# DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

## HANSARD

22 February 1990

**Thursday, 22 February 1990**

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

## PUBLIC BEHAVIOUR - SOCIAL POLICY STANDING COMMITTEE REPORT

**MR WOOD** (10.30): Mr Speaker, I present the report of the Standing Committee on Social Policy on Public Behaviour in the ACT, together with copies of the minutes of proceedings of the committee. I move:

That the recommendations be agreed to.

This inquiry arose out of a political debate. You will recall that it came out of the considerable arguments that occurred in this chamber on the proposed move-on powers. There were quite a number of disagreements at that time, but I can tell you that the deliberations of the committee have been characterised by harmony and consensus. We have an agreed document; a unanimous report. Maybe I left out one or two matters that I would like to have seen included - and I know that some of my colleagues have included additional comments to amplify some of their views.

I thank my colleagues for the cooperative nature of the work that we did. It was, I suppose, an enjoyable experience. It was interesting and enlightening. I thank Mr Stevenson with whom on one night - he was the only bright part of the night's entertainment - we saw some of the so-called entertainment places in this town at very early hours of the morning.

I thank Dr Ann Scott and Christine Windsor who have provided outstanding service to the committee. They are people of great ability and great dedication, and they have played a more important role than many realise in getting this report to the table today. The report itself, as you notice, is a little off-centre with the printing, but it is spot on in what it says.

We were required to consider the problems, if any, relating to public behaviour. We were to look at the extent of those problems and to suggest means of overcoming them. Let me say at the outset that there is a measure of violence in Canberra as in any city in the world, and that has not changed over many centuries around the world. There is a measure of violence and we do not condone that. I do want to mention particularly the very unfortunate case where a young lad was kicked to death at a primary school

fete. That is obviously "public behaviour" and we had that in mind.

The crime rate, of course, varies. We note the recent report from the Institute of Criminology which charts the waves of crime. The position can also change according to the data that is collected and on what it is based. Anybody in Canberra needs to move around with some discretion. I do not suggest that you would want to go down behind the Griffin Centre at 3.00 am on your own if you are not a very large person. Perhaps if you were in Brierly Street at Weston at 4.00 am on a Sunday morning you ought not to be surprised at what sometimes happens.

Given those qualifications and within the terms of reference that we considered, Canberra is a safe city. Perhaps I should say, to be careful, it is a relatively safe city. It is a good city to be in. We should be out there and we should be enjoying it. One of the points that the committee makes is that a busy city is a safe city. We do not want to clear our streets. We have to use them fully at all times.

Looking at our terms of reference, there are really few problems of public disorder. All on the committee, all in this house, would agree that a few problems are still too many and we have to work to reduce them. We looked at those areas identified in the terms of reference and they were predominantly shopping centres, the bus interchanges and places of major public enjoyment and entertainment such as the Food and Wine Festival. The overwhelming weight of evidence that we received and the submissions that we listened to showed that there are no real problems in those areas.

I want to make two points. First of all, we heard evidence, and I believe it is substantially correct, that in some quarters there is a perception of a problem; people feel that there is a greater problem than really exists. Sometimes this is because a newspaper in the south part of the city puts out great headlines about one incident that can be interpreted to mean that there is a whole range of disorder in that area. So, sometimes there is a perception of a problem.

A second point I particularly want to make concerns the activities of young people, because there is also a perception that where there is public disorder young people are concerned. In fact, a great volume of evidence to the committee denied that this was the case. I believe that young people are not particularly responsible for any public disorder and they should not be held accountable for any view of public disorder. Again, that is not to say that some young people do not make real nuisances of themselves from time to time. I want to quote from the submission of the ACT Workers with Youth Network. I think this covers that point extremely well. The submission said:

> The majority of young people are not exhibiting unusual behaviour. They may be boisterous, occasionally loud, physically energetic and take up a lot of space, but these things are not unusual behaviours.

There are problems, as I have said, but in the context of a city of almost 300,000 people who generate a great deal of activity, it is not surprising that there are problems from time to time.

After hearing so many people, the committee came to the opinion that where these problems occur they are almost invariably due to the abuse of alcohol. There is no question about that; over and over again, that is what we were told. But let us also put this into context. Take the Food and Wine Frolic, for example. Figures were presented to us that 100,000 to 150,000 attend there and they keep coming, year after year, so it is obviously a popular and successful event. During that event there may be 20 or 30 arrests for drunkenness - and that would be the upper limit. To the police that is a darn nuisance. It requires a great deal of work, and that is their perspective of it. But by and large the Canberra citizens thoroughly enjoy the event, so I think that is the context in which we are expressing these views.

