casino in Canberra will increase the money into the Canberra community. Evidence has shown that 80 per cent of the gamblers in a casino will be local Canberra people, not tourists. Seventy per cent of the money gambled or lost in a casino will be from people in the local community - you and I, if we gamble. I say that people do not win at a casino; the odds are totally against it.

If we accept the Government's submission that in the first year $5.4m profit will be made in taxes from the casino, we should also accept that $3.8m of that amount of money will come from local people. This will not be new money. It will be money that will come from other areas in the Canberra community. It will come from other gambling related areas, it will come from people not spending money in the retail area, and it will be a cost to the Canberra people. Basically, the money will be moving around. It will not be coming into the community. However, it will be leaving the community.

A casino in Canberra would no doubt be run by or controlled by people out of town, as is the case in most other States or territories. So where you have a situation when people gamble at their local club on poker machines and so on, the money tends to stay and be circulated through the community, this would not be the case with a casino in Canberra. It becomes a tax on lower and middle income earners because they are the people who spend the great majority of money in a casino.

Let us look at the question of whether or not Canberrans want a casino. The suggestion by Mr Humphries that all surveys have shown that the majority of Canberrans do want a casino is simply not true. Let us look at various areas. There have been an overwhelming number of letters on this subject to members in this Assembly, the vast majority of which are opposed to a casino. The vast majority of letters to the editors are also opposed to a casino. The Canberra Chronicle ran a poll which showed that 79 per cent of people were opposed to a casino. Yesterday there were

500 people outside this Assembly who are opposed to a casino.

We are told that CARD, the Canberra Association for Regional Development, suggested that people in Canberra want a casino. That is not true. They never asked Canberrans the question, "Do you want a casino or not?". That was exposed in evidence at the hearing.

The casino, as Mr Jensen says, will be no pot of gold for Canberrans. We will not get our bribe of three theatres and a library, there will be no financial bonanza, but there will be substantial social welfare costs which could negate any taxation benefit that will be paid by Canberra people, lower and middle income workers.

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

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE

Debate resumed from 5 July 1989, on motion by **Mr Collaery**:

That:

(1) this Assembly acknowledges that the current standing orders were introduced as an interim arrangement pending full review by the Standing Committee on Administration and Procedures; and

(2) the Standing Committee on Administration and Procedures examines the current standing orders as a matter of priority; and in particular standing orders - 35, 61, 63(a), 65, 69(e), 108, 138, 189, 203, 272 and 275.

MR JENSEN (11.48): Mr Speaker, I rise to continue my remarks from the last sitting period - a sitting period that seems so far back in the distant past, I would suggest. That is one of the unfortunate problems associated with this type of operation. However, I will not detain members much longer on this issue. We must remember that it was moved at a time when we here on this side felt threatened by some of the Government's tactics in relation to the use of standing orders.

Ms Follett: Mr Jensen!

MR JENSEN: Sorry, Chief Minister, but I had to make that point. All I really wish to do is to comment briefly on some points raised by the Chief Minister and Mr Humphries. I refer to one comment the Chief Minister made about the changes the ALP proposed to standing orders in that letter that was commented on and quoted at various stages during past discussion. In that letter, one proposal was to remove standing order 117 because it provided "undue restriction on debate". That related to the rules governing question time. This move is clearly unacceptable to all thinking members and commentators on political

matters. It is important for some rules to be established to protect the right of non-government members.

There is no doubt that revision of standing orders must be undertaken and that the Administration and Procedures Committee is the right place. However, to answer the point made by Mr Humphries on that issue, all this motion seeks to do is to ensure that the committee has a focus on which to start its work. In fact, all we are seeking is for the committee to be given a set of priorities on which to begin its work.

I had proposed to briefly comment on the specific standing orders that were referred to in Mr Collaery's motion. In the interest of moving our business along today, I do not propose to do so. However, I will say that the changes to the particular orders referred to only seek to rationalise the different nature of this chamber from the House of Representatives, on which these orders have been based.

In conclusion, Mr Speaker, I restate my comment that this motion only seeks to set some priorities from this Assembly to the committee on which to start its revision process, a role quite proper for this place, I would suggest. It is quite proper for the Assembly to give such instructions to one of our standing committees. Accordingly, I trust that this motion, after this erudite explanation, will now receive the full support of the Assembly.

Question put.

The Assembly voted -

AYES, 4	NOES, 11
Mr Collaery	Mr Berry
Mr Jensen	Mr Duby
Dr Kinloch	Ms Follett
Mr Moore	Mr Humphries
Mr Kaine	
Ms Maher	
Mrs Nolan	
Mr Prowse	
Mr Stefaniak	
Mr Whalan	
Mr Wood	

Question resolved in the negative.

SOCIAL POLICY - STANDING COMMITTEE

MR JENSEN (11.59): Pursuant to notice, I move:

> That paragraph (2) of the resolution of appointment of the Standing Committee on Social Policy be amended by omitting "4" and substituting "5".

Mr Speaker, this motion takes the Assembly back to our second sitting day when amendments to standing orders were being made and when we were still learning how we were to operate in this Assembly. I do not propose to take up a large amount of time of the house on this matter, particularly because I think it is important that we get through some other private members business. Therefore, Mr Speaker, I ask that, without any further debate, the matter be put to the vote.

Question resolved in the affirmative.

Mr Whalan: Why do you not move that Carmel Maher be added to the committee?

MR JENSEN: Yes, Mr Speaker. I seek leave to move that Ms Maher be added to the Social Policy Committee.

Leave granted.

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

> That Ms Maher be appointed to the Standing Committee on Social Policy.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE

MR JENSEN (12.00): Pursuant to notice, I move:

> That the Standing Committee on Planning, Development and Infrastructure -
>
> (1) prepares drafting instructions before the last day of sitting in 1989 to give effect to Part IV of the Australian Capital Territory (Planning and Land Management) Act 1988; and
>
> (2) invites comment from the Joint Parliamentary Committee on the ACT, the Interim Territory Planning Authority, the National Capital Planning Authority, the ACT Administration, registered political parties (whether represented in this Assembly or not) and such organisations or members of the public who wish to make representations on this issue.

Mr Speaker, the Rally has proposed this motion today to ensure that drafting instructions are prepared after due public consultation so that the major issue of planning for the ACT and the format for the Territory Planning Authority are fully aired in the public arena before they are put into law. The motion proposes to refer these matters to a standing committee, which I would suggest is an appropriate forum to consider them.

During discussion we sought to have the motion amended to require the Government to prepare the drafting instructions before the last day of October to give effect to part IV of this particular section of the Australian Capital Territory (Planning and Land Management) Act and refer such drafting instructions to the Standing Committee on Planning, Development and Infrastructure. But for some reason it would seem that the Liberals did not see it as appropriate to support such a far-seeing motion. It is unfortunate. However, I will therefore continue to speak on the motion as it now stands.

The motion provides recommendations to the standing committee on where it should seek information without placing any restrictions on the committee. The aim of the second part of the motion is to ensure that as wide a cross-section as possible of views from organisations is covered. While a reporting date is fixed by the motion, this only provides an upper limit on the time for consideration by the committee. However, there is no restriction on the committee producing its report well before the deadline. In fact, it could be argued that the sooner the committee reports the better so that laws can be passed by this Assembly to replace those given to us by the Federal Parliament without any real consultation.

The Rally considers this proposal to be of major importance to the residents of Canberra and the people of Australia, on whose behalf we hold the keys to the national capital. The need for this motion is clearly stated in section 25 of the ACT (Planning and Land Management) Act 1988, which requires the Assembly to:

... as soon as practicable, make laws providing for
(a) establishing a Territory planning authority;
(b) conferring functions on the authority, including the functions of:
(i) preparing and administering a plan in respect of land, not inconsistent with the National Capital Plan; and
(ii) keeping the plan under constant review and proposing amendments to it when necessary.

Mr Speaker, I think it is important to refer again to the need for this matter to be addressed as soon as practicable. I remind members that the election was held on 4 March 1989 and it is now almost five months since that date - that is how long this motion has been waiting to be debated. The delay will be even longer if we take into account that the predecessor to the Interim Territory Planning Authority was disbanded in December last year.

Our town planning is now the responsibility of an interim planning authority headed by an interim chief planner in accordance with the Interim Territorial Planning Ordinance of 1988. Sometimes history tells us that an interim institution can become permanent by default. The Rally does not consider this as appropriate in the best interests of planning in the ACT.

I must also remind members that section 60 of the ACT (Planning and Land Management) Act to which I have already referred gives the same powers and responsibilities to the interim authority as to the permanent body which is to replace it. What we have here is an interim authority without clearly defined powers but which operates on laws passed by Federal Parliament and not this Assembly, laws which allow them to make their own rules without putting them before this Assembly. The Rally does not consider that the Executive should be the sole arbiter on such matters.

While the Rally acknowledges that the Interim Territory Planning Authority can take preliminary - and I repeat "preliminary" - steps to prepare the Territory plan we must assume therefore that the Territory plan cannot be fully completed under the interim authority unless we allow it to become permanent by default.

One of the key points in the Rally policy - and dare I say it is the minority Labor Government policy as well - was a commitment to open government and public consultation. This fact is very important when one looks at the history of town planning in our city. In fact, many of us in the Rally, both in the Assembly and our supporters throughout the city, only became interested in participating in this Government because of the failure of the National Capital Development Commission to ensure that it included a form of meaningful public consultation in its planning procedures.

The majority of disputes between the planners and the residents were caused because of this failure to consult. Too often we have been told, "This is what you are getting", after decisions have been made. Fortunately, towards the end there were some enlightened souls in the commission. The development of the Tuggeranong town centre as we know it today, even accounting for the failures of the Federal Labor Government to keep its side of the bargain, included a large degree of public consultation. Large public meetings in 1983 set the scene for the development of this important sector of our city, a process that I was privileged and proud to be involved with, a process that we in the Rally also insist must be allowed to continue in the future. The apparent unholy alliance between the Builders Labourers and the residents of Darling Harbour which saw the introduction of the green bans was caused by residents saying, "Enough is enough".

Mr Berry: In fact, it was Woolloomooloo.

MR JENSEN: I bow to the superior knowledge of union politics by my colleague Mr Berry.

This brings me to another important aspect of public consultation. There is a need to establish an appropriate process whereby the community can have some involvement in decision making at the highest level.

The Rally would like to see the re-establishment of a similar body to the NCDC community consultative committee where peak community groups and other interested parties participated in the policymaking process. I raised this matter with the current interim territory chief planner in my capacity as chairman of the Tuggeranong Community Council before I was encouraged to seek election to this place. He advised the council in writing that we should discuss the subject with him in February this year. I understand that the council is still waiting for this matter to be considered by him.

To this end the Rally will be seeking to ensure that some form of replacement for this important liaison committee is re-established as soon as possible and its importance established by the legislation which sets up the Territory Planning Authority. I commend that particular aspect to the minority Government committed to open and public consultation.

On the other hand, the same authority allowed the over-development of Civic, to the detriment of adjacent urban environment, in contravention of its own approved metropolitan plan and against the advice and wishes of residents and other more enlightened town planners. These decisions resulted in developments like the desecration of City Hill within a stone's throw of where we sit today, decisions that must not be allowed to happen again, and I suggest that the recent decision by Justice Kelly is one aspect of that particular problem - a good decision for the residents of Canberra.

All this leads the Rally and its supporters to be firmly convinced that the laws to be put in place by the Assembly when it formalises what is only an interim arrangement must ensure that the requirement for public consultation is firmly entrenched in that legislation - a requirement acknowledged by section 25(4) of the ACT (Planning and Land Management) Act.

This same section also requires similar laws to be established to include the need for the Territory Planning Authority to consult with the National Capital Planning Authority. This authority, as members are no doubt aware, is regulated by the same ACT (Planning and Land Management) Act to produce the national capital plan by 1 May 1990, a plan that will have a major influence on our final territorial plan. We must have our new planning authority well established in its permanent form before that date.

Section 25(5) is another important provision because it clearly says that the Assembly is not restricted by the Act to make any other laws for planning issues. We in this place have been given the power to take command of our own destiny. The sooner we do so on planning matters the better.

This leads me to another important requirement which must be included in the legislation that this motion seeks to establish. I refer of course to the establishment of an appropriate appeals tribunal. Whilst public consultation is important, there is also a responsibility to ensure the rights of all groups involved with the planning process, whether individuals who feel that their environment and peace and enjoyment provided under the conditions of their lease are threatened, or the developer or owner who feels the need to appeal against the decision made against them. The Rally seeks to ensure that this appeal body provides an opportunity for those affected by the decision to have a say. There must be no more Murray Crescent or Barton demolitions or deals done with developments without some opportunity for an appeal.

The reference of all these matters to the standing committee will ensure that ample consideration is given to planning issues and all elements of the community can participate in the development of laws that will plan the future of the man-made and natural environment in which we live - "people-made" probably would be appropriate, I would suggest, in the current environment.

Ms Follett: No, man-made is fine.

MR JENSEN: "Man-made" is okay; thank you, Chief Minister. In view of the commitment to good planning espoused by the Government during the election campaign, it is perhaps a little surprising that it is the Rally which has had to refer this matter to the Planning, Development and Infra-structure Committee. Perhaps it was due to our inexperience when the Government established the committee system in the early days of the Assembly that we did not ensure that this and similar matters should have been automatically referred to the standing committee.

Consultation between the minority Government and all parties in the Assembly could have avoided some of the unnecessary aggravation in the establishment and format of our committee systems. However, in this case, there should be no doubt that the Standing Committee on Planning, Development and Infrastructure is the appropriate committee to refer this matter to.

At this stage, Mr Speaker, I think it is important to express some concern about some of the directions being taken by the Interim Territory Planning Authority to amend existing NCDC policy plans under the terms of sections 73 to 79 of the ACT (Planning and Land Management) Act. While this section requires community consultation to take place, it is the Executive that can approve any changes to this plan. The Rally has some concerns about the relative ease with which these changes can be made without reference to the Assembly. This is one matter that the Rally will be seeking to have amended. The Government could send a series of positive signals to the people if it were prepared to refer such issues to the standing committee

during this interim period before they approved the changes.

Members should be aware that there are some cynical Canberra residents who have watched how many important proposals to amend policy plans seem to appear in the Saturday Canberra Times at the start of or during the school holidays. Policy plans for change to sections of Civic and Richardson recently are cases in point. While I am not saying that this is a deliberate attempt to reduce the time available for public consultation, members should be aware that there is still some concern in the community about the motives of our planners. I think it is good policy to dispel some of those notions.

The Rally has already received some indication from groups of residents and developers, for the current Interim Territory Planning Authority chief planner is difficult to coax out of his office. One must be charitable and assume that he is busy preparing drafts of our new territorial plan to put to the standing committee. However, now is not the time to consider this particular issue, but the Rally would like to see the standing committee being given a role in the appointment of the person who should fill this position on a permanent basis, bearing in mind that our city's future is in that person's hands. I am sure that the standing committee would want to have some say in this appointment, and we in the Rally would like to see this requirement in the legislation.

Another important innovation in the dying days of the NCDC was the introduction of a number of manuals which set out standard practices to be followed in the development of Canberra. One of these was a document I referred to some weeks ago now, the guidelines on urban erosion and sediment practices. It is proposed that the new legislation should require its work to continue, and that the draft guidelines for the provision of community facilities in new developments should become a formal document along with design and siting guidelines. Both these documents were being considered by the old NCDC community consultative committee at its last meeting, and I trust our Interim Territory Planning Authority has not forgotten these interim documents in its rush to implement changes to existing policy plans.

In closing, Mr Speaker, I would just like to make a few comments on the final paragraph of this motion. Some may think that this direction to the committee is a little presumptuous. However, it is important to ensure that the standing committee is provided with clear direction on the need to ensure that information is sought from as many interested parties as possible.

While some may suggest that it is inappropriate to seek comment from the Federal Joint Parliamentary Committee, we should remember that that committee was a watchdog of a

sort in the days of the NCDC, despite its being downgraded to subcommittee status towards its end. I understand it has now been changed. However, it should be given an opportunity to comment, particularly as the current chairman of that committee represents at least half the residents as the member for Fraser.

We are also concerned to ensure that these organisations which participated in the election but which were not successful should be offered an opportunity to participate in this important decision making process. After all, we are producing a plan for the future development of our city. We must ensure that we get it right from the start. Clearly it is also appropriate that the first matter to be referred to the committee should be such an important issue. I know my colleague Mrs Nolan wants to refer to the same standing committee the issue of front fences, though I am sure that even she admits that the terms of reference, responsibilities and powers of our new planning authority should take precedence.

I commend this motion to the Assembly, Mr Speaker, and trust that it will get the unanimous support of members, who I am sure are committed to good planning procedures for the future. I have heard that the minority Government may be opposing this motion, and if this is so I will await with interest its response.

MS FOLLETT (Chief Minister) (12.15): I fear that Mr Jensen's trust is indeed misplaced if he expects the Government to support this motion. It is misplaced in this matter and indeed in quite a few others as well. I will be relatively brief, Mr Speaker, in opposing this motion. The basic difficulty that the Government has with it is that it attempts to refer to the Standing Committee on Planning, Development and Infrastructure a task which is the Government's by law. If you look at the Australian Capital Territory (Planning and Land Management) Act 1988 it will become abundantly clear that the Government is obliged to do just what Mr Jensen is asking the Standing Committee on Planning, Development and Infrastructure to do. It seems to me that that is a duplication of effort, that it could be very wasteful of resources and of the time of people taking an interest in planning issues in the ACT.

I am sorry to be opposing this motion, because I know of the very great interest in planning in the ACT that is current at the moment. That interest is shared not just by the Residents Rally, not just by other parties in this Assembly, but of course it is very widespread throughout the ACT community. It is quite legitimate for groups with an interest to expect that they will be able to express a view on the planning of the ACT. The Government will encourage that. We have a genuine commitment to open government. We have a genuine commitment to consultation with people who will be affected by this legislation. It is certainly not my intention to deny people full debate on this important issue, but I do think that it is only

responsible to try to ensure that we go about the business of the Assembly in as reasonably effective a way as we can. In my view, it does not involve having two bodies, namely the Government and the standing committee, carrying out the same task. As I have said before, the Government is obliged by law to carry out this task.

Mr Jensen referred to the Government as possibly being the sole arbiter on this matter. With all due respect to Mr Jensen, that is clearly nonsense. There is no way in the world that the Government would seek to be, or could in fact be, the sole arbiter on this matter. We have given clear undertakings on consultation, and it seems to me much more appropriate that the Standing Committee on Planning, Development and Infrastructure be asked to consider the Government's work on this matter once we have got a product for the committee to look at. I am only too happy for that to occur. Indeed there would be something gravely wrong with our committee system if that did not occur.

You have my absolute undertaking that that committee will be involved and indeed that the groups named in part (2) of Mr Jensen's motion will all have ample opportunity to take part in that consultation process.

I think that any elected government has the right to set its own policies and to draw up its own drafting instructions, and I seek to do that on this important matter under the ACT (Planning and Land Management) Act. I do appreciate the urgency of this matter. I agree that it is an urgent matter that needs to be addressed very early, so I am prepared to give an undertaking that I will have prepared, by the end of October this year, the draft legislation that is required. Of course that draft legislation will be made available to the Standing Committee on Planning, Development and Infrastructure for its full comment.

I think it is also apparent to most people who have had anything to do with planning in the ACT that it is important that we have an integrated approach and that the planning legislation deals not only with appeals and so on, which Mr Jensen has drawn attention to, which are very important issues, but also with environment matters and with heritage matters.