If we take note of the terms of reference and make some recommendations to ameliorate such problems as exist, predominantly we have to look at alcohol. Therefore, we have made a number of recommendations there. In passing, I will mention some that seem to me to be more significant, and my colleagues will no doubt indicate those that they give greater priority to. We would like to see more in the way of server intervention programs. We thoroughly dislike the situation where beer is continued to be served to people who are long past the limit of any responsibilities.

Another matter we would like to see is a scale of penalties for breaches of the Liquor Act. At present the only penalty that can be imposed is cancellation of a licence, and that is a severe penalty. We think that a scale of penalties should be written into the Act so that there are fines or suspensions for a short period so that the response from the Gaming and Liquor Authority is proper for the breach that has occurred.

We want to support some of the recommendations in the "Violence, Directions for Australia" document from the National Committee on Violence. Three of those recommendations were of particular interest to me. One was that the excise on low-alcohol beer should be adjusted to make that type of beer more popular, health warnings should also be put on alcoholic beverage containers and the advertising of alcohol in the electronic media should be banned. We would very much like to see that happen. Along with that we would like to see the advertising of beer and

alcohol, other than at outlets where it is sold, banned also in the ACT. At the Bruce Stadium, for example, there would be no advertising for beer other than perhaps where there is a canteen.

One of our recommendations is that container deposit legislation be introduced for glass stubbies, as it may be for other matters which no doubt the committee looking into recycling will have in its recommendations. One of the problems we identified was that the glass stubbies left around after some of the events are quite a hazard and take a great deal of collection and should be actively discouraged. The most effective way to do that is to require, as happens in South Australia, that there be a deposit on that container.

These are some of the matters we have considered in relation to the problem of abuse of alcohol, and I am careful to say "abuse" of alcohol. I am also aware that alcohol causes many more significant problems than we have considered in this report. The problems of alcohol and its abuse in respect to health and road safety and particularly domestic violence are much more significant than the ones we have identified in this report.

A number of other problems which are somewhat associated emerged as we considered this report. We made no recommendations about them, but they came to us in sufficient number for us to make some comment. In particular, matters of homelessness emerged, both of young and older people, and problems with people with psychiatric disorders, who seem to roam our streets when perhaps they would be better off elsewhere. We will perhaps look at those matters in the future. That will be a case for a further report of this committee. I believe this report will be of benefit to the parliament and the Government as we consider appropriate responses, and I believe it will be of benefit to the community.

**MRS NOLAN** (10.43): Mr Speaker, I, like Mr Wood, am very pleased to be tabling this report today. I would also like to state my thanks to Ann Scott and Christine Windsor for a job well done. To keyboard staff, Hansard, other members of the committee - in particular Bill Wood as chairman - congratulations on a job well done. To all those who put forward submissions, even though I do consider the number of submissions to be small, thank you for your contributions. I also believe it was difficult to compare public behaviour without bringing in a comparison with other cities. I would reiterate our definition of public behaviour:

> The Committee understood its terms of reference to encompass forms of public behaviour by individuals or groups which cause annoyance or distress to other individuals or groups in public places.

The committee did not consider serious crime although, of course, it does recognise its existence, nor did it consider the growing problem of graffiti. As Mr Wood has already mentioned the report focuses on particular events; the Australia Day celebration, the Canberra Festival's Food and Wine Frolic and the Street Car Nationals. I will talk more about these later. The report also concentrates on particular locations such as shopping centres, bus interchanges and the like. They were either identified in its terms of reference, in submissions or in evidence to it where public behaviour has either appeared to be a potential or a current problem.

One of the most unusual features about this inquiry was that there were differing views as to what constituted tolerable or intolerable public behaviour. I think it is important to say that VOCAL - victims of crime assistance league - were the most critical of public behaviour in the ACT, and understandably so. Only last year I was fortunate enough to attend one of their meetings and I would suggest that perhaps everyone should try to attend a meeting and meet many of the members. I am sure that their views would move someone on their understanding of acceptable public behaviour. These people are now responsible for picking up the pieces after the tragedies that their members have experienced.

I agree with the report that it is important to the community that people feel safe walking in streets, they should be able to feel comfortable on a street, and that we should not try to get people off the streets. Also, protection from crimes of vandalism and theft comes from the knowledge that people regularly go out onto the street. An empty street is indeed most vulnerable.

A number of locations where antisocial behaviour took place were identified to the committee, including shopping centres, bus interchanges, areas used for public entertainment and clubs and taverns.

The ACT Council on the Ageing told the committee that older people often feel extremely vulnerable because they have poor vision or lack of hearing, and exhibit fears of falling or being knocked to the ground. I guess that is very understandable when you consider young people on bikes and skateboards whizzing by them. Common courtesy and consideration, not just for our elderly but for all, are sadly lacking in our society today. I am sure if these basic principles were followed many behavioural problems or perceived problems would immediately disappear.

Many argued in submissions to the committee that public behaviour was not a problem and where there was a problem this occurred as a result of alcohol abuse. The committee was reminded that alcohol consumption and drunkenness were not illegal nor necessarily a public nuisance. However the potential for antisocial public behaviour increased with the level of alcohol consumed. I know the AFP could supply

an enormous amount of evidence to back this up and they certainly did during their committee deliberations.

I mentioned the special events before; in particular the Australia Day celebration, the Canberra Festival's Food and Wine Frolic and the Street Car Nationals. I compared these to my visiting Ottawa a couple of years ago and attending the Canada Day celebrations on July 1. There were more people, there were cases of drunkenness and antisocial public behaviour, there was also litter the next day, but the one big difference was there was no broken glass. I am not suggesting that I did not see a glass bottle - I did, but I believe the glass container deposit legislation really did make a very real difference in terms of glass lying around and safety from broken glass. Therefore I thoroughly endorse the recommendation in terms of safety and control of drinking in the ACT.

The Government should introduce glass container deposit legislation in the ACT, and that was one of the recommendations in the report. As has already been stated, there were some 23 recommendations. Of course, there were some that I did not agree with, but there were many that I did agree with.

I would also like to mention that I do not for one minute suggest that such events, including the very popular events that I have already spoken about, do not make a significant contribution to the Canberra community. Of course they do and they contribute to the tourism industry. I, for one, support them wholeheartedly and want them to continue.

There are two recommendations that I would like to mention today and I shall refer to my comments in the back of this committee report. I would just like to read those comments, if I may:

> While I do not consider it necessary to put forward a dissenting report in relation to this inquiry, I do wish to note certain areas that I consider are not consistent with my interpretation of evidence put before us or, in some cases, insufficient evidence.
>
> I personally was concerned with the small number of submissions received -

As I have already said -

> and consequently some views put forward. However, on the evidence before us, my deliberations support many of the recommendations of the report.

I do not, however, believe this Committee, on the evidence before us, should consider the recommendation of prohibiting alcohol advertising in all areas of the ACT except at the generic point of sale. It was argued that the problem of

> alcohol as related to public behaviour was not necessarily related to the young -

and I do agree with that -

> I would also suggest that much more information should be evaluated before such a recommendation be put forward.
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> While the Committee recommends that "on licence hours" remain unchanged at present, I would consider that further information would need to be sought before a real judgment can be taken. The Committee was told that while twenty four hour licensing is available that in fact no one trades twenty four hours a day, Governments should be about "the business of Government and not the Government of business"! I do not believe restricting trading hours will do anything to change public behaviour - many cases of drunkenness can be witnessed early morning or evening.
>
> The other area of the inquiry I do not agree with is in regard to police "move on" powers. The police clearly consider these powers to be "useful" and since introduction have worked well. The fact that they have been used on occasions suggests the potential benefit. However my understanding is that the power has only resulted in one case coming before the courts.
>
> I believe our police force (AFP) perform their difficult role very well and need much greater recognition from both legislators and the wider community.

Mr Speaker, this inquiry and consequently the report we are tabling today, came before us as a result of the introduction of legislation for police move-on powers. I am sure that the power, as I have already stated and as the police have said on many occasions, is basically working well. A number of potentially dangerous situations have been prevented and it is proving to be a useful tool in assisting police on the beat in the community policing that this report talks so much about which helps prevent offences, especially street offences.

In conclusion, I would like to say that I fully participated in this inquiry. I considered it was to be a worthwhile one, but at the end of the day I do not believe that anything came out of it that we did not already know.

**DR KINLOCH** (10.53): Mr Speaker, as the Residents Rally member on the Social Policy Committee I am happy to join my committee colleagues from other parties to ask the Assembly to accept this report on public behaviour. I ask both the Government and all the members of the Assembly to act in

concert to implement most of the 23 recommendations of the report. I have one somewhat dissenting comment on page 34 of the report which I ask all members of the Assembly to consider.

There may be some comments in what I am about to say which may be regarded as contentious; I offer them, I hope, positively and constructively. Again, I wish to stress the central role played in this Assembly by our committees. It has been my experience on this committee, as on other committees, that whether they are from the Labor Party, the Liberal Party, the independents group, the Abolish Self Government party or the Residents Rally, members of committees treat the concerns of committees in a responsible and essentially non-partisan way.

We are on these committees as representatives of our various groupings or parties to be sure, but we are also there - and I want to stress this - in keeping with one of the central Burkeian traditions of our form of parliamentary government. We are there as individual representatives who have the task of listening as impartially as possible to witnesses and to reading as carefully and objectively as possible the evidence presented as written submissions. Therefore, as members of the committee we act with that hat on, not another hat.