It is not a simple or straightforward task to deal with this legislation. It is, however, as Mr Jensen suggests by his motion, an urgent task, and this Assembly has my undertaking to move forward very rapidly on that task and to involve the Standing Committee on Planning, Development and Infrastructure at the first appropriate stage. But I repeat, I do not consider it appropriate to ask that committee to do the Government's job for it. That would be a waste of resources.

MR HUMPHRIES (12.20): Mr Speaker, I shall be very brief. I have listened intently to what Mr Jensen has had to say and

I share the concerns he has raised about the processes entailed here and can indicate that the Opposition will certainly support dealing with these issues as promptly as possible. But I think, with respect, that the Chief Minister's consideration of the legal position as to who performs this task is an insurmountable problem for this motion.

It is quite clear that, if the enabling legislation gives that task to the Government, it cannot be performed by any other body - not this Assembly, not a committee of this Assembly, not by anybody but the Government. So I go further than the Chief Minister in saying, as she does, that the establishment of this particular reference to the standing committee would be a duplication. It is more than that; it is quite ultra vires our capacity as an Assembly. I certainly hope that the issues are dealt with quickly and properly by the Government, and I hope this is a reminder to it not to avoid that task, but certainly we cannot as an opposition support the motion.

MR COLLAERY (12.21): Mr Speaker, this motion has been put forward by the Rally to push the Government along. A few minutes ago on the floor we suggested an amendment to the Government, pointing out that it was the Government's lawful responsibility to draw those drafting instructions. In fact, section 25 of the Australian Capital Territory (Planning and Land Management) Act says that "the Assembly shall" - the word "shall" is mandatory in law - "as soon as practicable make laws providing for", amongst other things, "establishing a Territory planning authority" and conferring the appropriate functions on the authority.

The challenge to the draftsman is not very great, I submit, Mr Speaker. It requires a referral piece of legislation, the model for which exists in several different forms in this Territory already and indeed in the interim Territory planning document itself.

We have been sitting here since 11 May and nothing has been done despite the ALP commitment in its election policy on planning.

Mr Whalan interjected.

MR COLLAERY: The commitment was that planning issues are probably "the most sensitive which the ACT Government will have to address". It goes on to state that "The ACT Labor Government will ensure that a planning committee of the Legislative Assembly will hold public hearings about all proposals to vary the plan of Canberra" and so on.

Now what have we seen, Mr Speaker? We see the development of section 19 sneaking up on us, even though Concrete Constructions - an Australia-wide, internationally-based company - has raised reservations about the piecemeal development of that sector of probably the most valuable and the most symbolic piece of real estate left in Australia.

Mr Whalan, shown in the cartoon as a shark, wants to come over here and snap at me. We have not yet identified the sort of shark it is. We believe it is a Port Jackson shark or some sort of shark, but we will talk about the hammerhead, a Rex Jackson, I do not know. But, the fact is that the Assembly has the responsibility and the duty "as soon as practicable to make laws providing for..." That is a duty on every member in this Assembly. It is not a little responsibility for our development Minister across from me, the man hostage to the development lobby at the moment. It is a responsibility on us. The fact is that shortly we are to have a proposal put to this Assembly that there be very few sittings until the middle of October.

The Rally is very concerned about this situation. As my colleague Mr Jensen said, and as no doubt my colleague Mr Moore will show in his historical oversight that will shame many people, members will know when they pick up the daily paper, with increasing rapidity, especially on Saturdays and on school holidays, as we have all seen in community groups over the years, that tender proposals and draft variation plans are publicised on the sly before we get changes to the Territory plan made through proper legal proceedings. The ITPA is now proceeding by stealth to give its signature to that which Mr Whalan will permit.

Ms Follett: Mr Speaker, I rise on a point of order. I think it is improper for speakers to cast slurs on organisations such as the ITPA and also on statutory office holders, who were mentioned earlier, who are not here to defend themselves. It is just more slur and more innuendo that I think are quite inappropriate.

MR SPEAKER: Thank you, Chief Minister. I would warn Mr Collaery that I also took objection to his statement that the Deputy Chief Minister is hostage to the development lobby. I would ask him to withdraw that remark, and to please be aware that he is again causing an area of dissension within the Assembly that probably is not constructive.

MR COLLAERY: Mr Speaker, as you have instructed, I withdraw the suggestion that Mr Whalan is a hostage to the development lobby. I also promise that, if we are to have the most model, polite Assembly in Australia, I will contribute to that as well.

MR SPEAKER: That is desirable; thank you, Mr Collaery.

MR COLLAERY: Mr Speaker, on 14 June 1989 my colleague Mr Jensen asked the ACT Administration - the appropriate area of the Administration under the Freedom of Information Act - for access to documentation concerning, amongst other things, the Yarralumla Brickworks, the section 75

development at Narrabundah known as Rocky Knoll, and also access to the section 52 development in the Boulevard. That development, of course, in the Boulevard is for a hotel, a proposed hotel, when we have got a glut of five-star hotels.

The very nature of the request followed admissions by the Chief Minister, immediately after election, that she had been surprised that a Federal Minister had made decisions on at least two of those issues, given the public interest in the matter and the fact that they should await the election for the ACT Assembly. So what did we get back three or four days ago, six weeks after our request? We got back a letter saying that we needed to establish that access to those documents was in the public interest, that there was a public interest issue raised, that the onus lay upon the Rally to prove there was a public interest in those matters. Also we were advised that in the absence of that proof we had to pay a fee of $2,255.

Is that open government? And why has not this Assembly since 11 May moved, as soon as practicable, to make laws for the establishing of a planning authority so we know where we are going, so we get access to documents, so the planning committee of this Assembly can find out what is going on behind the mind of this planning Minister - planning Chief Minister - who, presumably, takes most of her advice from her development-oriented Deputy Chief Minister?

Members interjected.

MR COLLAERY: Mr Speaker, the members opposite me are showing some sensitivity on this score, and they will squirm a bit further when my friend Mr Moore gets up, I am sure. Mr Speaker, the Government that promised itself to open government now wants to charge the Rally $2,255 to get access to information that it should be entitled to in this Assembly. We also ask for access to the Scrivener Dam papers, the fish farm case, or whatever it is called. We were told it is not a matter in the public domain, it is not a matter of public interest, and - - -

Mr Berry: On a point of order, I find quite entertaining the long description of freedom of information applications, but I think it would be more appropriate for Mr Collaery to stick to the issue that is before the house, instead of wandering off on issues that seem to me to be irrelevant and do not go to the article that is before the house for debate.

MR SPEAKER: Mr Collaery, please stick closer to the point.

Mr Whalan: I also would like to take a point of order, Mr Speaker. There was reference made to the national aquarium and you might recall that the last time Mr Collaery slandered an innocent citizen, using parliamentary privilege - - -

MR COLLAERY: Mr Speaker, the word "slander" is inappropriate for this Assembly. It is judgmental and it is completely inappropriate. I ask the Deputy Chief Minister to withdraw the suggestion that I slandered anyone in asking his Chief Minister a question.

MR SPEAKER: Please withdraw the remark, Deputy Chief Minister.

Mr Whalan: With respect, Mr Speaker, the word "slander" is a parliamentary term, and I do not believe that there is any inconsistency with the use of the term and this man's behaviour when he slanders innocent citizens. It is not the only one that he has slandered in this chamber, and so, Mr Speaker, I would argue - - -

MR SPEAKER: Order! Please resume your seat. I will take advice on this matter. I take the points of both members. I will take them on notice.

Mr Whalan: To continue on the point of order, Mr Speaker, the fact is that the last time this matter came up in the Assembly I laid on the table here all the files, publicly announced to the Assembly, announced to the chamber, all the files - all the files. The point that was raised, Mr Speaker, was in relation to the national aquarium, and those files were raised here, laid on the table, and they were made available. This man was too lazy and incompetent even to take the trouble to examine the files. The man is a charlatan.

Dr Kinloch: I rise on a point of order, Mr Speaker. Could I ask that all these words please be withdrawn by all the people who have used them? Can we go into a time warp please, Mr Speaker, go back about five minutes, and start again?

MR SPEAKER: Order! I request the Deputy Chief Minister to withdraw the imputations he made against Mr Collaery. Would you please withdraw, Deputy Chief Minister?

Mr Whalan: I withdraw the words when I called Mr Collaery a charlatan.

Mr Collaery: Mr Speaker, I have been slandered.

MR SPEAKER: Order! I believe that the withdrawal should be unqualified, Deputy Chief Minister.

Mr Whalan: Well, I withdraw them.

MR SPEAKER: Thank you. It being 12.30 pm, the time for private members business has expired. The debate is interrupted in accordance with standing order 77, as amended by temporary order. The member speaking has leave to continue his remarks when the debate is resumed.

Mr Whalan: Mr Speaker, could I seek leave of the chamber to continue this debate?

Leave not granted.

SUSPENSION OF STANDING ORDERS

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

> That so much of the standing orders be suspended as would prevent private members business continuing until 1 pm.

Question resolved in the negative.

Sitting suspended from 12.34 to 2.30 pm

POINTS OF ORDER

MR SPEAKER: Before the luncheon break I mentioned that I would take advice on a number of points of order that had been raised. I have now determined that the offensive words have been withdrawn and therefore there is no point of order to be addressed.

QUESTIONS WITHOUT NOTICE

Tender for Badges

MR COLLAERY: My question is to the Minister for Health, Mr Wayne Berry. With reference to the 1989-90 budget entry for industry assistance and the support of local industry, can the Minister tell the Assembly why a tender for the supply of badges to the ACT Ambulance Service was not awarded to a local ACT manufacturer when his price was lower and the quality equivalent? Is the Minister aware that the same supplier tendered for a contract in Western Australia for badges and was informed by the Western Australian Government that it was a matter of government policy to buy only Western Australian made products?

MR BERRY: I do not have the information at my fingertips. I will take it on notice and will report back in due course.

Bruce Stadium

MR KAINE: I would like to address a question to the Deputy Chief Minister in connection with the Bruce development. I understand that the Government intends to make a

contribution of some $2.8m and I could find no reference to this matter in the budget papers when I went through them yesterday. Can the Deputy Chief Minister tell us where in the budget the provision of the $2.8m for this purpose is hidden?

MR WHALAN: I cannot draw attention to the precise location of the amount, but I will take the question on notice. It is part of the capital works program. We have a proposal to refer the capital works program for consideration by the Planning, Development and Infrastructure Committee and it will be part of that consultation process.

National Convention Centre

MR WOOD: Mr Speaker, I direct my question to the Deputy Chief Minister. Given that the National Convention Centre is due to open in a month or so -

A member: Next week.

MR WOOD: Is it as soon as that? Can he advise whether the Government is undertaking any promotion to sell that centre as distinct from whatever promotion the company itself may be doing?

MR WHALAN: I thank my colleague Mr Wood for this spontaneous question. I inform him that the Canberra Tourism Development Bureau has developed a comprehensive convention marketing strategy which is being discussed with the local industry. The centrepiece of marketing in this financial year will be a direct marketing campaign targeting 5,500 corporations in New South Wales and Victoria, and stage two in the next financial year will be to target 8,500 financial institutions.

Print advertising is used in trade magazines and newspapers, and the bureau provides editorial for use by the publishers when advertisements are placed. The bureau has been instrumental, in cooperation with the local industry, in winning two major convention industry conferences. These are the Australian Incentive Association and the White Glove program from North America. Both meetings will bring influential professional conference organisers to Canberra. Cooperative marketing is to be undertaken with convention destinations with a view to raising Canberra's profile both nationally and internationally.

Health Services

MR MOORE: My question is directed to Mr Berry as Minister for Health. The official Labor Party policy booklet entitled Policies for a Fairer Canberra stated that an ACT Labor

Government will negotiate with the Federal Government for additional funding for the ACT health services, and the ACT Government will negotiate the funding on the basis that the Federal Government has run down some ACT health facilities, such as the Royal Canberra Hospital. Can the Minister enlighten the Assembly as to what action has been taken to keep this election promise?

MR BERRY: I think the first thing that the Government would wish to do in relation to the hospital is to hear the report from the steering committee into the hospital, which committee was set up by the Federal Government and is due to report by September to this Government. As soon as we have a report from the steering committee I think we will be in a better position to decide what we are going to do about the hospital system. In the meantime I think it would be inappropriate for us to take any action in relation to negotiations with the Federal Government. But I can assure Mr Moore that our policy is high in our minds when it comes to deliberations about the Canberra Hospital.

Control of Dogs

DR KINLOCH: My question comes under "d" for dogs. It is addressed to the Chief Minister in her role as acting Minister for Housing and Urban Services. I regret that our colleague Ellnor Grassby is not here for this vital question. I note that a press release from the Chief Minister's office states, "As a devoted cat owner, I am personally concerned about other cats and dogs which are not adequately looked after by their owners".

I know one is not supposed to say these things, but the picture of our Chief Minister and the RSPCA cat today is absolutely one of the most magnificent photographs ever to appear in the Canberra Times, and might I have a signed copy?

We understand that, in the case of the thousands of Canberra's roving dogs, move-on powers cannot adequately be applied as we do not have adequate numbers of dog patrols in the ACT. Would the Chief Minister in her role as acting Minister for Housing and Urban Services consider the possibility of imposing a much heavier fine on dog owners for allowing their dogs free access to the streets and open spaces? Currently the fine is only $75 for unleashed dogs and $200 for an attack. Could the Minister begin the process of increasing fines to at least $500, plus the possible impounding of the dogs which attack citizens?

MS FOLLETT: I thank Dr Kinloch for the question and I thank him also for the comment on the photo. I am, as Dr Kinloch suggests, a devoted cat person rather than a dog person and, like a great number of Canberra citizens, I am very much troubled by the roaming dogs in our streets, by the numbers of dogs that I have heard of that have attacked young children, and of course recently we saw in the press

reports of dogs also attacking young calves. It is a problem in the ACT and it is my earnest wish that pet owners would exercise their responsibility and keep their dogs under control.

You do not usually need to control cats. They are eminently sensible animals and stick to home and hearth, especially in this kind of weather. But certainly I know there is indeed a problem with roving dogs; there is a problem with the lack of restraint of dogs. I know that Mrs Grassby has this matter under active consideration, and I think the best thing I can do is take on board the comments Dr Kinloch has made about suitable penalties and so on and draw them to her attention in her review of that matter.

Casino

MR STEVENSON: My question is to the Chief Minister and it is with regard to the meeting the Chief Minister had with Justice Minister, Michael Tate, on the morning of 14 June 1989 to discuss problems outlined in a police brief. I believe matters discussed included concerns by the Australian Federal Police over increased violence, burglaries and prostitution in Canberra if a casino proceeded. Apparently no decisions were taken at that meeting, but it was agreed that a further meeting would be held in July when Senator Tate had returned from Canada.

As Senator Tate returned from Canada on 13 July, would the Chief Minister please inform the Assembly whether a second meeting has been arranged and has been held and what was the outcome of that meeting, if held; and would the Chief Minister make available to the Assembly the police brief mentioned?

MS FOLLETT: I thank Mr Stevenson for the question. Unfortunately, he seems to have a rather different version of the meeting that took place between me and Senator Tate from my recollection.

Mr Kaine: Which one is correct, Chief Minister?

MS FOLLETT: Mine is, of course. I indeed met with Senator Tate at that meeting, which was a brief meeting. Senator Tate handed over to me a brief on the matters that Mr Stevenson has referred to. We did not discuss in any depth at all the kinds of concerns that Mr Stevenson has outlined regarding an allegedly increased volume of crime and so on. Senator Tate did not raise those matters. Rather, our meeting dealt in very broad terms with the future handover to the ACT of policing for the ACT. Senator Tate was, at the time I met with him, about to go over to Canada to have a look at the arrangement for policing in Canada, which I believe does hold some particular lessons for the ACT, by way of being a contracted arrangement.

But, no, we did not address in any way the kind of detail that Mr Stevenson has outlined, and the brief that Senator Tate has handed to me is currently under consideration in the legal area of my portfolio. I have not at this time sought to make another meeting with Senator Tate, although of course I will be doing so. When I do so, I will ensure that the Assembly is kept informed of all relevant matters.

Bruce Stadium

MR JENSEN: Mr Speaker, my question is directed to Mr Whalan, as the Minister responsible for sport. On 6 July 1989 I asked a question pertaining to the warm-up track at Bruce Stadium and was briefly answered by the Minister at the time. However, a corrected reply was sent to me the following day. My question is this: Will the Minister table this letter so that the whole house might have the benefit of this information?

MR WHALAN: Yes, I will be pleased to.

MR JENSEN: I ask a supplementary question, Mr Speaker. Will Mr Whalan advise the house whether this is to be his normal practice in clarifying matters when he has inadvertently misled the house or wishes to make further comment on a question that has been asked?

MR WHALAN: It would be. On that particular occasion, Mr Speaker, I established the following morning that some of the aspects of my answer the previous day may have misled Mr Jensen. Those remarks were made inadvertently, and I wished to clarify them as quickly as possible. I did forward to Mr Jensen a letter that following morning clarifying those aspects. I am quite happy to table that letter now, and if I have to do that at any stage in the future I will be quite happy to maintain that practice.

Prostitution

MR KAINE: I put a question to the Chief Minister, Mr Stevenson's question gave me the key word, and it has to do with prostitution. During an interview yesterday regarding the ACT budget, she mentioned that she was strongly in favour of legalising prostitution. Is it this Government's policy to legalise prostitution and, if so, when will we see the legislation to introduce it?

MS FOLLETT: I would like first to correct a couple of assertions contained in Mr Kaine's question. I do not believe I mentioned prostitution at all yesterday, to the best of my recollection, but I did - - -

Mr Kaine: It was on television. I must have been looking at a phantom.

MR SPEAKER: Order!

MS FOLLETT: I stick to that, Mr Kaine. I did not mention prostitution yesterday, but I certainly was asked a question about it this morning. My reply then was that I am aware, as we all are, that there have been moves made in other States towards the legalisation and regularisation of prostitution. That matter is something that I believe the ACT will have to give consideration to in the future. It is not something that the Government intends giving priority to at this moment, principally because we do not, as you know, have responsibility yet for policing in the ACT. I think that if you wanted to regulate prostitution there are a number of areas where the Government would need to get information and possibly take some action, and those areas include police and law and order matters. I think at present prostitution is essentially a law and order matter.

There are also, as all members would know, some very serious health matters that need to be considered in looking at the whole question of prostitution. The most significant issue at the moment in the health arena is probably the AIDS virus and whether prostitution has a role to play in either containing the spread of that virus or indeed whether it might be exposing people to further risk. I just do not know the answer to that. It is an issue that would need to be studied very seriously in any close examination of the prostitution industry.

There are also, of course, as I am sure members would be aware, some significant planning issues to do with prostitution. For instance, if those industries are to operate out of brothels or massage parlours, or whatever, they have to be located somewhere within a city. I think that that would prove to be an extraordinarily sensitive issue in the ACT if it were ever to be broached publicly.

Those are the kinds of issues which I think it would be important to look at in any review of an approach to legalisation of prostitution. The Government has taken no action on this matter at the moment. It is not a matter that we would give any priority to, but I think members would have some appreciation of the way in which we might go about examining that matter - of course, with full public consultation - if and when we feel compelled to do so.

MR KAINE: I have a supplementary question, Mr Speaker. That was a long and comprehensive answer but it did not specifically answer my question. Is it the Government's policy to legalise prostitution?