Indeed, to carry this matter further, given the small size of this Assembly I cannot myself see any sound, solid and convincing reasons why Ministers should not also be on committees. There are only 17 of us and we need to share the very considerable and mounting workload which is increasingly eating into weekends and lunchtimes and late at night sessions after the Assembly has formally risen. I think we will all suffer from burnout if we go on the way we are going. I recognise the strength of one of the reasons given for not involving the Ministers, that is the question of possible conflict of interests, but that is a matter for each individual to determine. Party loyalties should be put second to loyalties to the proper committee work of the Assembly on behalf of the people of Canberra. From my observation of what goes on in this chamber I am in no doubt that the solid work of government, including the investigation of a wide range of concerns, is just as effectively represented on our many - perhaps too many - committees as on the floor of the Assembly.

On the matter of public behaviour I endorse most of the comments already given by our hardworking, thoughtful and invariably wise chairman, Bill Wood; and Robyn Nolan has said the same. We hope that the Labor Party will agree to continue to have him represent them on this committee. He has helped to forge a good working group which tries to deal effectively and pragmatically with each issue which comes before us.

**Members**: Hear, hear.

**DR KINLOCH**: It is good to know that Bill will continue for the time being, at any rate, to represent his party on all committees of the Assembly. It is rough on Bill himself, but he has shown himself able for the tasks he has been given; perhaps other members of the Labor Party could occasionally step in as substitutes to give him some time off. I ask them to begin to pull their weight.

I did not become involved with the question of public behaviour with any foregone conclusions. I vaguely knew about supposed problems at bus stops and outside clubs and pubs. At my age I do not find myself in a position to observe at first hand what goes on in the streets at 2.30 am, and I do commend young Bill Wood and young Mr Stevenson for acting on our behalf.

I am a member of two clubs, the Canberra Workers Club and the Ainslie Football Club, but I have never experienced at first hand any of the problems which appeared in the evidence presented to us. The worst problem of public behaviour known to me, personally, is people who insist on talking during the showing of a film, but the committee did not address that matter. Having heard witnesses and having read the evidence, I am in no doubt that there are very considerable problems related to the excessive use of alcohol in our city, and indeed in our whole society.

Members of the committee do not say this in a blue-nosed way. Most of us are, ourselves, partial to alcohol - with one exception, I believe. I am, myself, happily aware of the restorative effects of a well known Scottish potion, the kind of folk medicine for those of us with Celtic genes; but it is desperately clear that the misuse and overuse of alcohol is related to problems both of private and public behaviour.

Perhaps the biggest single problem beyond the terms of reference of the committee is alcohol in relation to domestic violence. The committee recognises that alcohol is certainly a problem on public occasions, on public holidays and in the behaviour of some patrons of pubs, clubs and bars at various times of the day.

One of the saddest findings of the committee was, alas, that alcohol was a factor in some under-18 misbehaviour, and there was an unfortunate example of this last weekend. The committee did not investigate the effect of alcohol on motor vehicle accidents, but that should be added into consideration of the responsibility of the Assembly to deal with the other problems raised in our inquiry related to alcohol.

For this reason Mr Stevenson and I agree that our present licensing laws are extraordinarily permissive for a society with the levels of alcohol abuse for which, sadly, Australia is infamous. We do not advocate prohibition or even minimal times for the sale of alcohol. We do, however, respect the careful evidence given by the police.

We were very impressed by police evidence, both the actual evidence and the way it was given, and by the people who came before us and their recommendation to change the licensing laws to exclude the period 4.00 am to 10.00 am.

Mr Stevenson and I have not even gone that far, but suggest the period of closure to be 4.00 am to 8.00 am. At a time when our Attorney-General is reviewing the operations of GALA, may we suggest that he carefully ponders on this proposed limitation of hours so that alcohol would be openly available for 20 instead of 24 hours of the day. This is a pragmatic suggestion. If I had my druthers I would propose a longer period of closure.

May I conclude with a larger vision. We are a nation already going down the tubes as seen by Standard and Poor and by Moody's report. We are a nation deeply in public and in private debt. We are a nation, however, with a national capital, a national city, which should be concerned with setting standards and upholding values.

We are in danger of becoming the gambling capital and the pornography capital of Australia. Could we, in this matter of alcohol at least, begin to set some kind of changing standard? Could we begin to say on behalf of the nation, "We are not a lucky country. We are a drink-sodden country with one of the worst records of alcohol abuse in the world. Let us help to turn our nation around, to encourage and create higher standards of private and public behaviour".

In this matter, a small item here, I applaud the Chief Minister's confirmation that alcohol will not be served at public events hosted by ACT Government Departments and agencies during working hours. Of course that is a question of the public purse. In that respect, then, we have made a good start.

Finally, I endorse the comments of Bill Wood and Robyn Nolan about our committee staff, especially Dr Ann Scott. We look forward to continuing to work with her on the Social Policy Committee.

**MS MAHER** (11.01): As a member of the Social Policy Committee, I am pleased to have the opportunity to speak about the Public Behaviour Inquiry report which has been tabled today. I would also like to thank the other members of the committee, especially Mr Wood, and our secretary, Dr Ann Scott, who has been most helpful and patient during the course of the report.

The terms of reference for the inquiry ask the committee to report on whether there are problems, significant or otherwise, of public behaviour in the ACT. The committee was pleased to be able to conclude that in general the public did not think that there were significant public behaviour problems in the ACT. However, the committee was concerned that some members of the community felt that

Canberra was becoming a less safe, or less pleasant place to live in than it was a few years ago.

The terms of reference also asked the committee to look at public behaviour in and around shopping centres, bus interchanges and areas of public entertainment. The committee drew the conclusion that at present there are no significant behaviour problems around bus interchanges or shopping centres. One of the major problem areas was the Woden interchange. These problems have been corrected through policing and renovations to the area.

The committee drew the conclusion that at present there are no significant behaviour problems around bus interchanges and shopping centres, although some people felt that skateboards pose some hazards for the elderly around shopping centres. Some shopkeepers found the persistent noise of skateboarding wearing. In this regard the committee recommended that the ACT Administration give priority to providing additional skateboard ramps in the overall planning of recreation facilities within the ACT.

There appears to be more of a problem with public behaviour in the areas of public entertainment and this relates particularly, as my other colleagues have said, to the abuse of alcohol. Indeed, the principal problem with public behaviour in the ACT appears just to be that. The committee was told that some of the public events such as the Canberra Festival and Food and Wine Frolic, which were designed as family occasions, are being marred by the behaviour of groups of people who use them as opportunities to consume large amounts of alcohol and who become offensive and belligerent.

Some of the late night clubs and taverns are becoming associated with offensive behaviour and vandalism, causing distress to local shoppers as well as the general public. As a result of the evidence that excessive consumption of alcohol is apparently beginning to pose problems in the ACT, the committee has made some recommendations on liquor advertising and regulation. But as the chairperson, Bill Wood, says in his introduction:

> ... how difficult it is to make an impact on deeply rooted traditions in Australia that excessive use of alcohol and the consequences of that use are acceptable.

Some of the submissions to the committee assumed that public behaviour of young people would be the main focus of the inquiry. The committee found little evidence that the behaviour of young people caused undue problems. Obviously, the young people like to socialise in public, but they are too young to frequent licensed premises where adults can congregate and socialise. Also they have little money and find bus interchanges and shopping centres logical and cheap places to meet. I think that this is one area where the Government really has to look at the needs of the young people in the ACT.

The committee was distressed to learn that there is a significant problem with youth homelessness in the ACT. As a member of the committee, I was concerned to hear that young people frequently leave home because their lives become intolerable. This was discussed in the committee, and we considered that although the lives of some young people become intolerable at home, this was not caused only by their parents. It is becoming apparent in the community that young people are not accepting discipline as they used to in previous times and they feel that they can do what they like.

There has always been a debate over the cause of crime and misbehaviour. Some people focus on discipline and punishment, while others are concerned to look at the causes of particular behaviour. There is obviously no right answer, but the committee is anxious that where public behaviour problems are identified the causes, as well as the effects, are investigated.

The committee was impressed by the obvious concern and support given to the homeless and others by caring groups such as the Salvation Army. These people give their love and their time selflessly. The community should be deeply grateful for the work they do. It is striking that people who are the closest to those in trouble are also the least judgmental.

Like Mrs Nolan, I have reservations about some of the recommendations, as I feel that there needs to be a lot more investigation into some of the issues. I commend the report to the Assembly. I hope that the Government does have a good look at the recommendations and adopts them as part of its ongoing policies.

**MR STEVENSON** (11.07): Mr Speaker, it was a pleasure to work with the members of the Standing Committee on Social Policy. I think it highlights, more than anything else, how government should work. When we sit down together and look at various issues, if we are not decided on a particular point, we call for more information on it or have someone come along and present it to the committee. Then, leaving politics and political party allegiances aside, we look at what is most beneficial for, in our case, the people of Canberra.

I believe the Social Policy Committee highlights the effectiveness of that system. I agree entirely with Dr Kinloch when he suggests that all members of this Assembly, where feasible, should take part in such a role. It also has the added benefit, and I believe a great benefit, for all of us to work together. I find that people who are working together on committees or wherever have more affinity with each other.

The major point that was highlighted in our committee and that came out of Mr Stefaniak's move-on powers was that

alcohol was the cause of most of the problems. Most of the submissions and evidence given to the committee mentioned alcohol as the base cause. Most things were related to abuse of alcohol. Indeed, that is something that we as a society - and I do not just mean this parliament - need to do something about.