MS FOLLETT: To the best of my knowledge, the Government has not developed a policy on the legalisation or otherwise of prostitution.

MR SPEAKER: Order! I point to the fact that we do not ask policy matters of Ministers at question time.

Church Leases

MR COLLAERY: I did not get any mustard in my sandwiches, so I have got a very pure question for the Chief Minister.
Has the Government been approached by the Catholic Church authorities regarding the sale of church property in the ACT presently held on special purpose leases - in particular St Peter Chanel's at Yarralumla, a place which must be dear to the Chief Minister - and the betterment that would be payable for a further lease purpose change to enable commercial development of those sites?

MS FOLLETT: I thank Mr Collaery for this question. As he has suggested, it is indeed dear to my heart. I was a founder pupil of St Peter Chanel's Primary School, and it is the only school in the world that I was ever dux of, so it is one that indeed has some high sentimental value for me. I think, if Mother Monica, who taught me throughout my entire career at St Peter Chanel's, were aware of the moves that were afoot now, the dear lady would turn in her grave.

To the best of my knowledge there has been in fact no approach from the Catholic Church or the Catholic Education Office concerning the sale of this school or any possible change in the lease purpose arrangements there. If there were to be such an approach, it would need to be fully considered, as I believe the lease purpose at the moment is fairly specific and does tie that block of land down to the purpose virtually that it is currently undertaking now. So it will be an issue if and when any such approach is made. But to the best of my knowledge we have not had one.

Radiotherapy Treatment

MR HUMPHRIES: Mr Speaker, my question is to the Minister for Community Services and Health. Is the Minister aware of the frequent breakdown of the radiotherapy machine at Woden Valley Hospital used to treat cancer patients? What does the Minister intend to do about this deplorable situation? Is he prepared to replace the machine as a matter of priority?

MR BERRY: It is a very emotional issue when it comes to discussing the treatment of cancer because of the position which people find themselves in when they have to present for this sort of treatment.

A member: All the more reason.

MR BERRY: Well, it is a very good reason to raise the issue, but I think members ought to keep in mind when they are raising these sorts of questions that it is a sensitive area and it can upset family and friends of relatives who might be seriously ill. I think these issues ought to be treated sensitively, and perhaps the blunt political approach might be better put aside at times. However, the waiting time for treatment in the ACT for radiotherapy is less than in most other States. I think that is a credit to our health system. It is about one to two weeks.

I am aware that there could be a 44 per cent increase in cancer patients by 1991, and that has been raised in another question raised by Mr Moore in another context. This could generate additional demands on our services and in particular the need for a $2m high-energy linear accelerator, which of course is associated with radiotherapy. I can assure the Assembly that I will be pressing my colleague in the Commonwealth Government to make additional funding available to replace and expand our treatment capacity.

Last year the department was able to improve patient treatment planning through the purchase of a sophisticated computerised system for patient services. In addition, my department will be undertaking a formal review of oncology services before the end of the year to ensure that services appropriate to the needs of the ACT are properly planned for.

MR HUMPHRIES: I ask a supplementary question, Mr Speaker. I am close to taking offence at the Minister's reference to a blunt political approach on this question. This issue was raised with me by a constituent who was concerned because a member of her family was not able to use the machine - - -

MR SPEAKER: Order! Mr Humphries, what is the question?

MR HUMPHRIES: I will proceed to my supplementary question, Mr Speaker. I am not asking about treatment of cancer patients generally. I am asking about the radiotherapy machine at the Woden Valley Hospital. Does the Government intend to do anything about the frequent breakdown of that machine?

MR BERRY: I am not fully aware of the frequency which you describe and the detail of it, but I will certainly look into it. If there are, as you have said, frequent breakdowns and they are breakdowns which should not occur, I will make sure that action is taken to ensure that they do not occur again and that your constituents are able to get the best possible treatment, as I am sure they have done in any event.

Radiotherapy Treatment

MR MOORE: I will also direct my question to the Minister for Community Services and Health. Has the Minister received a letter from the Royal Australian College of Radiologists detailing the parlous state of radiotherapy in Australia? If so, what steps has the Minister taken to ensure that ACT patients do not suffer as a result of the problems identified by the college?

MR BERRY: I do not recall the letter from the source which you suggest, but that is not to say that I have not received one. I will certainly look into it and see what was requested in the letter and I will report back to you. But on the issue of radiotherapy services, I think I covered what my department intends to do about radiotherapy services in the ACT in my answer to the deputy Leader of the Opposition.

Domestic Animal Control

MR STEFANIAK: My question is to the Chief Minister, deputising for Mrs Grassby. Talking about cats and dogs, Chief Minister, I think you are aware of complaints by certain residents in Rooth Place, Watson in relation to an uncontrollable German shepherd-cross dog and pup from No. 5 Rooth Place which have savaged several cats belonging to residents there. When the dog patrol people have been called up, they have done nothing because the resident of No. 5 Rooth Place is an allegedly vicious individual who has made threats, intimidations and harassment - - -

A member: Is he German?

MR STEFANIAK: No; unfortunately he is a fellow who is very well known to the courts. Threats, intimidation and harassment have occurred in relation to the residents there and it seems that the residents have complained on about five different instances of problems with the two dogs. They have had no response at all from the dog control people. Firstly, what do you intend doing about ensuring that the dog control authorities take proper steps in relation to the two dogs there? Secondly, in relation to the Housing Trust, the tenant at 5 Rooth Place is a government tenant. What do the Government and the Administration intend doing in relation to breaches of clause 7 of the acknowledgment of tenancy in relation to harassment and intimidation of the residents of that street and the threats that have been made to them?

MS FOLLETT: I thank Mr Stefaniak for the question, and it is indeed a matter that I would take very seriously. I am afraid that I do not have with me any level of detail on the particular case that Mr Stefaniak has raised, so I think it might be best if I were to take that question on notice and bring forward a detailed reply to the Assembly as soon as possible.

MR STEFANIAK: I ask a supplementary question on that. Does the Chief Minister have a series of written complaints supplied by several of the residents of that street? I have received drop copies which appear to have been sent to you as well?

MS FOLLETT: Mr Speaker, I cannot say that I have seen such correspondence. That does not mean that it has not been received in my office. I can only say that I personally have not actually seen it. I will check up on that and certainly deal with that aspect also in my reply.

Canberra Raiders

MR JENSEN: My question is directed to the Deputy Chief Minister. Will the Deputy Chief Minister disclose to the Assembly, preferably by tabling all relevant - I repeat "relevant" - documents, the terms of the agreement made between the ACT Government acting on behalf of Canberra's ratepayers and the management of the Canberra Raiders? If the Minister is unable to make a full and proper disclosure in this way, what are his reasons for not doing so?

MR WHALAN: The terms of the arrangement between the Canberra Raiders and the ACT Government were negotiated by Price Waterhouse on behalf of the ACT Government. They were negotiated on a commercial-in-confidence basis and the agreement will become the property of the trust when the trust is established to manage the stadium. Clearly then the members of the trust will become privy to the details of that particular arrangement. It is appropriate that that arrangement should remain confidential, and it will so remain. There are a number of reasons for that, not the least of which is the fact that the negotiations, which were quite protracted, gave rise to a certain set of conditions in relation to the hiring agreement. But for other users there may be different arrangements entered into. There may be a different relationship between the trust and others.

As the member will be aware, the Government has intended - and has achieved its objective in this direction - to make the Bruce Stadium in its redevelopment a multipurpose sporting venue. So we will be aiming to attract to that sporting venue a range of different sporting activities. Some of those might be on a one-off basis; some of them might be on a seasonal basis, whereby they contract for one, two or three occasions; others might be more regular, according to the pattern of the Canberra Raiders usage; but in each case there will probably be negotiated a separate contract of hiring. It is the practice throughout Australia that the trusts which manage venues of this sort do maintain confidentiality in relation to their hiring arrangements, and there seems no reason why there should be any departure from that practice in the case of the Bruce Stadium.

Bicycle Safety Helmets

MRS NOLAN: My question is to the Chief Minister, deputising for the Minister for Housing and Urban Services. We are all aware, I am sure, of the bicycle accident not so long ago involving a young Melrose High School student who was not wearing a safety helmet. What is your Government's intention in relation to the wearing of safety helmets by cyclists?

MS FOLLETT: I will take the question on notice and provide an answer as soon as I can.

ACT Budget

MR DUBY: My questions are directed to the Chief Minister in connection with the budget papers released yesterday. I refer in particular to the allocation of $100,000 - - -

Mr Wood: I think this is the first question on budget, is it?

MR DUBY: It might be the second, I think, Mr Wood.

Mr Wood: That says something, does it not?

MR DUBY: I refer to the $100,000 set aside for the provision of an ACT Mediation Service. I would like to ask the Chief Minister: How much of that money is actually going to go into salaries; and, of those salaries, how many staff will that amount of money be employing?

MS FOLLETT: Yes, the ACT Mediation Service and the $100,000 that we have proposed to put into that service in our draft budget statement yesterday is an area of new policy that I think would find wide support in the community. I am particularly aware that this mediation service has been conducted on a voluntary basis for some months now. It is my view, and indeed the Government's view, that it is an extremely useful way within the community of resolving conflicts without having to resort to the more formal and much more expensive legal processes. Where there are disputes that can be resolved by mediation, this kind of a service can perform a very valuable community service. As Mr Duby has pointed out, we are only proposing to allocate some $100,000 to that service and, without having the detailed documents before me, I believe that the vast majority of that $100,000 would indeed be taken up in salaries. One would expect that it would be either one or two people working for that amount of money, either on a full- or part-time basis.

A member: Hopefully more than one.

MS FOLLETT: Well, I would expect it to be two, but I am just not aware of the precise details of the service that is proposed. But if that mediation service is able to keep people out of the courts, resolve community difficulties without having to resort to much more protracted action, and if particularly it is able to achieve some consensus between neighbours, for instance, who might be having a dispute, then it is $100,000 very well spent.

Bus Service

MS FOLLETT: Mr Speaker, I have a couple of answers which I would like to provide to questions that Mrs Grassby was asked. The first one was a question relating to ACTION bus route 183, the 8.00 am service from Tuggeranong. Mr Duby asked on 29 June about the discontinuation of the 8.00 am route 183 ACTION bus service from Erindale to the Hyperdome.

The answer to Mr Duby's question is as follows: The 8.00 am service on route 183 was initially discontinued because of low patronage and the need to include the bus in the extension of services 120 and 122 to the Tuggeranong Town Centre. With the introduction of new shifts and the opening of the Tuggeranong depot, ACTION will reintroduce the service as from 14 August 1989. In line with ACTION policy the service will be reviewed periodically in order to assess service utilisation.

Electricity and Water Rates

MS FOLLETT: Mr Speaker, on behalf of Mrs Grassby, I also have an answer to a question asked by Dr Kinloch on 28 June 1989. Dr Kinloch asked Mrs Grassby about referring electricity and water rate increases to the Prices Surveillance Authority. The answer to Dr Kinloch's question is that the chairman of the ACT Electricity and Water Authority recently announced an increase of 4 per cent in electricity tariffs and an increase of 6.5 per cent for water and sewerage rates. As I mentioned yesterday in the budget statement, both these increases are below the inflation rate, and I consider that an excellent result considering the increase of 6 per cent in the bulk supply cost of electricity. I think that, in the circumstances and given the level of those increases, there is no reason to refer this matter to the Prices Surveillance Authority, which is after all a Commonwealth Government body.

NATURAL GAS SUPPLIES
Discussion of Matter of Public Importance

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

The distribution and sale of natural gas in the Australian Capital Territory.

MR COLLAERY (3.07): Mr Speaker, this may seem a boring subject, and I gather it does not meet with the full interest of the audience, but I am not about to throw any cold air on the subject. This subject concerns all the consumers of the ACT, particularly energy consumers and in particular those people who are presently and those who may be connected to the gas supply in the ACT. That includes residential and commercial users. We in this house are aware that there was some difference or apparent difference of opinion between the Deputy Chief Minister and AGL Canberra recently. But I do not rise to speak to that issue in particular, other than to indicate that clearly there is a dialogue between this Government and AGL Canberra at the moment which has recently subsided through the granting of a price increase.

Looking at that issue, the Residents Rally came across some issues of considerable importance to the ACT, to our relationship with a Federal authority and to the general policies of the industry and commerce section of the ACT Administration. Mr Speaker, AGL Canberra acquires all its natural gas through the pipeline from Moomba in South Australia to Sydney via Dalton, where a 58-kilometre spur pipeline deviates the gas to Watson, ACT. At Watson the custody of the gas is transferred to AGL Canberra. The total pipeline link from Moomba, South Australia, to Watson, ACT, is owned and operated by the Commonwealth Pipeline Authority. That was established in 1973 to provide a national pipeline grid for natural gas reticulation from production wells to the consumption centres.

An agreement was signed in July 1981 by AGL Canberra for the supply and haulage of natural gas by the Pipeline Authority to the ACT. In contrast, Mr Speaker, natural gas for New South Wales is supplied under an agreement with the South Australian wellhead producers, with a separate agreement for haulage by the Pipeline Authority. In other words, New South Wales pays the Pipeline Authority as a common carrier, as it were, to haul the gas through the pipeline to Wilton, near Sydney. But, for the ACT, the Commonwealth Pipeline Authority charges the ACT purchaser - that is, AGL Canberra - a levy to use the 58-kilometre pipeline spur from Dalton to Watson in the ACT.

Mr Speaker, the most troubling aspect is that the inquiries the Rally launched on this matter showed a number of issues to do with price and the role of the Federal Pipeline

Authority in this matter. After normalising the haulage and volume with the cost of an equivalent quantity of gas in New South Wales, we have $8.4m paid for gas in New South Wales and $10.7m paid in the ACT, and that is after normalising other offset factors such as haulage and other matters. That is a difference of $2.3m or 27.4 per cent based on 1988-89 prices.

But the problem does not stop there in comparing ACT consumers with New South Wales consumers. Given that the pipeline spur from Dalton to Watson is only 58 kilometres, it seems that the extra $2.3m charged this year by the Federal Pipeline Authority is grossly excessive when one has regard to normal amortisation rates and the 1981 construction cost of $9m for that 58-kilometre line.

The 1987-88 annual report of the Pipeline Authority shows that the cost of ACT gas at Moomba was $4.4m and, Mr Speaker, that the resale price to AGL Canberra was $8.56m. That gas, in its trip across from South Australia, acquired a further $4.16m in value - that is, a 94.6 per cent rise in the cost. In that year that was for the supply and delivery of 83 million cubic metres of gas.

The terms of the gas sale agreement between the Pipeline Authority and AGL for the Dalton-Watson natural gas pipeline apply to the end of the year 2006. So we are locked into that. That agreement provides also for the annual recovery of all costs and expenses, together with a 6 per cent profit margin on all gas supplied.

Mr Speaker, in 1980 AGL was awarded the franchise to market and distribute natural gas in the ACT. The local electricity distributor, ACTEA at the time, was a major competitor. The situation is that this Federal Pipeline Authority, which presumably is earmarked for privatisation at some stage, is ripping off the ACT consumer. This Federal authority, complete with its more than 90 staff members, I believe, its helicopter and its other accoutrements, is doing very handsomely out of us. I presume Mr Berry has gas connected, because he is looking very troubled and pale.

Mr Speaker, to find that we have a Federal authority, during these troubled times, hitting us for a 94.6 per cent price rise on dragging some gas - part of the gas that it pulls through anyway for New South Wales - to the ACT consumer is something, but to see the ACT Government quibbling with AGL, which is struggling under this burden to make its margins, is another issue, and I will come to that in a moment.

Mr Speaker, in 1980 AGL was awarded the franchise to market and distribute natural gas in the ACT. I read that, Mr Speaker, but I do not usually read speeches. In the same year in which AGL Canberra was established the company commenced laying gas mains to quickly establish a base load to enter the market with a competitive unit price. In

January 1982 the first consumers commenced using natural gas. By the end of the year 118 large users and 1,020 domestic users were connected to the system. At the end of 1988 the company had 19,000 customers in the ACT.

Mr Speaker, when we investigate further down the line we find the situation of AGL is such that it is operating in the ACT without any legislative base whatsoever. We understand that there has been some exchange of letters but nothing of any real legal consequence. With this Government proposing to close this Assembly down for the best part of six to eight weeks, with some short sittings before the middle of October, and when one hears an argument that the Government needs time to get its Bills prepared, it is interesting to find a perfectly prepared gas ordinance prepared as far back as 1987.

This gas ordinance contains a number of provisions. The most important ones deal with the protection and safety of the consumer and people using Canberra streets where gas has been circulated. There are provisions in that well-drafted ordinance, Mr Speaker, dealing with the requirements for safety certificates and, more importantly, meter testing, not only for leaks but also for the adjustment of accounts. We are well aware that there is a weights and measures ordinance in the ACT, but of course what is the relevance of that to this new development? How do gas consumers know how their meterage is going? Who regulates the meters, who is checking on them, and the like?

I am sure AGL would like to be able to prove to consumers that their meters are spot on, that they are brand new equipment and that there are no problems. The fact is there is no regime there for this very large - I repeat, 19,000 consumers at the end of 1988 - market, and that raises a number of implications about this Government's resolve to attend to consumer affairs issues.

Mr Speaker, certainly this Government has been well briefed by its advisers and has been well aware of this situation since shortly after taking office. I believe, and am reliably informed, that AGL has had continuing discussions over the years with relevant officials on these issues.

The other issue that is dear to our hearts is that we need to protect and encourage investment in the ACT. We learn that a firm wishing to do business in the ACT - a perfume company, Estee Lauder - wanted to come into the Hume industrial area and wanted natural gas supplied for its space heating requirements because, as we are informed, gas space heating has a number of advantages over other forms in large areas, and indeed AGL, as we all know, constantly says that its pure gas residential cost is $350 less than the cost of running a house supplied by the government utility, ACTEA.

We do not know how to gauge those issues, Mr Speaker, but they require choice for the community. Surely, if we were not getting a 94.6 per cent hit off the Pipeline Authority, ACTEA, now ACTEW, might have to compete a lot harder in this market. To what extent, we ask, has ACTEA in its former style, and now ACTEW in its present style, not assisted AGL to get in on the market to provide this lower claimed cost service?

Mr Speaker, I find that ACTEW has constantly refused to have common trenching arrangements with AGL. We have the absurd situation in new estates of two people digging their own trenches to put their pipes through. We believe that AGL has made a proper and reasonable arrangement with Telecom to have common trenching, but, no, ACTEW cannot have common trenching.

In discussions with industry the Rally has been informed of concerns, from sources as diverse as CARD and the Master Builders Construction and Housing Association, about getting ACTEW into common trenching arrangements. Clearly, we are not going to put electricity and water mains together, but we certainly could have put electricity in at the same time as gas and Telecom mains. What is the cause of this loss, wastage and delay for developers and all the rest? Is there some undercurrent, some agenda unresolved, between ACTEW and AGL? Certainly, healthy competition does not hurt, but is this costing the Canberra consumer?

Mr Speaker, this is a very important issue, and I summarise it again. There is an ordinance drafted covering the many issues affecting gas supply in the ACT. This Government does not want to sit next week. This is an important issue affecting public safety, investor confidence in the ACT by AGL, and the interests of other factory developers who cannot get on to lines that AGL is offering to put in because of the high costs of mains distribution and the margin on which AGL is operating.

Mr Speaker, I will not go into AGL's apparent professional charging policies, but it has a policy of charging 2 per cent above the bond rate, in terms of its profit margin. That is nothing abnormal in commerce, as many of us know. We cannot say that this is some sort of speech by the Residents Rally in favour of the profit making of AGL. The Rally's interest is, of course, in working out why this Federal Pipeline Authority is hitting us for this enormous rise.

We have gone back two or three times on this issue to the relevant authorities and we still believe that the Pipeline Authority is hitting the ACT for a 94.6 per cent cost rise. That is, in that year, the gas delivered to Moomba for the ACT at $4.4m was resold to AGL - AGL had to buy it; it had no other choice, as there is no other pipeline - for $8.56m. That is a huge margin of $4.16m profit. Where has the Federal Government gone with that money, when one has regard to a whole lot of funding and transitional arrangement issues with the Federal Government?

Mr Speaker, that raises the question, and I issue the challenge to the Federal Treasurer to respond to the issues raised today in this ACT Assembly. Historically, the Rally speaks on a challenge direct to the other house, direct to the Federal Treasurer to answer our challenge. Why does the Pipeline Authority exist if its only customers are AGL in Sydney and AGL in Canberra, along with other minor suppliers en route, such as Wagga and the rest? Why is the Pipeline Authority not sold simply to AGL? Why can AGL not buy the 58-kilometre line in from Dalton, for instance, so that the Canberra consumer can get rid of that 90-odd per cent price hike?

Mr Speaker, that raises privatisation issues for the ALP, and we expect to have an answer, hopefully, from the Federal Government on this issue on behalf of Canberra residents because we are not too confident that this Labor minority Government has the verve or the nerve to press its big brothers in their brotherhood for the answers that we want.

Mr Whalan: Mr Speaker, pursuant to standing order 213, I would like to move that the documents from which Mr Collaery was quoting be tabled and presented to the Assembly.

MR COLLAERY: We have them all ready. Mr Speaker, one of the documents is on short-term loan from a library. It is Mr Whalan's own library, so perhaps he would return it for us. I present the following papers:

AGL Canberra Ltd - Application for increase in price of gas, 8 May 1989
Draft Gas Ordinance 1987
Speech notes.

MR WHALAN (Minister for Industry, Employment and Education) (3.22): Mr Speaker, I think that the Assembly and we on this side - and indeed Mr Collaery - are all indebted to Mr Graham Downie of the Canberra Times in relation to this matter. Mr Collaery, apart from his briefing from AGL, has relied very heavily on the very fine research done by Mr Graham Downie.

Mr Collaery: I have never read that, Mr Speaker. I have never seen it.

MR WHALAN: You will find a very close similarity, Mr Speaker, between Mr Downie's words and those used by Mr Collaery today. There is no crime of plagiarising; I just think we should acknowledge our sources, and that is very important. I will be interested, however, Mr Speaker, to see how the Canberra Times treats this matter of public importance in tomorrow's edition. Yesterday the Government introduced to the Assembly the budget statement, which is of considerable significance to the future of the ACT. It is the first time that a budget has been presented by a

self-governing body in the ACT, and the ramifications of it are quite significant. There are several changes of direction there.

Yet we find that on a day such as this there is presented to the Assembly a matter of public importance about AGL's pricing policy, a matter which has already been quite thoroughly reported in the Canberra Times on the initiative of Mr Graham Downie. As I said, Graham Downie is to be congratulated for the quality of his research on this. He went into the matter very thoroughly, and I am pleased that we as a government were able to be of assistance to him in the preparation of his material which was published in the Canberra Times.

I have no doubt that the Canberra Times will ignore the fact that a totally inappropriate matter was raised by way of a matter of public importance on the day after the Government made its first budget statement. It is just an extraordinary state of affairs. But if they are the priorities of the Residents Rally party then I think it is a sad day, sir, for this Assembly.

The Government is concerned, Mr Speaker, at the arrangements that exist in relation to gas pricing and to the franchise agreement currently operating between AGL and the ACT. That is a franchise arrangement which dates back to 1980. It was negotiated in rather primitive terms, and it was never legitimised in the form of formal arrangements or any legislation. Our Government, in recently approving the 5 per cent price rise in gas, which was announced this week, has written to AGL indicating that a full review of the existing agreement with AGL, including pricing, the Pipeline Authority charges and the appropriate legislation is to be initiated. So we are planning - and we have had this matter under active consideration for quite a few weeks now - to open up that whole issue.

The officers of my department have also had discussions with the executive of the New South Wales board of inquiry into gas pricing in New South Wales. This is a statutory inquiry which is due to report at the end of this month, although it is possible that an extension will be sought for it. We have followed closely that inquiry and we will consider closely the results of it and ensure that appropriate legislation is enacted in the ACT to ensure that ACT residents do not suffer any disadvantage as a result of any changes that occur in New South Wales subsequent upon that inquiry.

In those discussions with the executive of the New South Wales inquiry, and subsequently it was confirmed by AGL, we were told that the cost of gas to AGL Canberra from the Commonwealth Pipeline Authority, according to its position - and we do not necessarily accept this - includes the field price at the Moomba gas field, a proportion of the costs associated with the main pipeline from the Moomba gas field, the entire costs associated with the branch line from Dalton to Canberra and the 6 per cent profit margin.

Mr Collaery: Do you know all about it?

MR WHALAN: Yes, and I must say that that is another one of those areas that Graham Downie researched so thoroughly.

Mr Collaery: We will read that in a minute. Are you going to let us read it?

MR WHALAN: Yes, there is the article there. Do I have leave to present this now?

MR SPEAKER: Yes, you certainly do.

MR WHALAN: His speech writer did not tell him his sources. This results in an approximate 28 per cent difference in the cost of gas to AGL in Canberra and to AGL for most areas of New South Wales, and that has been stated by Mr Collaery and Mr Downie. It appears that the 28 per cent differential results primarily from the 6 per cent profit margin applied and the authority's attempt to recover the costs of the branch line to Canberra within the same time frame as cost recovery on the main pipeline.

The Government is clearly concerned at the cost differential and the flow-on impact on Canberra gas consumers. This issue is also of concern to AGL Canberra, it assures us, and indeed was raised in its application to us. As part of the review of the agreement with AGL, the Government will be taking up with the Commonwealth Pipeline Authority as a priority the reasons for its charging differential, with a view to removing the inequity.

In relation to the recent application by AGL for a price rise, it sought an increase in tariffs of 5 per cent effective from 1 July 1989 and a further 5 per cent effective from 1 January 1990. As advised to AGL, the Government was not going to be rushed into making a decision on its application.

The Government carefully considered it and decided to approve a 5 per cent rise in maximum tariffs and to review the existing agreements, including pricing, the Pipeline Authority charges and legislation, and any subsequent application for a rise in tariffs would be considered after the review. This has been made quite clear. No further increase will be approved in the maximum tariffs without there being a review by the Government of that situation.

The decision to agree to a 5 per cent rise in maximum tariffs, effective now, was made in view of the fact that the maximum tariffs had not been altered since 1 July 1988, that the cost of gas from the Pipeline Authority increased by 4.1 per cent from January 1989 with a forecast overall rise of 6 per cent in the cost of gas expected for 1988-89, that the 5 per cent increase was less than the forecast increase in the CPI for 1988-89, and that AGL is expected to undertake a substantial capital works program

for expanding the ACT natural gas reticulation network throughout 1989-90. The recent developments in Australian financial markets have resulted in increased interest costs for funds used in such capital works programs.

As I have stated, the Government is dissatisfied with the current agreement between the ACT and AGL and has initiated an urgent review of the agreement. We will monitor the outcome of the New South Wales inquiry and, as a priority, will take up with the Pipeline Authority the effect of its charging policies on AGL Canberra compared with its practices in New South Wales. In our Government's consideration of this matter its primary concern is the protection of the ACT consumer.

MR JENSEN (3.35): Mr Speaker, it was very interesting to hear the Deputy Chief Minister talk a moment ago in relation to the budget. He does not seem to have any concern about the costs to the consumers - consumers like Mr Berry and others - who use the gas. I would have thought that in these times of stringency and rising interest rates this would have been one of the most critical things in which consumers were interested. So it was very interesting that he was referring to this when he was talking about the budget.

I would suggest now that the Deputy Chief Minister might find that some of those consumers to whom he is referring have some major problems with that sort of statement. It is quite clear that he is not very interested in them, as he is not very interested in what is going on at the moment.

However, let me now refer to the comments by Mr Whalan in relation to his reference to my colleague Mr Collaery using the article, or quoting directly from the article, by Mr Graham Downie. Mr Speaker, my colleague Mr Collaery did not make any reference at all in any great detail to the 5 per cent increase. That was not the point at issue as far as we were concerned.

Nowhere in the article by Mr Downie is there any reference to the figures referred to by Mr Collaery in relation to the 1987-88 annual report of the Pipeline Authority. I will just read them again, Mr Speaker, so that the Deputy Chief Minister can refresh his memory, and when I return his article he can probably see that I am correct. The 1987-88 annual report of the Pipeline Authority shows that the cost of ACT gas at Moomba was $4.4m whilst the resale price to AGL Canberra was $8.56m, showing a margin of $4.16m, or 94.6 per cent, for the supply and delivery of 73 million cubic metres of gas. Mr Speaker, I challenge Mr Whalan to find those sorts of figures in the article by Mr Downie to which he referred. Quite frankly, they are not there. Therefore it is fallacious for the Deputy Chief Minister to use that sort of suggestion.

Mr Speaker, what I really wanted to do in this case and at this time was to draw your attention and that of the rest of the house to this statement by the Deputy Chief Minister in relation to how he claims we are using this article as the major source. I can assure him that it certainly would have been one of the items that was used by the people who helped us with the research on this, but it was not all the work that was done. It is quite clear, as you can see from my past comment, that Mr Whalan is trying to misrepresent, in a way, the work that Mr Collaery has done on this matter.

I think it is very important that we ensure the future cost to the ACT, if there are any rip-offs in relation to the way we are receiving our gas. It is inconceivable to me, Mr Speaker, that there should be this massive difference between the costs here and in New South Wales. The new legislation in relation to the control of gas in the ACT is vital, I would suggest. That is the key point; that is what we are on about.

The Government is talking about not having enough business or not being prepared to have its business ready so that it can put it to the house. This is one piece of legislation, Mr Speaker, that I suggest should have been high in its priorities. It is a safety matter - a very important and critical safety matter, Mr Speaker. This is the sort of legislation that I suggest the Government should be bringing forward at the earliest opportunity so that the people in the ACT can rest assured that the reticulation of natural gas in our beautiful city is as safe as it possibly can be and properly, efficiently and effectively reticulated and controlled.

MR MOORE (3.36): There has been quite a lot of gas blowing around this chamber, has there not, Mr Speaker? The draft legislation that has been prepared really ought to be tabled in the Assembly so that it can be considered by us. Obviously we have a relatively urgent matter when substances such as natural gas are already in our system, and it is quite right that they should be so. It is most important for us to see that it is all done according to the wishes and desires of the people of Canberra, and that can be done through that appropriate legislation. So I urge the Government to be as smart as it can about getting that legislation to the house before we have any long breaks of the type proposed which we will be discussing later in the day.

I draw particular attention to a connection fee. It has been AGL's practice to charge a connection fee, with a couple of exceptions - when it puts the gas into a particular street it usually gives people the opportunity at that point to connect their houses free, and also when people have been prepared to put on major units like central heating units for which they will use considerable gas. Then it has been its practice to waive the connection fee. My understanding is that of late it has changed this

final practice and is no longer waiving that connection fee. I use this opportunity to urge it to reinstate that practice so that people can be encouraged to use natural gas.

There are particular advantages for the Canberra community. Natural gas is not just a fuel that is used for business, but it has particular advantages in terms of avoiding some of our wood use and pollution problems. Environmental issues are raised by the use of natural gas. Natural gas, of course, is a non-renewable resource - in the short term, not in terms of hundreds of millions of years, granted - but it is to all intents and purposes a non-renewable resource. It is a very clean and useful non-renewable resource which may give us time to get our use of energy into balance. Therefore, from an environmental point of view it is quite critical that we use it wisely and as a method of encouraging people to refrain from using other fossil fuels, such as heating oil and electricity that is produced from basic fossil fuel methods - coal and so forth.

Another point I would like to raise with AGL is the business of digging up the streets and then getting them back to norm. It has been AGL's practice - I have noticed it in my street - to dig up the naturestrip lawns, replace the soil and then plant the grass on top of it. It has, by and large, been particularly careful about doing that, but I would encourage it to go back three months later and have a look at the big line you can still see down the street as things subside. Another sprinkling of soil at that point would, I think, be particularly advantageous to the general area because that extra little bit of effort would, I am sure, mean that basically no sign is left of where it had been. That is not to take away from the efforts that it has already made.

It is important to note about this legislation that with all these things so far we have relied on the goodwill of AGL - by and large that has been the case - but there have been no legal bindings on it which of course we ought to require. It is this Bill that is in draft form that really should come before us so that we can look at what legal bindings we feel are appropriate. It is particularly of concern that some of those legal bindings will have to do with the environment, safety matters and business practices.

I draw your attention to Mr Collaery's comment about a single trench and the various different services that we run down trenches. I noticed some laughter about a suggestion that water, gas and electricity should be laid in the same trench, but running those services together in a wide trench is quite reasonable when they are then buried and separated by the soil between them. The concept of digging three, or even two, different trenches is simply a matter for the final people who have to pay for them - the residents of Canberra. They are the ones about whom we

should be most concerned. It is not a question of what profits go to ACTEW or the gas people; it is really a question that in the long run, when things cost more, those costs are turned back over to the people of Canberra.

Those are the issues at which I think we really need to look, and look at carefully, when we are considering this matter of public importance. I urge the Government to bring this legislation to the house as quickly as is practicable.

MRS NOLAN (3.42): The fact is, it seems to me, that we are paying more for gas than the people of New South Wales. The essential reason why we are paying more obviously goes back to 1981 when an agreement was signed which determined the financial arrangement under which the Pipeline Authority, a Commonwealth body, would supply gas to Canberra. The construction of the Dalton-Canberra pipeline did not form part of the original haulage agreement between the authority and AGL. The pipeline is therefore not included in the original New South Wales distribution system, and the funding arrangement provides for the annual recovery of all costs and expenses plus a 6 per cent profit margin in respect of gases carried to Canberra.

This agreement, unless it is changed, will last to the year 2005, 16 years away. Next year, AGL will pay $10.7m to the Pipeline Authority for the gas it has ordered. This gas will be delivered to AGL and distributed from the Watson service link. The equivalent amount of gas supplied to a New South Wales gas company, such as the Goulburn gas company or the Wagga gas company, would be $8.4m. In other words, Canberra consumers are paying $2.3m more for their gas than people in New South Wales. The difference, of course, is that under the agreement we pay for the capital costs of the pipeline installed between Dalton, near Yass, and Canberra. It could rightly be said that we are being unfairly treated by the Pipeline Authority.

The Pipeline Authority Act 1973 was introduced for the purpose of establishing an authority with adequate powers to construct and operate a major public utility having the responsibility for making one of Australia's natural resources available to the Australian people. If we are to achieve price equalisation with New South Wales - that is, if we are to pay the same prices for the same services as those delivered in New South Wales - we need to seek a renegotiation of the agreement. This could be achieved by government-to-government negotiations involving the ACT and the Federal governments. This Government should give an undertaking that it will seek negotiations with the Federal Government to obtain a better deal for Canberra - a better deal for the 22,000 consumers who use gas in this city.

It is a mistake for consumers to blame AGL for the fact that we pay more for our gas than consumers in New South Wales. It is even a mistake to blame those who drew up the original agreement that was signed in 1981. AGL has sought

a 5 per cent price increase this year, which is probably very modest when compared with our inflation rate which I understand is somewhere in the vicinity of 7 per cent.

I want to turn now to the question of licence fees and franchises. I understand a draft gas ordinance is being prepared which seeks to license gas suppliers in the ACT. There has been some criticism that AGL pays no licence or franchise fee in return for its monopoly on gas supply in the ACT. I believe it is up to this Government to take action to renegotiate the 1981 agreement to achieve justice for ACT consumers in relation to the price they pay for gas compared with those in New South Wales. Let us not blame business; let us look at the problem fairly. It is up to this Government to take the action, and I look forward to the Minister giving the matter suitable priority.

MR SPEAKER: The discussion is concluded.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

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

That so much of the standing and temporary orders be suspended as would prevent -

(1) consideration of private members' business continuing for an additional 70 minutes; and

(2) order of the day No. 1, executive business, then being called on and debated.

TENANCY OF COMMERCIAL PREMISES - SELECT COMMITTEE

MR JENSEN (3.48): Pursuant to notice, I move:

That -

(1) a select committee be appointed to examine difficulties currently being encountered by tenants of privately subleased commercial premises so far as those difficulties arise out of the contractual relationship between landlord and tenant;

(2) the committee considers whether the commercial tenancy relationship should be regulated by legislation and, if so, in what manner;

(3) the committee considers whether the Business Leases Review Board should be established along the lines of the draft Business Leases Review Ordinance 1984;

(4) the committee consists of three members;

(5) the committee be provided with the necessary staff, facilities and resources; and

(6) the committee to report by the first sitting day in November 1989.

Mr Speaker, over the past several months the Residents Rally has often been contacted by individual Canberra retailers who are concerned about their rents and lease conditions. It became more and more obvious that what was needed was a close study of the retail leases area to identify how typical or otherwise the retailers who had contacted us actually were.

We decided to pursue a thorough survey of retail tenants, and the results of that survey have already received some attention in the local media. It has shown us that many different problems are being experienced by tenants, in relation to both rent increases and tenancy practices. Just as importantly, perhaps, the survey revealed that those problems are not restricted to a handful of tenants in isolated pockets of Canberra; they are far too widespread and serious for the Assembly to take any comfort in the possibility of leaving things as they are.

The situation has reached a point where tenants can no longer bite their tongues and get on with their business. Although there are obviously other, and good, reasons for its existence, the formation of the new Commercial and Retail Tenants Association, or CARTA, seems very much like a sign of the times. CARTA aims to represent the interests of commercial and retail tenants in legal, political and economic issues and its presence will serve to raise public awareness of a problem which has been a major concern of the Rally for a long time. In fact, during the election campaign, it was one of the issues on which we ran strongly with one of our candidates.

However, in the end CARTA is essentially no more than a lobby group. It will have little more real power than the tenants it represents - tenants who, in some cases, are banned by their lease conditions from even forming their own associations. Some of those bans on lease conditions, Mr Speaker, may not necessarily be written down, but they are certainly implied and have been used and operated by some unscrupulous landlords in this city.

Bans of this kind in a country which supposedly recognises freedom of association indicate that there is something seriously out of kilter in retail landlord-tenant arrangements in the ACT. The Assembly has to look squarely at the prospect of regulating commercial tenancy relationships because they are becoming far too unequal. While tenants recognise that landlords need to make a fair return on their investments, some of those landlords have taken advantage of their superior bargaining position to impose unreasonable demands on their tenants. In fact, many practices which appear to be common in the ACT would be regarded as illegal in several other States.

The Residents Rally does not believe in regulation for its own sake, but the power available to landlords and the obvious willingness of some landlords to abuse that power mean that legislation may be the only certain way for the

Assembly to hold back the erosion of retail tenants' rights. We are talking here, Mr Speaker, about basic human rights and social justice, I suggest, and I am sure that they are very important and dear to the heart of the Chief Minister.