The suggestion that it is a matter of regulation only is untrue. We can attempt to do some things, but this is a matter in which we all need to accept responsibility. Certainly it is true that, as we highlight in our report, parents are role models for children. It is pointless to tell children that they should not drink when they frequently see their parents doing just that. People must accept responsibility.

In our society there has been a trend away from personal responsibility. I believe there has been a trend towards governments taking over more and more individual responsibilities. In government throughout Australia, we tend to churn out program after program that indeed takes away the personal responsibility of the individual. I feel strongly that government should never do anything for people that they can and should do for themselves.

We brought up some useful suggestions on how to handle the alcohol program. One, as Mr Wood mentioned, was server intervention. This simply means the responsibility of the person serving the alcohol to ensure that he or she does not do anything that is causing or adding to the problem - obviously by serving it to people who are underage or to somebody who has already had too much. We were told that this is working very successfully in Queensland, and I look forward to seeing that being done increasingly within training courses for people who are associated with that industry within the ACT.

Mrs Nolan mentioned that drunkenness can be witnessed in the early morning, and indeed it can. The police in their submission highlighted the point. They said:

> It is well recognised by senior police that apart from some major public festivals, the majority of antisocial activity occurs between the hours of 2 am and approximately 9.30 am, the early morning, on Fridays, Saturdays, Sundays and Mondays in the main business areas of Civic, Woden and Belconnen.

They instanced one situation where they had been called to a fight outside premises at 8.30 on Saturday morning and inside were some 30 to 40 patrons who were drunk - at 8.30 on Saturday morning! These people did not start at that time; they had been going all night. The police indicated that occurrences such as this were by no means rare.

They believed that most of this unacceptable behaviour would be contained if licensed premises were prohibited from remaining open until such late hours, but they did not

say they should be closed at 2.00 am; they suggested between the hours of 4.00 am and 10.00 am. Dr Kinloch already mentioned that he and I believe that restrictions could well be placed between the hours of 4.00 am and 8.00 am to give a chance to shoppers to be able to wend their way through these shopping centres without being accosted and having difficulties with drunks.

It was suggested in our report that the closing of premises at 4.00 am would cause people to funnel out at the one time and, indeed, it would. I suggest that that is a great benefit. I was a police officer in Sydney when we used to have 10.00 pm closing - that must have been a long time ago! We would go around to a few hotels - perhaps start at 9.30 pm and call in and see who was there. We would ask the licensee whether anybody was causing problems. He might say, "No, we've just got a few of the regulars". We would then go on to another place where the licensee might say, "Yes, there are some people whom it would be worthwhile watching". So, we might stay until 10.00 pm. The bartender would say, at 9.50 pm, "Last drinks, fellas" and they would all funnel out at 10 o'clock.

There were not many pubs one needed to look after. Police could be there. That would ensure that when people were leaving premises you would not have the difficulty that some people have of their windows being fairly regularly kicked in or broken. One gentleman so far has lost 16 plate glass windows in a shop in Canberra in the last few years. He also is rather concerned about the late night Friday shopping where some people coming out of taverns cause problems with shoppers. This is something we certainly need to address and the report notes that the Social Policy Committee will look at this point of licensing hours in the future.

We looked at the subject of youth quite often. We looked at youth homelessness and I think it worthwhile flagging a couple of points. It is fairly easy for young people to leave home these days. Perhaps at one time it was not so. There are other places to which they can go; there are various welfare agencies that will help youths in obtaining accommodation. Indeed, the dole also gives them the money to do that. I feel that, wherever possible, attention should be placed on youths remaining in the home. Where counselling is done with young people, as it often is, it is usually done without the parents. I suggest that the problem here is that whenever you hear from one side in a dispute, you tend to get the viewpoint from only one side. I would recommend that all counselling include the parents and the children.

Bill Wood mentioned that early one morning he and I went around various places in Canberra to have a look at whether there were major problems. Well, the truth of the matter is, certainly on the morning that we went out, that our major problem was in staying awake because we were out there until after four o'clock.

**Mr Wood**: Yes, and in putting up with the noise!

**MR STEVENSON**: That is right. These places were not particularly attractive to Bill and me, but there were people enjoying themselves. We had been told that there were major problems at a couple of places, but in our estimation these were not particularly major, we must admit that. We also must understand that the police in our society are the ones who have to uphold the laws and it is they who need our support. (Extension of time granted) The police know what problems there are because basically that is what they are dealing with most of their time. If there are any problems in Canberra, the police find out about them. We may never know 90 per cent of what they understand. But it is vital that we, as an Assembly, take great heed of what the police are telling us, and give it major importance because they see this day after day. They have highlighted the fact, as we have, that alcohol is a base cause of the problem and that there are just a few licensed premises around Canberra that tend to be the prime areas where these problems stem from. As they have mentioned, it is usually after the hour of two o'clock in the morning.