The Rally's survey provides ample evidence of just how much those rights can be curtailed by unscrupulous landlords, through such practices as excessive rent increases. Rent increases in most retail businesses were well in excess of the increases in turnover and the consumer price index. Over the last five years, rent increases ranged from 39 per cent to 200 per cent, and averaged around 87 per cent, outstripping the total CPI increase of 54 per cent by a very large margin by any stretch of the imagination. Rent increases are often set after annual market reviews undertaken by BOMA using some undisclosed formula of its own.

Perhaps the most urgent need shared by the ACT's retail tenants is for rent increases to be subject to a known and justifiable formula or to be related to CPI increases and agreed upon by both landlord and tenant at the beginning of the lease.

The next area of concern is renewal of leases. Many tenants experience problems as a matter of course when it comes to the point of having to renew their leases. These problems seem to arise mainly from a determination on the part of some landlords to wring every benefit they can out of their position of advantage. Although most cases stop short of cruel and unusual treatment, the kind of excessive behaviour which a lack of control on landlords allows is shown up by a case where, with nine months of a ten-year lease left to run, the lessee has asked for a renewal but the landlord refuses to negotiate, apart from offering $70,000 to buy the business for his son. The business in question is currently valued at $250,000, almost four times the amount that the landlord is currently prepared to offer. This is nothing short of economic blackmail, with the landlord's unchecked hold on the lease as a weapon which the tenant has no power to resist.

Renovation and capital improvements are other areas of concern. Landlords usually benefit from renovation work and other capital improvements to rental premises undertaken by their tenants. The real value of such work to the tenants is less certain, especially if the improvements are demanded by a landlord towards the end of a lease. From our survey, we know that this can happen, and the landlord has a legal right to expect the work to be done. On the other hand, the tenant has no guarantee of reaping the benefit of improved premises. The landlord is not obliged to renew the lease, and stands to gain even more from the increased rents which the improvements to the property allow him to charge a new tenant.

There are also uncertainties with relocation. Under leasing arrangements as they currently stand, a tenant can be shifted at any time to some other location within a shopping complex. Any tenant who suffers an order to relocate also has to face paying for the full cost of the move. Nor is there any right of appeal. Tenants are completely at the mercy of their landlords' whims, and they can easily lose trade by being located in a less attractive or less busy part of a shopping complex. If a tenant decides to sell rather than move to somewhere less profitable, he or she will have little goodwill left to improve the selling price. It is not hard to see that the threat of relocation acts as a powerful disincentive to tenants who might otherwise want to stand up for whatever slender rights their leases allow them.

All outgoings which have been covered in relation to tenancy properties, such as shopping centre maintenance, cleaning costs, heating, garbage collection, rates and taxes, have to be met by the commercial or retail tenants themselves. This is obviously in stark contrast to the residential tenancy market, where a landlord accepts responsibility for these expenses which arise from ownership, like maintenance, rates and taxes. The imposition of all associated costs on tenants would have less effect if rents were set more fairly and were subject to control, but for the moment rents remain completely at the landlord's mercy.

There are plenty of other factors which our survey identified as giving rise to widespread dissatisfaction. But, whether we are talking about any of the problems I have already mentioned or excessive bonds, discrimination between large and small leaseholders and so on, the Assembly needs to acknowledge that virtually every aspect of tenancy arrangements in the ACT stacks the odds squarely against the tenant.

While the Residents Rally accepts that the capital risks involved in building or buying retail centres and units entitle landlords to expect and to earn a fair return on their investment - I repeat, a fair return on their investment - we do not expect that the mere fact of owning buildings in the ACT should somehow be regarded as a licence to print money. We do not, and cannot, condone a situation in which landlords have free rein to impose whatever rents and conditions they feel like imposing, particularly when it is at the cost of the commercial livelihoods of their tenants. But at present in Canberra landlords have almost unlimited scope for squeezing tenants as hard as they want, through rents, tenancy costs and prohibitive lease conditions.

From the Rally's point of view, it seems that only the existence of those landlords who are not prepared to abuse the power available to them is keeping the Canberra retail rental market from reaching a crisis point. But the fact that there are landlords who deal fairly, honestly and

openly with their tenants is not enough for us to go on to say that things are not too bad and that we ought to leave it to the marketplace to sort out its own rules. That is what has been happening to date and, on the evidence we have collected, it has clearly failed.

If better economic times had continued, the imbalance in power that exists between retail landlords and their tenants might easily have been ignored as the source of an occasional, but not very significant, grievance on the part of the tenants. Now, though, Canberra's retail tenants are beset by more and more factors which are beyond their control or influence, and many of them are being pushed further and further into the corner. Not the least, of course, are the problems associated with interest rates at the moment. Retail tenants can do nothing about erratic or unthinking planning decisions. The Boulevard shopkeepers simply have to hang on if they can and wait until their isolation by construction sites ends and the customers come back. That, Mr Speaker, as I am sure some of you may know, is often very difficult. The Hyperdome tenants have to hope that the public service infrastructure that should have been in place long ago finally builds up to provide the level of business necessary for their survival.

Retail tenants can do nothing about the whim of Commonwealth government departments to shift from one part of the city to another, suddenly depriving nearby shopkeepers of a substantial part of their regular trade. Retail tenants can do nothing, either, about the Federal Treasurer's well-known policy of using interest rates to dampen spending - spending which used to take place in their shops, to which I have already alluded today.

Of course, shopkeepers, in the main, can and will survive bad economic times. They can survive planning decisions and drops in passing trade, and a hundred other factors not of their making, if they are given at least a fair chance. But a fair chance means that they have to be able to negotiate fair and reasonable rents, to resist sudden increases to those rents or punitive lease conditions, to stop being the victims of any unscrupulous landlord who chooses to abuse the free rein allowed by the law as it stands, and to have some avenue that they can follow to resolve tenancy disputes and grievances.

Unless this Assembly decides to move towards giving retail tenants that fair chance, we may find ourselves presiding over a crisis in the retail sector of a sort never before seen in Canberra.

Facing such a possibility, we should also remember that the retail sector - in particular the small business component, which is the most vulnerable - is a major contributor to employment in the ACT. Time and time again we hear that fact spoken about. Commentators talk about it, and we know that it is a major contributor to employment in the ACT. If retail tenants sink under the weight of the costs they

currently have to bear simply to do business, they will not drown alone. With the poor employment growth we are witnessing as a result of Commonwealth government cutbacks and a downturn in building projects, the need for a healthy retail sector is absolutely vital to ensure that our school leavers, as well as many of those people who have jobs now, have a better future to look forward to than the dole queue.

This motion is not about landlord bashing, although, with some of the responses we have received to our survey, I suspect that there are a few retail tenants who would be happy for us to indulge in that. It is about providing a fair and equal chance for Canberra's retailers and, in so doing, it is about guaranteeing the continued health of the ACT economy. Unless retail tenants can negotiate affordable rents and lease conditions; unless they have access to reasonable means of settling disputes with their landlords; unless they have some protection against exploitation, such as that provided by the proposed business leases review ordinance of 1984 which, despite its advantages, remains in a legislative limbo; unless they have, in short, the right to equity which only this Assembly can give them, we are committing not only them but also ourselves to a grim future indeed.

Mr Speaker, I urge the Assembly to give full support to this motion to refer the matter to a select committee. I understand that the Government will be supporting this proposal, with some amendments which I am sure we will talk about later. In fact, I seem to recall that they will include the membership of a committee, which we are happy to accept.

We have some difficulty, however, with the proposed amendment relating to deleting "November" and inserting "1990", which would make this report due on the first sitting day in 1990. I know that the committee operation we have at the moment has been under some strain in the last few weeks. That is because we have had a number of select committees that are due to report at almost the same time. I understand, Mr Speaker, that it will be possible for the committee staff, provided we get the necessary budget to enable sufficient staff to run - I am sure the Chief Minister is aware of this and of the requirements - and there should be no problem in meeting that requirement.

I note the Deputy Chief Minister's comment in relation to the fact that if the committee wishes to report earlier it is quite within its rights to do so, which may be quite appropriate. However, at this stage, Mr Speaker, we would seek to have retained in this motion the November 1989 reporting date. On those few words, I close my remarks on this very important and critical issue to some members of the backbone of the business community in the ACT.

MS FOLLETT (Chief Minister)(4.03): As Mr Jensen said, the Government supports this motion, but we propose some

amendments. I seek leave to move the amendments circulated in Mr Whalan's name.

Leave granted.

MS FOLLETT: I move the following amendments:

(a) Paragraph (1) after "select committee" insert ", consisting of Mr Jensen, Mrs Nolan and Ms Maher,"; and
(b) Paragraph (6) omit "November 1989", substitute "1990".

Mr Speaker, I do not propose to speak at any length on this matter, because it seems there is broad agreement on it, except to say, on Mr Jensen's point about the date of reporting by the committee, that, as he has acknowledged, the mere fact of making the reporting date 1990 does in no way tie down the committee to waiting until that time to report; it would be quite at liberty to report before that time if it were able and if it wished.

So I think it is not a bad idea to give it an extra couple of months, particularly around November when I expect this Assembly to be very busy, and particularly given the likelihood that the Assembly will have some sort of a break over Christmas and New Year. There is no conspiracy, no plot, involved in changing the date to 1990; it is just a matter that we consider might be more convenient to the committee.

MR DUBY (4.04): I wish to speak to the amendment. I am speaking in favour of it. I do not know whether I am speaking out of turn, to be honest. I would just like to reinforce the words of the Chief Minister about the reporting date. The simple fact is that we have a plethora of committees which are very understaffed. At this stage I do not think it is fair on those hardworking persons to expect them to be able to apply their full abilities, in the very responsible fashion that we know they can, to the work that is being required. This November reporting date is simply and plainly too early. As the Chief Minister said, if it is possible we can bring down an earlier report, but November is simply too early. Honestly, I would urge people on the other side of the house to change the reporting date.

MR JENSEN (4.05): Mr Speaker, I will not take much time in this. All I want to say is that, while I acknowledge the statements made by both the Chief Minister and Mr Duby, I think it also is important to remember that there are a lot of people out there at the moment who are hurting very badly in this situation, and the longer this matter is delayed the longer that situation can go on. That was my concern. You will recall that the original motion that I put up to refer it to the standing committee said that it would be 60 days. When I put my amendment in to that motion I extended that period to make it almost a three-

month period. I just wish members to bear in mind, when they vote on this amendment, the fact that there are a lot of people out there who are hurting very badly and who want some support in relation to this difficult area.

MRS NOLAN (4.06): I would just like to make a couple of comments if I could. While I rise today to support the amendment before us, and I see that we are looking at a reporting date being the first day of sitting in 1990, if the committee thinks that it can get its reference under way before that time, I am sure it could well be able to report before that sitting day.

But, while we support this particular reference to a select committee, I would like to make a couple of points, and I think it is probably fairly relevant at this point in time that they should be made. We must not lose sight of the fact that contractual arrangements are mutually agreed upon by both landlord and tenant. I am sure in today's society some arrangements may not be fair. However, I am also sure that there are many arrangements between landlord and tenant which are very fair and which provide no difficulty. I am the first one to recognise that currently in the economic climate that we have here in the ACT we are hearing very much about lots of difficulties. For that reason, the Liberal Party is supporting the setting up of this committee so that we can hear, if you like, both sides of the argument.

The environment today for small business is vastly different from how it was several years ago. On the one hand, with the deregulation of the banking system there is a greater range of financial services available to small business, but extraordinarily high interest rates have caused immense problems to entrepreneurs. The easy access of big business to finance has led to an imbalance between large and small business, particularly as a result of the growth of virtual monopolies caused by big business mergers and takeovers.

I am concerned that in contrast to some overseas experiences some Australian, and indeed local, firms regard small business as a nuisance rather than a useful partner in many aspects of their operations. Small and medium business, as I am sure we are all aware, represent the greatest base of potential exporters. Governments of all persuasions should be about removing unnecessary, initiated impediments to growth and, through education, improving the quality of small business. The Liberal Party recognises the need for codes of ethics directed towards evening the playing field, if you like, between landlord and tenant.

We are vitally concerned about preventing unfair practices by unions and big business by creating fair ground rules for all business. The committee will be able to hear first-hand whether fair or unfair ground rules are in place in contractual arrangements between landlord and tenant. However - and I think it is fairly important to stress

this - the commercial tenancy relationship regulated by legislation needs very careful consideration or else damage to private sector confidence and investment could well result. This indeed would be disastrous for Canberra, and certainly both landlords and tenants could suffer more.

It is absolutely essential for future employment growth that private sector confidence and investment must remain. Very careful steps should be taken which would in no way discourage any new ventures. As most of us are aware, some apprehension already exists among commercial investors with Canberra's leasehold title system.

As I have said earlier, I support the motion, as it would be proper to allow commercial landlords and tenants to share their experiences - both good and bad, I am sure - with the committee. The committee would then be in a better position to make a judgment. As we see from the notice paper, this issue is not a new one, Mr Speaker. A working party was set up in 1984, and a draft business leases review ordinance was prepared.

Somehow the Labor Government could not bring itself to do anything about it then. It is, I suppose, perhaps ironic that the first time that this came up was, I think, as far back as 1980. It was in the old House of Assembly, and Minister Kelly was the person who insisted then that something needed to be done to legalise the situation in relation to commercial landlord and tenancy agreements.

One point I forgot to mention is that any emphasis on fair dealing obviously necessitates the establishment of criteria by which one can judge what is fair. Difficulties need to be defined in the same manner. What is a difficulty to one person may well be considered no difficulty at all by another. It must also be remembered that judges delivering contract law decisions have always had an option of striking down a contract if they believed the contract was not fairly entered into.

Those of us in this Assembly are representative of many interests, many of them competing with one another for dominance in either market share or contractual situations. Sometimes our social responsibilities are unable to prove palatable for one or more interest groups. I am sure, however, a committee, as proposed, will be best suited to make recommendations which will remove that burning issue in the community. As I said a little while ago, it has been a burning issue now for quite some time - since 1980.

MR COLLAERY (4.13): I have just a few words to say, Mr Speaker. I endorse most of what has been said in this chamber today, particularly the remarks of my colleague Mr Jensen. Indeed one does realise that there are difficult questions of contract and issues of principle involved in landlord-tenancy law, but very often we must recognise that the positions are unequal and that very often a tenant is not in an evenly balanced situation and therefore

negotiations are not conducted at arm's length when one's goodwill is at stake and when one is seeking the renewal of a lease. Very often at that stage demands are met for refurbishment and other matters which a tenant, faced with the loss of goodwill, cannot easily resist.

The Residents Rally really does not wish to take a concluded position and assist in the drawing up of battle lines on this issue. The Rally really wants to see established a proper regulatory mechanism that does not offend the concepts of free enterprise and the rights to make contract and to conduct business negotiations free of third-party interference.

Nevertheless, Mr Speaker, we must never forget that in Canberra the head landlord is the Crown and the landlord that we know here is really the first tenant, and that landlord, of course, is making a contract with a subtenant. That is the way the law operates in this city, where we do not have freehold.

The comparisons to be made with freehold markets elsewhere in Australia are not entirely valid in terms of interference by the state when one realises that this Territory was given us under the Seat of Government Act, in custodianship, to manage carefully and prudently for the good of all citizens, and therefore the prime freehold profit motive that may direct operations in other States is not entirely relevant in the ACT.

That is not suggesting that there be any socialisation of landlord and tenancy law or that we go to the excesses of some of the 1950-type legislation that we saw in New South Wales. Mr Speaker, we have all heard and said a lot on this subject; we are all dying to get on to Dr Kinloch's exotica, and I will rest my case.

MR STEVENSON (4.15): I wish to speak briefly to the motion. I have worked with a business whose rent went up from $500 to $800 a week. That placed severe hardship on the business and I was involved, at that time, in trying to do something about it. So I understand well the problems. However, the truth was that, when the owners of the business entered into the lease, they knew exactly what the situation was at that time. Indeed, if someone enters into a 10-year lease, he or she knows, 10 years hence, the very day on which those contractual details will cease.

That is basically why I speak, because we need to be very concerned about an important rule of law here. It is to do with the ownership of property and the right of the owners to do with that property as they would choose.

Perhaps the longer period that the Government suggests might allow the building and property industry the time to look at self-regulation should it so choose to do. It would be my firm consideration in this, and perhaps other matters, that prior to legislation every attempt at self-

regulation of the industry concerned should be made. So I think it is a good idea to hear both sides in committee, but I truly think we should be very concerned before we legislate on the matter.

MR SPEAKER: I believe that the debate is concluded, and I would like now to take a vote on the amendments. The question is: That amendment (a) be agreed to; that is, Mr Whalan's amendment naming the members of the committee.

Question resolved in the affirmative.

Amendment agreed to.

MR SPEAKER: The question now is: That amendment (b) be agreed to.

Question resolved in the affirmative.

Amendment agreed to.

Motion, as amended, agreed to.

CARELESS USE OF FIRE ACT

MR KAINE (Leader of the Opposition) (4.18): Mr Speaker, I have been approached on a number of occasions in recent weeks by members of the volunteer bushfire brigade who have difficulty with the fact that, as volunteers devoting a great deal of their time in protection of public property, they have no protection at law from any damage that they might inflict on themselves or others in the course of their activity.

Mr Speaker, members will know that within the ACT we have a number of rural bushfire brigades, and I understand that something of the order of 400 people provide their time voluntarily in the public interest in this activity, particularly, of course, during the summer months.

The ACT is the only part of Australia where currently no indemnity is provided to cover volunteer bushfire fighters against legal action arising from their work. They have been attempting to have this rectified in the Australian Capital Territory for quite some time. I believe their case is a valid one. I believe it is unreasonable and unfair that we allow these people to make their time available on a voluntary basis and we leave them open to litigation should they cause any damage. That being so, I move:

> That the Assembly is of the opinion that the following clause -
>
> "No proceedings whether at law or in equity shall lie or be made or allowed by or in favour of any person against the Crown, the Minister, a member of the Bush

Fire Council, the Chief Fire Control Officer, a Deputy Fire Controller or any person acting in the execution or intended execution of this Act in respect of anything done bona fide under and for the purposes of this Act."

be included in the Careless Use of Fire Act 1936,

which is currently being reviewed.

I note that there is a typographical error in that which I failed to pick up before. I seek leave to delete the words "the Crown, the Minister," appearing in line 3 of the proposed amendment.

Leave granted.

MR KAINE: It was not my intention, Mr Speaker, to protect the Government or a Minister from litigation in the case of damage. This proposed amendment is aimed specifically at protecting those volunteer firefighters who serve the community so well. I commend the amended motion to the Assembly.

MR WOOD (4.21): Mr Speaker, the Government supports the motion now, with that amendment. I want to recapitulate on some of the attitudes on this side of the house. Mr Kaine's motion seeks to indemnify bushfire fighters and others operating in a bona fide manner under the Careless Use of Fire Act from civil action arising from the discharge of their duties. We certainly agree with the principle behind Mr Kaine's motion. The Bush Fire Council has raised with the ACT Administration a number of amendments to the Careless Use of Fire Act. A submission on the most urgent of these proposals is being prepared and will be considered shortly.

Mr Kaine raised this matter with the Minister during question time on 1 June. Let me reiterate the Minister's response: Firstly, the need for this type of cover has become more urgent following litigation from the Ash Wednesday fires in Victoria and South Australia; secondly, in the ACT it is necessary to ensure that we provide and are seen to provide maximum protection against unnecessary exposure, exposure to litigation and other such hardships, if we are to maintain our volunteer firefighting force; and, thirdly, the Careless Use of Fire Act is being reviewed as a matter of urgency to provide adequate protection to voluntary firefighters.

Mr Speaker, the Government is considering what other measures are necessary to ensure that bushfire fighters are given adequate protection - measures other than the one that is being accepted here.

The ACT Law Office is currently advising on the most effective protection which can be provided to bushfire fighters in the performance of their duties. The Government has no objection to what we are achieving here. We support this motion, and there may be other actions down the track in support of this worthy aim.

MR DUBY (4.24): Mr Speaker, the arguments put for the motion are certainly cogent and strenuous. There is just one question that I would like to raise. I notice that the Careless Use of Fire Act 1936 is currently being reviewed, and I was wondering whether anyone could address me in debate and explain to me why this clause is currently being inserted. I was wondering in particular whether there is currently some legal action involved which would necessitate the sudden inclusion of this clause. That is just a question that crossed my mind. Generally speaking, though, I support the arguments as put by members on both sides of the house and assume that the answer to my question will be in the negative.

MR COLLAERY (4.25): Mr Speaker, the Residents Rally pointed out at the beginning of the sitting this afternoon that the words "Crown" and "Minister" would mean that a farmer down the line, whose property has been lost by a genuine attempt at back-burning by a bushfire assistant, may not have any recourse to litigation to sue. So it has been negotiated on the floor that the words "Crown" and "Minister" be removed. My colleague Mr Kaine indicated that it was not in his original brief anyway and that the law, as I take it, pertaining in Victoria, on which I believe he is drawing, does not include the words "Crown" and "Minister".

Mr Speaker, again, the Assembly is not bound by anything here, and the Bill can come in, in future, and be debated fully. Once again, if we had an adequate committee, we would not have to scurry around on this floor working out really what things mean. Even the lawyers here were discussing the full implications of this during the time we were sitting this afternoon.

The Rally will support the motion of Mr Kaine on the basis that it has been moved in good faith and no attempt is being made to block any legitimate action at the moment by any litigant. The Assembly would look very carefully at any suggestion that any such legislation could ever be retrospective because, Mr Speaker, we all treasure the presence of Mr Berry here and we would hate to see any retrospective action taken against any fireman in relation to any of his past acts.

MR HUMPHRIES (4.27): I add my support very briefly, Mr Speaker, to this motion. As I am a lawyer, people might think that it is not in the interest of my profession for litigation to be curtailed or limited, but speaking with the new hat that I now wear I have to say I find it a positive move, a helpful move, to remove the threat of litigation from people who perform an invaluable role in the community in providing bushfire services, consisting very significantly of volunteers, with the protection of knowing that those people do not face significant prosecution risks as a result of what they do in good faith.

I know, from having been involved in this area, that there are frequent problems, both with dealing with problems that arise as a result of things that have happened in an attempt to limit liability and other things of that kind and also the preventive measures that are taken by organisations such as this, including very significant insurance premiums such that these organisations are sometimes too concerned with legal issues and not concerned enough with the question of preventing bushfires occurring. So in that respect I think this move is a very positive one, and I support it.

MR KAINE (Leader of the Opposition) (4.28), in reply: Mr Speaker, I would just like to respond to the question raised by Mr Duby. I can assure the house I have no knowledge of any litigation that is even in anybody's mind at the moment in this area, and that was not the purpose for my bringing this forward. My purpose is simply the fact that in my opinion these firefighters need the protection that this amendment will provide for them in the future. I would certainly not be party to introducing any legislation in an attempt to subvert any litigation that might have been in train.

Mr Duby: It was not suggested, Mr Kaine.

MR KAINE: No, I understand that. I understand your caution, too.

Question resolved in the affirmative.

Motion, as amended, agreed to.

SOCIAL POLICY - STANDING COMMITTEE

MRS NOLAN (4.29): Mr Speaker, pursuant to notice, I move:

That the resolution of appointment of the Standing Committee on Social Policy be amended by omitting paragraph (1) and substituting the following paragraph -

"(1) A standing committee on Social Policy be appointed to examine and report on matters concerning community and health services, housing, welfare, education and social justice issues -

(a) as are referred to it by the Assembly; and

(b) as are considered by the committee to be matters of concern to the community.".

This motion in relation to the widening of the terms of reference of the Standing Committee on Social Policy is one that bears importance to the effectiveness of that committee. Under the conditions specified by the current terms of reference for the committee, the committee can

examine and report only on matters that are referred to it by the Assembly.

The issues with which the Social Policy Committee is concerned are ones that are seen to be of importance to the community. The committee must be able to investigate these issues when it can, rather than have to wait until they are referred to it. It is a representative group of parties in the Assembly. There is now a membership of five, one from each party represented in the Assembly.

Mr Speaker, what I am proposing in this motion is already in place in another of the Assembly's committees - that is, the Standing Committee on Conservation, Heritage and Environment - and I would like to remind the house that it was the Liberal Party that put forward the terms of reference of that committee. I think really that is probably all I would like to say in relation to that motion at this point, and I would commend the motion to the Assembly.

MR JENSEN (4.31): Mr Speaker, I will speak very briefly on this matter and indicate that the Residents Rally will be supporting this motion that has been put forward by the Liberals in relation to this issue. I think it is important that this matter be clearly identified and that there be no doubt as to what these committees are able to do in relation to the way they can operate. I take Mrs Nolan's point in relation to the heritage committee. As I have suggested in the past, it probably would have been appropriate at the beginning, when all these committees were being set up, to have had a little more time to discuss it in a consensus operation, and we may have in fact got to a stage where we may not have needed this motion.

I foreshadow, Mr Speaker, that at some stage the Rally will also be moving a similar motion in relation to the Planning, Infrastructure and Development Committee. I think it is important that these sorts of issues be the province of the committees, however, at the guidance and direction of the house, as we see in this case.

Question resolved in the affirmative.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE

Debate resumed.

MR COLLAERY (4.32): Mr Speaker, I was concluding my remarks when the time fixed for private members' business expired, I believe, and I so conclude.

MR SPEAKER: I might add, your time had expired.

MR MOORE (4.33): The motion put forward by Mr Jensen, to ensure that we have appropriate planning legislation, is really about the very nature of Canberra. I am horrified when I hear time and time again people draw comparisons between Canberra and places like Melbourne, Sydney, Adelaide and Perth, all of which have their own particular beauties and their own particular strengths. There is a tall poppy syndrome. The most beautiful and the best place to live is Canberra, and we are on about keeping it that way. Let us not be ashamed about it. Let us be proud. We are fortunate enough to live in this environment that has been created through very careful planning and a great vision.

There is a need for appropriate legislation to ensure this vision goes ahead. In fact, it is not just one vision but a series of visions, and the first of those visions was that of Burley Griffin. As Canberra grew, we outgrew it.

Then, we were very fortunate that a group of far-sighted town planners in the 1960s came upon the notion of extending that vision, and came up with a method of doing it. That method is what we generally refer to as the Y plan. While the rest of Australia was busy trying to work out ways and means of decentralising, when major cities were looking for areas in which to decentralise, when Albury-Wodonga was being developed, when South Australia attempted its Monarto development, Canberra was able to do that very thing.

It was able to establish through its Y plan a series of decentralised town plans. Had we stuck with that vision, we would not be having to deal with the extra expense of infrastructure problems with which we now have to deal. Only today we were told that a great part of the borrowing for capital expenditure that we have to include in our budget has to do with public transport. Had we had a situation in which the work was centred where people in Canberra were living, as that vision had provided, we would not have needed to spend the extra money on transport.

Some would argue that there is a new vision for Canberra, and that vision is about a central business district. I say, "Rubbish". There is no new vision for Canberra. The last time there was a new vision for Canberra was with the decentralised system, the Y plan. Since then there simply has not been a new vision, and that is where planning in Canberra has gone off the rails. Not only has there not been any new vision, but also there has not been any mechanism to appeal when our planners or our bureaucrats have moved away from that vision, other than to go to the Supreme Court. It is a great joy to me to realise that the Supreme Court has finally accepted that a vision for Canberra needs to be followed.

I have been told - and it is third hand - that Mr Whalan, our Deputy Chief Minister, has referred to the decision by Justice Kelly on the Concrete Constructions application in

relation to the Canberra Times site, blocks 1 and 2, section 35, Civic, as insane. It is not an insane decision; it is a very, very important one because it is the start of putting Canberra's planning back on the rails. Let me quote from that judgment which states:

> In that part of the cross-examination Mr Westman and counsel cross-examining isolated the problem which redevelopment of this site poses. Men of business can see no other use for the land consistent with its location and value as an inner city site. If that be the case it follows ineluctably, I think, that the land ought to be redeveloped as proposed so that its highest and best use might be availed of unless, and this is the position for which the objectors contend, what I may describe, if broadly and loosely, as environmental factors are to take precedence over what men of business would see as the commercial imperative.

The time has come to say Canberra is not simply about making money. That is important - it is very, very important in part of our development - but it is not the overriding factor.

The myth of the central business district in Canberra ought to be exploded because that is all it is - it is a myth that suits a small group of developers. There is a place for development in Canberra, and there is a place for a certain type of development in Civic. The concept of running a central business district for Canberra along the lines of Sydney or Melbourne is absolutely ludicrous.

On Monday morning I was fortunate enough to be at a conference on heritage in Melbourne. I was unfortunate enough to have to spend an hour sitting in a car driving into the city in order to get to the location of that conference. We do not have that situation in Canberra. We do not want it; we can avoid it; we should avoid it. It is in the public interest to ensure that planning is done according to other factors as well as that of commercial requirements. It is one of the factors, but it is not the only one.

The overriding factor ought to be what is suitable for the majority of people in Canberra. That deals with a whole series of environmental issues, many of which are referred to by Justice Kelly in this judgment. Our detractors in planning often argue that debates over the central business district are about parking. I say that is rubbish.

What the parking problem going into the central suburbs reflects is that planning is off the rails. It is a symptom, and we ought to address that symptom, but at the same time we must address the real causes of that. In a planned city it is entirely and completely unnecessary. But it is more about pollution of the environment; it is about how long it takes people to get to work, how much

time they need to spend in their cars. It is about where those cars travel; it is about how that environment is polluted.

We have a planned city, we have a special city, and we must work towards retaining that city. The City Residents Coalition and its member groups have in their various different forms been concerned about these issues for many years and have carried the flag for many years because, of course, the concern has affected them directly.

I can go back through many years of negotiations with NCDC and the ACT Administration in its various other forms. I can comment on the sorts of fights - and that is the only word that is appropriate - that they have been putting up and feeling they have been losing because we have not had an appropriate planning situation, appropriate legislation and an appropriate appeals system.

It extends well beyond the inner city. The same problems that have been affecting the city have, in the reverse, been affecting Tuggeranong. Those decentralised areas are ones which need the development, and there are ways and means of ensuring that the development gets there. We are looking for the incentives; we should be finding incentives.

We should be ensuring that our lease purposes restrict use by the Commonwealth public service. We have control over that sort of thing; all we need is the legislation; all we need is the will to control it, so that a secretary to a department who happens to feel that it suits him or her to have the department in the centre of Civic does not have the entire say and inflict that view on the whole department.

Planning issues go further; they are about heritage. We have seen the demolition of houses in Murray Crescent and in Barton, and I am told that there is a bulldozer today parked outside a house in Griffith. **(Extension of time granted)**

We are monitoring what is going on, but I am sure it is just happily parked there in the street minding its own business. I hope it does not get a parking ticket. It is parked outside a house that was recommended for consideration in the central Canberra heritage study. Should there be any movement of that bulldozer, no doubt I will contact the Chief Minister as quickly as I possibly can.

It illustrates more than anything that we need planning legislation in place which will allow us to protect our environment and our heritage. If I can move further to our environment, let me say that the green space in Canberra, the relationship of those decentralised towns to each other and the relationship of the amount of green space to built-up space in suburbs are all planning factors, but they are also environmental factors.

If we allow ourselves to run entirely on the basis of financial decisions, then of course we can see that we could well have a city akin to Hong Kong. We do not need that and we do not want that in Canberra. Other cities in the world struggle to protect their green spaces. London has a huge mass of green space, even within its boundaries, in spite of the density of that city. We must be prepared to have the same courage as the people of Britain had in protecting their green spaces.

I come finally to the other factor, which is transport. The more we look at our planning issues, the more we must take transport into consideration. As we need this planning legislation, we need to understand that when development gets out of hand in the centre of Civic we will have to pay infrastructure and transport costs.

Every time we decide to buy another new bus it costs us basically $100,000 a year. That sort of expense leads very, very rapidly to major budget problems. If we talk about increasing the number of people working in Civic and putting them on buses, we must take that into account. We must also take into account, if we are going to use cars as our method of transport, the cost of roads, traffic lights and roundabouts.

In the initial statement on the budget that we have had handed down I notice that one of the budget items is a roundabout that is costing millions of dollars. We must look further into that - $2.5m for a roundabout.

A member: It has been reduced from six.

MR MOORE: It has been reduced from $6m, terrific! The point is that we are very much in need of planning legislation to be put into place as quickly as it possibly can be.

One other final factor to which I would like to draw your attention is that the budget also suggests - and I will need to check this out further - that pay parking controls could, at a cost of $59,000, be introduced in Amaroo Street in Reid. I happen to know Amaroo Street - not that I live on it; I do not - which runs next to the Reid TAFE.

I would say that if the Government is considering putting parking meters into a suburban street for the first time in Canberra then it ought really to realise that it has its planning issues completely off the rails, because that would be totally and completely unacceptable to the people of inner Canberra. I assure you that that will be fought very, very drastically.

I hope that that has slipped somehow through an ACT Administration official into the budget by mistake, and I am sure that issue can be rectified. But it illustrates that we need our planning organised and we need to have a

great vision for Canberra - a new vision. We have had two visions for Canberra. The Y plan might be getting out of date, but let us not dismiss it until we have a new vision for Canberra.

MR SPEAKER: Members, the facility for extension of time is not to be misused. It is there for use in extenuating circumstances only, and members are requested to time their speeches correctly.

MR JENSEN (4.49), in reply: Mr Speaker, I will not take up much more time of the house. It is unfortunate that this matter has taken so long to come on to the floor of the house, but that is the process of the business. I think we have now some organisation which will ensure that this process is streamlined a little further.

I welcome the assurance of the Chief Minister that she has undertaken to have the draft legislation prepared and put to the planning committee by October this year. This achieves the result that the Rally was seeking by putting forward this motion today. However, it was proposed an amendment was to be put, which would have achieved what the Chief Minister indicated she would do. Clearly the Government is opposing this motion because it is embarrassed by the fact that the Residents Rally has taken the initiative in seeking to ensure that this very important matter about the future planning and development of our city is put into the appropriate area.

My colleague Mr Moore has referred to some of the problems associated with the two major urban areas in Australia - Melbourne and Sydney. I think it is important, Mr Speaker, that, as Justice Kelly has said, enough is enough in relation to the overdevelopment of the city. It is not necessary for us to have this sort of overdevelopment in a planned environment such as we have here in Canberra.

It is one of the key things, Mr Speaker, that has been said in relation to Canberra by many people who have come here. It is one of the reasons why people come from all over Australia and the world to see this city. It is a planned city that works. That is the difference, Mr Speaker, between it and some of the other planned cities around the world. It is one of the few that work.

We have an opportunity to ensure that we do not make the mistakes that were made in the other cities. I know and appreciate that there are a lot of historical factors in relation to the development of Sydney and Melbourne, but we have a perfect opportunity to ensure that we do not have them here. We have a sacred trust, as I have said before, Mr Speaker, to ensure that that does not happen.

In closing, I say that while the Rally welcomes the assurances given by the Chief Minister, we will be ensuring that the timetable that she has set for the drafting is followed.

Question put:

That the motion be agreed to.

The Assembly voted -

AYES, 6	NOES, 10
Mr Collaery	Mr Berry
Mr Jensen	Mr Duby
Dr Kinloch	Ms Follett
Mr Moore	Mr Humphries
Mr Prowse	Mr Kaine
Mr Stevenson	Ms Maher
	Mrs Nolan
	Mr Stefaniak
	Mr Whalan
	Mr Wood

Question resolved in the negative.

FILM CLASSIFICATION (AMENDMENT) BILL 1989

Debate resumed from 29 June, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

DR KINLOCH (4.57): Mr Speaker, I fear this is going to be a very great disappointment to members. We do not have any displays; we are not calling for the blackening of the chamber or anything of the kind.

A member: No X-rated videos?

DR KINLOCH: No videos, no training aids, except Mr Duby has brought in a special exhibit he wishes to display. I do apologise to the house for the unnecessary comment last night; I was only trying to get the business through.

We have before us, Mr Speaker, a down-to-earth, practical, small, tidy-up Bill from the Government - I commend the Government for it - which moves towards uniform requirements for marking and labelling films across the Commonwealth of Australia, including Queensland.

Of importance in the background of the Bill are decisions taken by the standing committee of Ministers concerned with censorship matters in Darwin, 30 June 1988. I believe members have this material, and I commend Information Bulletin No. 1, an excellent summary of what was achieved in tightening restrictions related to violence in M and R films, changing the format of guidelines, changes about labelling, changes to make categories clearer and crisper, and the approving of uniformity of wording.

There was also a discussion of R and NVE - that is, non-violent erotica - videos and an agreement to disagree about X classification and other matters. Those matters are not before us. I also commend Information Bulletin No. 2 from the Office of Film and Literature Classification, which helps us to understand this material.

I have no real objection to the Bill at all. I stress that the Bill, if accepted, will make us one of the first cabs off the rank in agreeing to the Commonwealth-wide uniform legislation for practical marking, labelling and lettering on films and film advertising. This is a purely practical matter. It is not a Bill dealing with substantive issues about censorship.

What will be the outcome of this Bill? I talked to Mr John Dickie, the Chief Censor, directly, on the phone from Sydney. I believe he and his censorship team will then be able to make standard classifications, markings and labellings for the whole of Australia, except we are the first in doing that; that has not happened everywhere.

Mr Dickie, by the way, was for many years an inhabitant of this Territory and I would comment therefore that ACT interests would not be neglected. He assured me, as did a member of the administrative staff, of the essentially administrative nature of this Bill on a limited range of activities related to markings on film and film advertising. I note with delight and amazement that this Bill will have no effect whatsoever on income and expenditure.

There may be a question in members' minds - and I know Mr Duby wishes to deal with this - about R ratings and X ratings. These are questions about so-called non-violent erotica, by contrast with films involving unacceptably extreme violence, bestiality, and pornography involving children.

But this Bill has little or nothing to do with those issues, although I do commend members again to look carefully at Information Bulletin No. 1, received by us all. This does not mean that those issues should be ignored by this Assembly, and I would in a way foreshadow further discussion on this, but not at this time. That vexed matter of the ACT as a national centre for the distribution of pornography will have to be addressed elsewhere, possibly through a Bill introduced privately by a member of the Assembly.

The Assembly should certainly now consider that matter - that is, not right at this moment, but we should have that on our agenda - especially given the proposal re the taxing of X-rated videos in yesterday's budget proposals. I wonder whether a select committee on this whole matter should be established. I raise that now as a matter to be discussed at another time.

And so we move on. Are the interests of the ACT protected in this Bill? I believe they are. I have great confidence in the Chief Censor, his team and the Films Board of Review. I mention again that John Dickie was an inhabitant of this city for at least 12 years; one of the team is Andre Wright, a former student of mine, BA (Hon), ANU; and here in the Territory on the Films Board of Review is Mary Madeleine Finn, a barrister and solicitor of the ACT.