When we looked at young people, we were encouraged to learn of programs such as that at Wyong, in New South Wales. First offenders who plead guilty in the courts can have their case adjourned for three months. During that time they appear before a panel comprising a police representative, a solicitor, an adult citizen and a young person. What a good idea. Members of the panel talk to offenders about their crime and about their situation in life, and they are asked to perform 40 hours of voluntary work at a suitable community organisation before their cases come back to the court. It was reported in June 1989 that since November 1987, 408 first offenders had appeared before the panel and only 12 since that time had been charged again of whom only one had been institutionalised. What a marvellous idea - - -

**Mr Collaery**: That was my client!

**MR STEVENSON**: Perhaps you should not bring that matter up, Bernard! What a wonderful opportunity that flags for us as we move towards taking over acceptance of responsibility for the police to put far more attention on rehabilitation than on sentencing offenders. All in all, I think we learned a lot from the inquiry. I had no idea that alcohol was quite the problem that it obviously is.

I feel that the other major point that is worthy of mention, is the one I spoke of earlier - the system of all parties working capably together, with each of us using our abilities to the best in benefiting the people of the ACT.

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

## HIV, ILLEGAL DRUGS AND PROSTITUTION - SELECT COMMITTEE
### Membership

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

> That Mr Stefaniak be discharged from attending the Select Committee on HIV, Illegal Drugs and Prostitution and Mrs Nolan be appointed in his place.

**MR COLLAERY** (11.21): I thought that as Attorney-General, I should make a couple of comments and take this opportunity to welcome the establishment of the committee and Mr Moore's continuing chair of it.

I wish to mention a couple of matters. Firstly, the relevance of the committee to current concerns in the police and justice area. There was a report by the Australian Federal Police last year on prostitution and brothels in the ACT. I have had access to that report. Additionally, it falls to me as Attorney to otherwise authorise prosecutions in the Territory. We have adopted the policies of former governments to authorise the Director of Public Prosecutions, Mr Weinberg himself, to issue the consents to prosecute under section 19(b) of the Police Offences Act. In that regard at this stage, I should inform the Assembly and the public that we will continue subsisting policy.

Subsisting policy is that if there is a prima facie offence and it is in the public interest that there be a prosecution, there will be a prosecution. That policy, enunciated by Mr Temby when he was in office, continues to date. But I do draw attention to members that this situation, in effect, makes the police the regulators of - and let us not put any other word on it - an industry. That is a very difficult position for the police to be in. They officially informed me of that fact again after the Alliance Government was appointed.

There is a degree of urgency, Mr Moore, about the committee that you chair. I wrote only a few days ago to the Director of Public Prosecutions indicating that we would not be looking at policy changes pending the outcome of your committee's recommendations. In that respect I wrote also to the Australian Federal Police.

But be that as it may, I believe that the initiative to conduct this review is extremely important, given the experience in Victoria where the Prostitution Regulation Act 1986 has been in operation for some time, although regulations to set up a brothel licensing board have not yet been promulgated. I imagine there may be political concerns in that. But be that as it may, Victoria is at least a State that has moved away from the state of hypocrisy on these concerns.

There are two main issues that this committee should face. One is the reality in the Australian Capital Territory - a reality acknowledged by those of us who have had some knowledge, and I will have to put this delicately, in a professional sense of that industry - that it is already semi-regulated. The professionals in those institutes carry personal booklets like passports and those personal booklets carry official insignia from our health authorities. Of course, there is a health process in the Territory that I do not intend to go into at this stage, other than to indicate there is a regulatory mechanism at work.

There has been a certain degree of industry self-regulation, but I believe that street prostitution is an issue that cannot be seriously allowed in the national capital. It is an issue on which the Government, if invited to do so, will make submissions. Certainly the police will put some very assertive suggestions to your committee, Mr Moore.

The situation at this stage is that it is important that in the context of the committee's overall considerations that it is allowed to conduct this inquiry in the right fashion and without political point scoring. As you are aware, Mr Moore, the idea for this came in a Rally party room meeting. Those of us who have been professionally involved in criminal law, both on the enforcement side like my colleague Mr Stefaniak, and on the professional side, are aware that the industry is a reality. In fact, I personally recall completing a sublease once for what I thought was a - - -

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

**MR COLLAERY**: Yes. I recall that there are issues to which the Assembly must direct its attention in a non-partisan manner on this important topic. Certainly the issues that Mr Moore's committee is looking at in terms of community moral standards are broad in relation to the X-rated video issue.

Question resolved in the affirmative.

## DAY OF NEXT MEETING

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

> That the Assembly, at its rising, adjourn until Tuesday, 20 March 1990, at 2.30 pm, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of members.