However, members of the Assembly, I do now confess a great sense of personal disappointment - I will not keep you long. I thought, "At last, here is my chance. Surely, at the very least, a significant select committee to investigate the film culture of the ACT, an opportunity perhaps for a private member's movie-on Bill. Evidence would have to be taken, of course, in Hong Kong, Bombay, London, Paris, New York and Hollywood, with an extensive trip through Scandinavia". I was pondering on discussing with various members of the Assembly which of them would like to accompany me, and the hardship involved in such a trip.

But it would appear these necessary researches will have to await another Bill and another day. So I urge the acceptance of this small, careful, tidy, well-marked and attractively labelled, little Bill.

MR STEFANIAK (5.02): Unfortunately, Mr Speaker, I got out last night a nice little book I bought, of only about 100 pages, called Con's Bewdiful Australia. In it is a section about mail order, and I was going to relate a story from that book, about Con getting his family together when he got from his cousin, Nick Pykoulas, who distributes X-rated videos from Canberra, a little film called Sinderella.

Con thought this would be a top little film for the family to see because, as he said, he thought it was a story for "the childrens" so he got "the childrens" together - Toula, Voula, Foula, Agape - and his wife Marika and even his mother Aphrodite. He said that about five minutes after he put the film on he could not believe that people were doing such things to each other, and he certainly hoped they were married. His mother, Aphrodite, then accused him of being a sex maniac and chased him out of the house, much to the amusement of the neighbours. After she had finished "chasing, chasing, chasing, chasing" poor old Con around the neighbourhood, they got back, and he was most perturbed to see that Marika and the children had watched the film twice.

Mr Humphries: How is Sinderella spelt?

MR STEFANIAK: With an "S". I believe there is a video called Sinderella. Basically in relation to the Film Classification (Amendment) Bill, I would agree with the comments made by my colleague and a very learned expert in this area, Dr Kinloch, who certainly has seen a lot more films, not only because of his age but also because of his

expertise in the area, than most members of this house. Indeed he is a renowned film critic of many years standing. I do not mean that in any way as a reference to his age, but it is in reference to his expertise and his interest in the area. So I heartily agree with his comments.

The Bill brings the ACT into line with the other States, even Queensland, and therefore is welcome in that respect. I am somewhat concerned, and I have handed around an amendment to the motion that the Bill be agreed to in principle.

A member: I have not seen that.

MR STEFANIAK: Have not you? I understand it has been circulated.

MR SPEAKER: I have not seen it.

MR STEFANIAK: I want to move an amendment which apparently has some technical problem in its format but which is being attended to.

Mr Humphries: It has been fixed.

MR STEFANIAK: If it has been fixed, I now circulate the amendment, and that relates to the Bill being agreed to in principle. As I have indicated, the Bill certainly gets the ACT into line with other States. But I think perhaps at this stage we need to consider one of the perhaps more problematical aspects in the Territory at present in relation to the film industry, and that is that we are an exporter of certain types of films which certainly cause a lot of problems and a lot of criticism of the ACT elsewhere, and I think really that needs to be looked at.

We need to look at whether indeed X-rated and certainly, and perhaps more so even, excessively violent films and video material are desirable in the ACT. These materials can be especially degrading to women and they can encourage violent attitudes in young people. I feel really that perhaps the ACT Government should introduce legislation to ban the sale, distribution and exhibition of X-rated and certainly excessively violent films and film material.

Studies have been done and they show that, with excessively violent material, persons have been stirred up and encouraged to go out and commit violent offences. This is less clear in terms of erotica. The studies show that those types of films are less likely to lead to any violent offences. But there have even been cases in the ACT courts where defendants have actually said they were stirred up by a particularly violent film and that indeed was a motivating reason for a violent crime.

I can recall the case of one rather sad young fellow who was about 19 or 20 and who definitely had a problem. He worked at Woden in a government department. He watched a

particularly violent series of videos one day, which stirred him up, and he then attacked a Catholic primary school with a hammer, terrifying the children, chasing a few of them, and hitting and injuring two of them, luckily not terribly seriously. They certainly were rather lucky, given that a hammer was used. He was finally apprehended by a very civic-minded bus driver and a passenger on the bus, who just happened to see what was happening as he was at the school.

He terrified the children, terrified the teachers, all of whom were women, and he caused a lot of damage to the school. He was disturbed. He was spoken to at length by the police and by psychiatrists. His case was put before the court. By his own admission and by his doctor's evidence and, as the welfare report and the psychiatric evidence indicated, whatever motivated him to do it initially, it had been exacerbated by the violent videos he had seen. He was in the habit of watching violent videos and got his kicks out of watching them. That is just one case locally.

Studies have been made by the Australian Institute of Criminology which indicate that excessively violent videos do cause a large number of problems and, to a lesser extent, there have been problems as a result of the very lewd X-rated videos. But I certainly would not put them - - -

Mr Moore: What sorts of problems? Do people go out and practise erotica themselves?

MR STEFANIAK: No, but in relation to X-rated videos there have been some instances in which they could say that has led to a sexual crime, but certainly not to the extent of excessively violent videos. The violent videos are the main problem, and I make no bones about that. There is no evidence in the ACT in relation to the pure X-rated, erotic videos, but certainly related to violent videos we even have evidence here before us, and I think that is highly disconcerting when that comes out of the ACT.

It was proposed by the Chief Minister to put a 20 per cent tax on these films. I think the question of the X-rated industry and certainly again the more violent films coming out of this Territory really does have to be looked at by this Assembly. I feel the Government should introduce legislation banning the sale, distribution and exhibition of those unsavoury films.

Again, I would agree that the problem is more the violent films than the pure sexual X-rated films, but I think that has to be looked at. It has to be looked at as a matter of urgency. Accordingly, I commend the amendment I have circulated, which is now technically correct, so I am advised.

MR SPEAKER: I still do not have a copy.

MR STEFANIAK: I will read it out. There seem to be some further problems. For anyone who does not have a copy, the amendment is to the motion that the Bill be agreed to in principle. I move:

> That all words after "That" be omitted and the following words substituted: "whilst not opposing the Bill, the Assembly is of the opinion that -
> (1) x-rated and excessively violent film and video material is highly undesirable in the ACT;
> (2) this material can be degrading to women and encourage violent attitudes in young people; and
> (3) the ACT Government must introduce urgent legislation to ban the sale, distribution and exhibition of x-rated and excessively violent video and film material".

MR DUBY (5.11): I rise to support the Bill and to oppose the amendment, Mr Speaker. Whilst I acknowledge the motives behind Mr Stefaniak's proposed amendment, stating that the Assembly is of the opinion that X-rated and excessively violent film and video material is highly undesirable, I feel that he is simply not addressing the point.

He has said quite categorically throughout his address that excessive violence is the issue at hand here. X-rated films, I remind members, are of the type that should properly be called non-violent erotica. I think it has been proved time and time again, in all research that has been done, that X-rated or non-violent erotic film material has no adverse social effects.

To that point, I would like to address members' attention to the video and music business magazine of May 1989, I believe, and refer them to the editorial. If members like, I could read the editorial, which goes into the issue of censorship and X-rated material. I do not propose to do that, because of the simple fact that I think all members in this house have received a copy of this magazine. If they have not read that editorial, by goodness, they should.

It goes on to show a number of facts. It refers to overseas studies that show that there is absolutely no link whatsoever between erotic material and increases in sexual crimes, sexual assaults, rapes, et cetera. It does point out that, of the States of Australia, the one with the most stringent anti-erotic legislation and classification is Queensland but that it has the highest rate of rape in Australia.

I do not know the figures. I certainly would be prepared to bet that the rate of rape, sexual assault and crimes of a sexual nature in the ACT would be much, much lower than in Queensland or any other State where X-rated material is not available.

I agree with Mr Stefaniak in his concerns about violence and violent films. People were making a joke before of my holding up the cover of this magazine, but I will do it now for the sake of members. I think it is absolutely outrageous. I will show it. It is an advertisement for some horror movie which has an M rating and which is available to 15-year-old children. That that should be shown and should be freely available in the shops in the ACT and, for that matter, in Sydney or Melbourne or Brisbane, I think, is outrageous. Would anyone suggest that this sort of thing should be allowed? I note this is merely an M rating; God knows what the R-rated ones have in them!

Ms Follett: Holiday specials for school children.

MR DUBY: Yes, a holiday special for school children. I think it is disgusting that that sort of thing is allowed to be sold and to be viewed by 15-year-old children. As I said, I support the original Bill and I would urge members to reject Mr Stefaniak's amendment at this stage. The fact remains that in the budget papers introduced only yesterday, strangely enough - I know it is hard to link a matter of what some people regard as a moral issue with that of dollars and cents - it is estimated that the distribution from the ACT of X-rated material, material which the rest of Australia wants to put under the bed, so to speak, and pretend that it does not exist, will earn this Territory in the order of $2m in this financial year.

We have a monopoly on that quite legal and quite moral, I believe, trade within Australia. To pass this amendment would be, in effect, to my way of thinking, first of all, moral hypocrisy, and it would be economic lunacy. So I speak against the amendment.

MR MOORE (5.16): I believe what we have heard from Mr Stefaniak is the sort of confusion that has been clouding this style of argument for some time. What is becoming very clear here is that members of this Assembly certainly oppose excessive violence being readily available. What Mr Stefaniak has then done is confused that opposition with whether or not they oppose erotica.

I believe that large numbers of people throughout Canberra have no objection to erotica, to things sexual. Probably quite a large number of them actually enjoy them. Throughout Australia people not only enjoy the practice, but they also enjoy clearly watching these things on video, otherwise that video industry would not exist.

I am taken back to my pre-university days when I heard so many people talking about a novel called Lady Chatterley's Lover. Maybe they talked about it a lot because they were not allowed to read it. I was fortunate enough to be compelled to study Lady Chatterley's Lover in my first year of university and to understand some of the joys of D.H.

Lawrence, and some of the joys of not only that but also some of his other novels.

What I learnt was about the iniquitous nature of censorship, and censorship is really what we are talking about here. This amendment that has been proposed by Mr Stefaniak confuses the issue of non-violent erotica with violence. I believe it is a shame that this confusion is carried into debate. Our debate should be well above that.

I also believe that it is appropriate that we discuss X-rated movies and violent movies at another time. It is not really particularly relevant to how they are classified. This Bill is about how they are classified. So let us leave this sort of discussion to another time. With that in mind, I certainly oppose Mr Stefaniak's amendment.

MR HUMPHRIES (5.18): I think that the people who are opposing the amendment that Mr Stefaniak has moved have not really read it very carefully. The suggestion that there is some confusion between X-rated and excessively violent material simply cannot be sustained on the words of this amendment.

I refer members to the first item which says that X-rated and excessively violent film and video material is highly undesirable in the ACT. We make no bones about the fact that X-rated material does not, at present, include violent material. They are two separate categories; we accept that. We are saying in this amendment that both those matters should be dealt with, with a similar approach by government, and it should take firm measures to ensure that neither of those sorts of video material is available in the ACT. I will go on to discuss why that should be the case later.

The second part of that amendment refers to this material being degrading to women, which is clearly a reference to the X-rated part of the motion, and encouraging violent attitudes in young people, which is clearly a reference to the excessively violent videos and films. There are two issues here. We make no bones about the fact that there are two issues within the one motion, but we do not confuse the two. They are two issues we feel should be dealt with at the same time and in a similar manner.

Mr Speaker, I think that this amendment is highly timely. I want to draw to the attention of the Assembly the fact that this amendment arises out of the agreement, referred to by Dr Kinloch, in Darwin, I think, two years ago or thereabouts, on the classification of videos and films in Australia. That was a meeting of attorneys-general of all States and territories - at that stage, of course, the ACT was represented by the Federal Attorney-General - at which the issues were discussed. Agreement was reached between all of the attorneys-general - Labor and Liberal and National Party attorneys-general - on the question of classification of X-rated material. It was agreed

unanimously for all those jurisdictions that X-rated video material should be banned. That was the agreement of the Federal Labor Attorney-General at the time.

You might well ask, "Why was it not the case that the Attorney-General came back to Canberra and ensured that the ban occurred?". The answer, as we all know, was that there was a revolt in the Labor Party's caucus room in the Federal Parliament and that that undertaking by Mr Bowen in Darwin was not able to be kept. That is no reason to say that we should not keep the commitment made on behalf of the ACT at that time. I believe that we should.

It seems quite clear to me that we are talking here not about the simple kinds of innocently erotic videos that the X-rated video industry likes to put before us as examples of the innocent and innocuous material which it is being proposed be banned by hardliners like those people who they claim push the censorship line. We are talking about material which in some cases is very, very degrading, particularly to women. I will be interested to hear what the Labor Party - in particular, the Chief Minister - has to say about some of this material.

I worked at one stage for the shadow Minister for women in the Federal Parliament. We examined this sort of material to see what people were talking about and whether it did involve anything that was really offensive. I can assure members that it was; it was highly offensive. I am not talking as a prudish person. I am a member of the younger generation, as distinct from my colleague Dr Kinloch, for example.

Mr Duby: Too old for the Young Liberals.

MR HUMPHRIES: Too old for the Young Liberals perhaps; but nonetheless a person with reasonably progressive views, I pride myself. I do not think that the material I saw there was in any way, shape or form acceptable to ordinary, decent Australians.

Mr Duby: Was that X-rated material?

MR HUMPHRIES: That was X-rated material. My then boss, Senator Vanstone, took that material into the Senate and showed it to members of the Senate. I have not had the opportunity to do that here today, but I am very happy to do that. The material is quite offensive, and I do not think any members of this place would accept it or defend it, were it to be put before them. I would warn members like Mr Duby that before they accept the advice of the erotic video industry they look at what material they are talking about. It is not what I would call the soft porn; I am talking about the hard porn.

Mr Duby: Debbie Does Dallas? That sort of thing?

MR HUMPHRIES: I do not know exactly where Debbie Does Dallas comes in in the scale of things, but I can remember the sorts of captions on the videos, and they, I think, are enough to describe it in very great detail. Perhaps on another occasion, when we are discussing this in more detail, Mr Speaker, I will bring some of the material to the chamber, and we can all have a look at it and see what we are talking about. I think we have to bear that clearly in mind. This material is not available anywhere else in Australia, with the exception, I think, of the Northern Territory, which has also had difficulties in imposing the ban. That has not led to a great export industry from the Northern Territory, I suppose, because it is more distant from other places in Australia. But certainly the ACT is the centre now of an export industry in this area.

In the case of the ACT it does mean, because these things are available in the ACT, that sometimes video covers - in particular video covers with offensively sexual or excessively violent material - are available freely in places like service stations, places where young children can go and see this sort of thing. It is offensive; it excites the interest and curiosity of those people to see what is on those videos. Do not tell me that young children cannot get access to those videos and they cannot see them. Kids of three or four years of age these days are able to work video machines. It is not impossible for them to get hold of them and see what is going on. The impact on young children of viewing some of this material when they do not understand what is going on can be quite devastating.

My party opposes the continued sale of X-rated video material and of excessively violent material in the ACT. We do not accept the fudging that is brought about by this label "non-violent erotica". We believe that it is offensive to all decent Australians. I believe that we should look at what we are talking about and, if we do, we will agree that the thrust of this amendment is entirely warranted.

I am quite interested to note that the industry has now been labelled a revenue raising area for the Government, and we now see money coming in from the area. There is no surer way, in my view, to ensure that a particular activity survives than to slap a tax on it so that the Government's interests remain in allowing that industry to continue and flourish because it will not want to do away with the source of revenue. That is not an acceptable strategy to this issue, and I certainly would not accept that.

Mr Stevenson: Sounds like a casino.

MR HUMPHRIES: I think this issue is different because of the impact it has on young children. No child can wander into a casino, whereas children will have, and in other places have had, access to this sort of material, and I oppose it for that reason.

I think I have summed up fairly well. I urge this amendment on the Assembly. I think that the electors of this town have had some opportunity to assess this issue during the recent campaign. Members might recall, for those of you who are interested in these things, that the opinion polling done, I think, by Channel 10 on this issue showed that a clear majority of Canberrans favoured the abolition of X-rated videos in this town. And I hope - - -

Mr Moore: They didn't know what it meant. They confused it, along with Mr Stefaniak.

MR HUMPHRIES: They knew what it was all about. Do not belittle people in the electorate. They know what they are talking about. They know what people want, and they do not want X-rated videos. I do not think we should either.

DR KINLOCH (5.27): Mr Speaker, I will speak just on the amendment. I have considerable sympathy with both Mr Stefaniak and Mr Humphries. I also have seen in the course of my work many of these videos, and I have a similar objection to almost all that I have seen.

But that is not what is at issue in this Bill. I would again ask that we separate two things. This is an administrative Bill to clear up some matters of marking and labelling, but I would urge Mr Stefaniak and Mr Humphries - and I will certainly join with them if they wish to do this - to set up a select committee to look at these matters or to bring this matter before the house or to consider the whole matter of X-rated videos, especially the most extreme of them, at another time or in another place. But in connection with this Bill, I suggest this amendment is not necessarily appropriate.

MR COLLAERY (5.28): Mr Speaker, it is close to 5.30 and I am going to open a factory in Fyshwick shortly. I trust it is the right type of factory. The thing that surprises me about this - and we saw the sort of run we got with the move-on power issue - is that the first I knew of this proposed amendment was a few minutes ago.

It is a profound issue. It was something we were all assailed with during the election campaign. The Residents Rally developed a policy, during the campaign, on X-rated videos that we would ban them in family-accessible areas. We heard the Chief Minister indicate today with respect to prostitution that there is a planning issue involved in those matters as well - not family planning, as the Deputy Chief Minister thinks - to deal with where you site and what is a family-accessible area.

The Rally believes that the question of a complete ban should await representative government; that is in our policy. The Liberal Party must know that is in our policy. Really, to bring this on at 5 o'clock, after a long sitting day, to raise a major issue like this so perhaps,

opportunistically, the Rally - and I do not know how the other parties are going to vote on this - can be portrayed as rejecting a ban or taking a concluded position on it is simply unfair.

It does nothing for reasoned and informed debate on a very vexed issue. For example, my friend Mr Stefaniak referred to increases in crime and all the rest. Mr Speaker, I read from the March quarter 1989 crime statistics for the ACT. On their face they indicate that there has been no sizeable increase in sexual assault matters since 1986. For sexual assault there were 169 reported offences in 1986, 59 in 1987 and 60 in 1988. Similarly, for other non-sexual assaults, there were 652 in 1986, 667 in 1987 and 654 in 1988. There is no message to be gleaned from those figures, but if there were any message it would be that there is no profound fluctuation. The decrease in the number of reported sexual offences has to do with a changing classification.

Mr Speaker, it is not fair to put this issue, at this hour of the day, in the form of an amendment, when it involves issues that the women's movement would like to address on notice, issues that confuse, as my colleague Mr Moore said, violence and erotica, and when we need to address this matter in terms of planning, as I indicated, and we need to provide a full house for the debate, an important social event. There are two members missing while I speak, and none of us here, to my knowledge, except perhaps the members of the Liberal Party, are on notice for this debate. It is simply not a proper thing, and I trust that in issuing their media release on this issue after this debate, they do not stoop to the tactic of suggesting that the Rally has taken any concluded position or refused to take a concluded position on the issue. The Rally simply will not engage in a superficial debate on a matter of such importance.

Secondly - if I could mildly rebuke my colleague Mr Humphries - I do not think it is fair to put pressure on the Chief Minister as a woman. That is really a form of reverse discrimination which I have seen many times in my recent years of practice in discrimination areas. Why expect some better performance from the Chief Minister today on this subject simply because she is a woman? She may have a different emotive response, but I do not think it is fair to put the Chief Minister in that spot. I say quite simply that the Rally will not join in pressing the Chief Minister to come to a concluded opinion on a topic involving so many complex, substantive issues raised in the guise of an amendment by my colleague Mr Stefaniak.

Further, Mr Speaker, the Chief Minister has had the courage to talk about the no-noes in society, such as prostitution, lately. Good for her, if she wants to get that debate around her neck; that is her business. But, similarly, who would want to see a debate on those issues moved at 5 o'clock, after two very full sitting days?

Mr Speaker, the Rally will not support this amendment going forward. The amendment can go; the Rally does not comment on the substance of the amendment, other than to say that it is structurally unsound; it is improper to move it at this stage of a full sitting day; and the Rally, for those reasons, and not for any concluded view on the substance, opposes it.

MS FOLLETT (Chief Minister) (5.33), in reply: Mr Speaker, I take it that in speaking I will, in effect, close the debate?

MR SPEAKER: Either that or you can also speak to the amendment.

MS FOLLETT: Let me try to do both. The Government will oppose the amendment that has been moved by Mr Stefaniak. Basically, the reason why we would do that is that the amendment is confused. It confuses "X-rated" and "excessively violent" film. There are quite clear differences between those two classifications or those two categories of film. I will repeat yet again that X-rated films are classified by the Commonwealth film censor. They contain explicit depictions of sexual acts between consenting adults. There is no depiction of sexual violence, coercion or non-consent of any kind.

Mr Speaker, I have not seen one of these films, so I cannot speak from experience, but apparently some members can. I have no doubt whatsoever that I would find such films offensive. I find many things offensive. I have no doubt that I would find such explicit sexual depiction offensive, and I would not seek to watch it. I have that choice as an adult, and I think that it is a very important choice. So, if members opposite believe that I do not want to ban X-rated videos because I like them, they are totally wrong. I have never seen one; I have no desire to see one.

Excessively violent film, I believe, is a completely different matter. I think that is something that should be of concern because there is some apparent evidence that that is harmful, particularly to young people, and that it is in a different category. Also I think that there is another class of film which is totally non-classified. Clearly, the Commonwealth film censor has thought, for one reason or another, that this film is so bad and has no redeeming features that it is not even classified; it is illegal.

A member: It is refused.

MS FOLLETT: It is refused any sort of classification. So, this amendment does not deal with any of those niceties or with the fact that X-rated film is legal and is classified by the Commonwealth film censor. It is just a very sloppy sort of amendment that the Government simply cannot support.

As Mr Collaery rightly points out, to tack on this amendment to what is a quite straightforward and routine Bill is really to make policy on the run and does less than justice to what I believe the Liberal Party would feel is an important issue. We cannot deal with it at this late stage, with no notice and with a totally uninformed debate. That is outrageous. I do not agree with the issue, but I think that it deserves an informed debate, and it is only right that we should have that. We cannot do that at the moment.

Mr Speaker, I turn to the Bill which is the primary subject of this debate. We are proposing a fairly routine set of provisions here which would bring the ACT into line with the States and the Northern Territory in making amendments to their legislation so that the Commonwealth film censor will set, by determination, the requirements for markings on film and film advertising in the ACT, in place of the present system under which requirements are actually stated in legislation.

It is my contention that the chief censor is the appropriate person to make this determination, in view of the fact that it is still a Commonwealth responsibility to classify films. So I think that we should be able to deal with that fairly routine administrative amendment to a Bill without too much agonising over it this evening. The wider question which Mr Stefaniak's amendment seeks to raise would be far better dealt with in an informed debate when members are aware of what the issues are and have had time to formulate their views, and when we can conduct a rational debate in the light of some factual information rather than just knee-jerk reactions.

Amendment negatived.

Original question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

> That the Assembly do now adjourn.

Newspaper Article on Canberra

MR HUMPHRIES (5.39): I would like to draw the Assembly's attention to an article by Robert Haupt and Judith Whelan, called "Canberra: Where No one Walks and Status Talks", which appeared in the Age on 10 June. Members might have seen it either in the Age or in the Sydney Morning Herald under a different title.

I would like to draw it to the Assembly's attention for two reasons: firstly, it represents in part an indictment of the way this city has been administered over the past few decades and, secondly, the article takes a hefty swipe at life in Canberra and portrays Canberrans as status seeking bureaucrats, spoilt rotten - simply because we happen to reside in the national capital.

The article was obviously written for people who have never lived in Canberra, and attempts to portray life in Canberra as being vastly different and inferior to life in Sydney or Melbourne. The article is patronising and cynical, and takes cheap shots at this city and its people. For those who were fortunate enough to have missed the article I have selected a few paragraphs to give some idea of the nature of the piece.

On the symbolism of the new Parliament House, the authors wrote:

> Many who work in the new building agree that it is symbolic of Canberra: an empty building at the centre of an empty city.

And, on the hospitality of Canberrans, they wrote:

> As you tramp the empty footpaths you see people in the distance, clipping a hedge or washing a car. As you approach, they retreat towards their houses and by the time you pass they are as invisible as rabbits. One or two will stay put. They may even smile. They will be the newcomers. The rest re-emerge after you have passed.

On the purpose of Canberra:

> There is a Parliament in which debate is at rock-bottom, a bureaucracy that cannot efficiently administer itself let alone the nation, and a city with every facility save spirit.

And, on the future of Canberra, they state:

> It might be too late to shift the capital back to Melbourne and declare Canberra a theme park - a sort of "Yesterday's Tomorrowland"...but it is time for an urgent and radical reappraisal of this strange, cold, closed and cloistered city.

Worst of all, the Age ran a photograph of the Melbourne Building taken in 1932 and underneath ran a caption, "Civic, Canberra's main shopping district, pictured 57 years ago. Or was it 57 minutes ago?".

This kind of nonsense, Mr Speaker, is typical of the Canberra-bashing which has gone on in the interstate press for decades. It is the kind of Canberra-bashing in which interstate journalists like to indulge when there is nothing better to report to their masters in Sydney and Melbourne. There was a lot of this sort of reporting during the recent ACT election campaign, when experienced journalists attempted to belittle self-government and mock the parties and candidates involved.

It is a great pity that these journalists remain so ignorant about the city in which they work. It is also a pity that they spend so much of their sheltered lives gossiping in one of the most cloistered and closed places in Canberra, the federal press gallery. Haupt's and Whelan's lives appear to be so sheltered that they still believe that Kambah, Kaleen and Wanniassa are the newer suburbs in Canberra.

This article, unfortunately, has reinforced a lot of myths and misconceptions about Canberra. The popular image of Canberra is a cold and isolated place, a place vastly inferior to Surfers Paradise, or Adelaide in Grand Prix week, a place to be avoided at all costs. It is an image I hope everybody in this place rejects.

The article does nothing to dispel this image or encourage people to come to Canberra. I hope the two journalists concerned will attempt to dig a little deeper next time to write about Canberra and to try to find out a bit more about this vibrant and progressive city which lies outside the Parliamentary Triangle.

As I said in my opening remarks, the article did, beneath the hyperbole, contain a message that this Assembly in general and the Labor Government in particular need to know. It portrays the city as one wrapped in its own bureaucracy and paints a Pythonesque picture of bureaucracy gone mad.

They point to a number of statutory bodies, and I will refer to something they say:

> There are no blanker bureaucratic walls than those of Canberra's own bureaucracies.

They are referring here to the ACT's bureaucracies rather than the Federal ones. They continue:

> Behind them, in serried ranks, shelter an extraordinary range of "advisory committees", an immense army of administration whose consumption of paper-clips alone would swallow the budgets of mere town councils.

They say there are the ACT Fire Brigade Appeal Board, the ACT New Enterprise Incentive Scheme Advisory Committee, the ACT Taxi Scheme Coordinating Committee for the Taxi Scheme for People with Disabilities and hundreds of others.

Mr Speaker, I table a series of questions which I will ask the Chief Minister to answer in due course, which are to be put on the notice paper, asking something about these mini-boards and advisory committees that the Assembly now administers. I hope that the answer to that will indicate in some period of time just how true the image - I hope false - painted by these authors really is about Canberra.

MR SPEAKER: Thank you, Mr Humphries. Are you requesting leave to submit those papers?

MR HUMPHRIES: No. I am just indicating that I will be putting this question on notice, Mr Speaker.

Question resolved in the affirmative.

Assembly adjourned at 5.44 pm

ANSWERS TO QUESTIONS

The following answers to questions were provided:

Canberra Youth Performing Arts Centre
(Question No. 5)

Mr Wood asked the Minister for Industry, Employment and Education, upon notice, on 31 May 1989:

> Has the ACT Schools Authority received a request from the Canberra Youth Performing Arts Centre for space in the Pearce Primary School; if so, what consideration is being given to the request?

Mr Whalan: My response is that a written request from the Canberra Youth Performing Centre for space in Pearce Primary School was received by my office, and has been forwarded for consideration to the Office of Industry and Development within my portfolio. Pearce is one of five schools closed by the ACT Schools Authority at the beginning of 1989; their grounds are major public assets, and the ACT taxpayers have a considerable interest to ensure their final use is determined carefully. To that end the Government is soon to consider options for future use of surplus school buildings and grounds. The request of the Canberra Youth Performing Centre and those of many other organisations will be taken into account in the process of determining the future of these schools.

Resource Teachers
(Question No. 11)

Mr Moore asked the Minister for Industry, Employment and Education, upon notice, on 4 July 1989:

(1) Can the Minister explain why the resource teacher program is being allowed to run down.

(2) Did a 1988 report by the ACT Schools Authority find that the program was (a) both successful and cost-effective, and (b) of benefit to students.

(3) Is the program being allowed to run down (a) through attrition in resource teacher numbers and (b) by a failure to provide resources.

(4) Will the Minister undertake to ensure that full and adequate resources will be made available to the resource teacher program to guarantee its success.

Mr Whalan: The following information is provided in response to Mr Moore's question:

(1) Since 1988 the number of primary resource teachers has been limited to 23 and schools have been informed that their original expectation of gradual growth of the program until a position is available in every school is no longer assured. It is anticipated that positions will be filled for the coming year at the current level. Applications are being accepted for training under the resource teacher program during 1990.

(2) The Resource Teacher Evaluation Report 1988 arrived at the following conclusions:

(a) Resource teachers are regarded by school boards, teachers and parents as an excellent resource in schools.

(b) The resource teacher model appears to have the flexibility and capacity to meet system needs.

(c) The model has been successfully applied to an important developmental area of the primary school which is not covered by other supplementary resources.

(d) At ratios of 20 points to 237 child services for a full year, and 20 points to 186 child services for one semester, the number of children receiving direct support from the resource teachers program is extremely high.

(e) At ratios of 20 points to 187 child services for a full year, and 20 points to 100 child services for one semester, the number of children benefiting from resource teacher support is also very high.

(f) Across all categories of need, this indicates that the primary resource teacher program appears to be cost-effective in terms of resource inputs and student outcomes.

(3) There has been no reduction of services in the resource teacher program and resourcing has continued at a constant level.

(4) The Schools Office is currently conducting a review of supplementary services including the resource teacher program. This review will take into account the budget impact, education priorities, the role of self-management in schools and findings of the 1988 evaluation. Results of the review will be made available to schools for consideration in term 4 of 1989 with a view to the implementation of any recommendations in 1990.

Schools Office

Mr Whalan: On 5 May 1989 Mr Moore asked me the following question:

> Is the Minister aware of the change in emphasis of the Schools Office, which used to use the term parents as "partners" and now refers to parents as its "clients".

My response is: The ACT Schools Office has a major commitment to providing high quality services to its clients. Whilst acknowledging that parents are active partners in the education process, they are nonetheless clients in the sense that they receive products and services for which they pay, either directly or indirectly.

To facilitate an improved service in education the Schools Office has developed a culture of service with a clear focus on serving students, parents, employees, and society as a whole. One view of service is that "service is identifying and efficiently meeting customers' and clients' overt and covert needs

> doing work on behalf of others
> helping
> providing expertise
> giving advice
> solving problems
> following up on earlier action
> giving satisfaction"

Interaction with parents will always remain a very high priority and parent and citizen associations continue to play an important role in liaison between schools, parents and the wider community. They are well represented on the newly formed Ministerial Consultative Committee on Schooling which will provide me with advice on relevant issues following consultation with representative groups, identify significant issues of concern and provide an independent forum for discussion and formulation of community viewpoints.

Through these initiatives the Schools Office is seeking to provide the best possible service to its clients.

Shopping Hours

Mr Whalan: On 25 May 1989 Mr Collaery asked the Chief Minister the following question:

> Is the Chief Minister aware that in a recent issue of the Civic Advance Bank quarterly bulletin dealing with trends in economic developments a suggestion was made that shopping hours be extended in the ACT, or at least in the Civic area, to serve the double purpose of encouraging tourism in the city area and countering the image of Canberra as boring? Would the Chief Minister please comment on that recommendation.

The question was referred to me by the Chief Minister. I am aware of the article referred to and note with interest

that it is in line with the Government's policy to promote tourism and to make the city area more vital.

The Government has not yet had the opportunity to consider the question of trading hours. While there would clearly be benefits for tourists and other customers from extended trading hours, you will appreciate that there are implications for employers and employees in the retail industry if any change is considered. In this regard I should advise the Assembly that there is currently an arbitration proceeding on ACT retail industry pay and working conditions. The outcome of that will be directly relevant to the Government's consideration of the issue.

Transport Infrastructure

Mr Whalan: On 25 May 1989 Mrs Nolan asked me the following question:

> Under the Office of Industry and Development a special transport infrastructure committee has been set up. Could you tell me the terms of reference of that committee, its composition and whether all sections of industry are represented on that committee.

My response is that I have been advised that no committee with the title as given by Mrs Nolan has been set up under the Office of Industry and Development.

I understand that officers of my department have clarified the question with Mrs Nolan and have established that her interests relate to an informal committee, comprising ACT officials and National Convention Centre management, called together in 1989 by the Office of Industry and Development.

The committee does not have any set terms of reference. Its purpose is to provide a coordinated approach to facilitate the opening of the National Convention Centre. The committee, being an informal one, is representative of people who are in a position to achieve this purpose.

I can provide Mrs Nolan with a list setting out the names and affiliations of the committee members, if that would be helpful.

> Informal Committee to Facilitate the Opening of the Canberra Convention Centre - List of Members

Peter Christian	Manager - Parkroyal
Peter Brokenshire	Convention Centre Manager
Barry Simon	Barry Simon Consultancy
John Milton	Canberra Airport - General Manager
Bill Harris	Operations Manager - NSW Bus & Coach Association
John Turner	Office of City Management

Ron Murray	Office of City Management -Transport Operations
Tom Brimson	Office of City Management - Traffic
Brian Bothwell	ACTION Bus
Peter Guild	Office of Industry and Development, Development Division
Raelene Foley	Office of Industry and Development, Secretariat Section
Phil Harris	Office of Industry and Development, Commercial Practices Section
Christine Gascoigne	Canberra Tourist Bureau
Mal McGregor	Australian Federal Police

Heritage Areas

Mr Whalan: On 30 May 1989 Mr Jensen asked the Chief Minister the following question:

> Will the Chief Minister undertake to assure the Assembly that action will be taken to examine the ACT Unit Titles Ordinance to change the current requirement for residential blocks, especially in heritage or potential heritage areas, to be divided into a minimum of four, thereby reducing the possibility of houses like the ones at 10 Murray Crescent and 37 Telopea Park West being demolished in the future?

My response is that the Unit Titles Act 1970 has been under consideration for some time. In 1987-88 a consultant, Mr Gary Bugden, carried out a consultative review of the legislation. He reported in 1988, and made a number of recommendations for amendment of the legislation, including that the minimum number of units allowable for a unit title registration be reduced from four to two.

The question of heritage is not one for the Unit Titles Ordinance but for comprehensive heritage legislation, a project which is already being given a high priority by the Government.

Mr Bugden's report will be considered by the Government as soon as possible, in order that new legislation to regulate unit titles can be introduced to the Assembly.

Yarralumla Brickworks

Mr Whalan: On 31 May 1989 Mr Jensen asked me the following question:

> ...was one of the principal Hooker negotiators formerly a senior officer of the ACT Administration,

> and did Hookers originally tender for that particular project?

My response is that Hooker Projects did originally tender for the development of the Yarralumla Brickworks site. The tenders for the Yarralumla Brickworks were called on 24 October 1988. The expressions of interest closed on 16 December 1988. Hooker Projects was one of six applicants for the lease of the site.

One of the principal Hooker Projects' negotiators was formerly a senior officer of the ACT Administration. The senior officer to whom you refer left the Administration in June 1989. He was in no way involved in the development of the proposal, and in no way influenced the previous Minister's decision to grant the development proposal to Hooker Projects. The tender process involved a stringent and independent review of the contenders.

Finally, the senior officer left the ACT Administration without conditions restricting his future employment; his involvement with Hooker Projects was thus neither irregular nor influential.

Schools Office

Mr Whalan: On 1 June 1989 Mr Moore asked me the following question:

> Is it the case that a move is under way to integrate the non-government sector into the Schools Office?...
> What consultation process is envisaged for the government sector, non-government sector and the broader community?

My response is that there is no intention to integrate the non-government sector of schooling into the Schools Office. Planning is proceeding to transfer responsibility for the administration of funding and registration programs relating to non-government schools to the new ACT Education Department. However, current funding and regulation policies will continue and non-government schools will maintain the same extent of independence from government schools as exists at present. Both government and non-government school interests are being consulted on the new arrangement.

Belconnen Way Footbridge

Mr Whalan: During question time on 29 June 1989 Mr Jensen asked the Minister for Housing and Urban Services a question about cracks which had appeared in the recently completed footbridge over Belconnen Way between Aranda and Bruce.

The answer to Mr Jensen's question is as follows: I am responding to this question as the construction program forms part of my portfolio responsibilities.

The bridge in question is a suspended steel structure with a concrete deck for the footpath. Normal concrete shrinkage of the deck occurred and some small cracks were visible. The contractor repaired the cracks with dark coloured epoxy resin which unfortunately gave the cracks a more prominent appearance.

I am informed that there is absolutely no safety hazard or danger to the public. The Yamba Drive bridge is also a suspended steel bridge with a concrete deck but to date no shrinkage cracks are evident.

Preschool Review

Mr Whalan: On 5 July 1989 Mr Kaine asked me whether it was a fact that the organisation which was dealt with in an article in the newspaper Public Eye on 5 July 1989 had not received a response to their inquiry about the preschool review since 23 April, and even if it were so, did I intend to respond to them and answer their questions, and did their statement of consultation and advice mean nothing.

My response is that two letters of inquiry concerning the preschool review were received from the Australian Public Service Association. The first, dated 23 April 1989, was addressed to Mr Wayne Berry MLA, the Minister for Community Services and Health, who received it on 23 May 1989 and referred it to my office.

The second letter, dated 24 May 1989, was addressed to me. A combined response to both letters was sent from my office on 23 June 1989.

The newspaper has incorrectly attributed a third letter from the association, dated 19 June 1989, to the topic of the preschool review report. That letter in fact requested representation on the ACT education consultative body. A response agreeing to the organisation's request has been sent.