## PLANNING AND HERITAGE - DRAFT LEGISLATION
## Ministerial Statement and Papers

**MR KAINE** (Chief Minister), by leave: It gives me great pleasure to table today the draft Planning Bill 1990, the draft Heritage Bill 1990 and an explanatory statement concerning these Bills. In tabling these Bills, I note with concern that neither the Leader nor the Deputy Leader of the Opposition are in the House. I thought they were greatly interested in this matter. I can only assume that they consider that their commitment to get other people elected to Federal Parliament takes precedence over their commitment to being in this house dealing with the business of this house.

Together, these Bills comprise a major part of the Government's land planning legislation package. In developing this comprehensive package, the challenge has been to establish a system which provides for the planning and economic development of Canberra, which addresses the needs of the community and which protects our environment and heritage. I am confident that our planning and land use system will meet this challenge and will be efficient, accessible and responsive.

The tabling of these Bills today, together with the announcements I am about to make on other matters, gives effect to our commitment, as stated in our policy on land planning and development and leasehold management, to table land planning legislation before the end of February 1990.

The key objectives of our land planning system are as follows: To emphasise opportunities for community involvement in the planning process; to establish certain consistent procedures; to provide appropriate avenues for appeals and challenges; to achieve a balance between economic growth, community expectations and environmental concerns; and to ensure that this Assembly is the ultimate decision making authority with regard to planning principles.

I now turn to the main provisions of each draft Bill. The Planning Bill establishes an ACT Planning Authority and sets down procedures for the making of the Territory plan. This gives effect to provisions in the ACT (Planning and Land Management) Act 1988, which require the ACT Government to establish, by legislation, a Territory Planning Authority with responsibility for the preparation and maintenance of a Territory plan.

In keeping with the ACT (Planning and Land Management) Act, the object of the Territory plan is to ensure that the planning and development of the Territory provides the people of the Territory with an attractive, safe and efficient environment in which to live, work and have their recreation. I should point out that while the Territory plan must not be inconsistent with the National Capital Plan, its objects and purpose are quite distinct and different from the National Capital Plan which focuses on the national significance of Canberra. As such, my Government is strongly resisting attempts by the National Capital

Planning Authority to encroach on those matters which are properly the concern of the Territory Planning Authority.

The Authority will prepare and administer a plan in respect of land in the Territory. It will keep the plan under constant review and propose amendments to it where necessary. In performing these functions, the Authority will be provided with advice from an ACT planning advisory committee. In addition, public consultation will be an integral part of the plan-making process. The planning Minister will have an important role in the preparation of the plan. For example, he or she may, before approving the plan, direct that further consultation be carried out, or require an inquiry or assessment to be conducted into any particular matter. But, ultimately, the Assembly has the final power to disallow the plan, in whole or in part. Once the plan is adopted, the ACT Government will be bound by it.

The Heritage Bill provides for the protection of ACT heritage, including Aboriginal heritage. It establishes an ACT Heritage Council, describes the process for compiling a heritage register and specifies the means by which the register is to be included in the Territory plan. Inclusion of heritage places in the plan will ensure the integration of planning and heritage issues. The heritage register will undergo all the procedures which the draft plan must follow before finalisation, and will then, as part of the plan, receive the same status and protection as that afforded to the plan. In addition to the listing of heritage places in the register and thus in the plan, the Heritage Bill will, by means of a separate listing process, provide protection for Aboriginal artefacts and movable items which have heritage significance.

It should be pointed out at this point that the Heritage Bill goes beyond the question of land planning and use, and encompasses the ramifications of artefacts other than Aboriginal artefacts. It is an all-embracing heritage Bill. As I said, the Planning and Heritage Bills together form a major component of the land planning package. Remaining parts of the package will be tabled and released for public comment progressively.

I will now mention briefly the main provisions of the remaining legislation to place the Planning and Heritage Bills in the context of the entire package. This information is also included in the explanatory statement, which I have tabled earlier.

Inquiries and environmental assessment legislation will specify common procedures for inquiries into and environmental assessments of the impact of planning,

heritage, leasing or other land use proposals. Inquiries and assessments will be triggered by directions issued under other parts of the legislation package. For example, under the Planning Bill, the Minister responsible for planning may require an inquiry into, or an assessment of, a proposal to vary the Territory plan. Land and leasing legislation will combine all existing ACT leasing legislation under a new law. The lease purpose clause and leases generally will continue to define the nature of development and the specific activities that may be carried out on any parcel of land.

All new leases will be required to be not inconsistent with the Territory plan and to meet appropriate planning requirements. This legislation will also deal with a number of specific issues relating to leasing and land use. These include betterment, compulsory acquisition of land, allocation of leases at less than market value for specified community or economic development purposes, and classifications of public land. Approvals and orders legislation will set in place common mechanisms for the control of a range of activities which are significant in terms of planning, heritage, environment protection or leasing considerations.

Controlled activities will include, for example, the erection, alteration or demolition of structures; activities affecting places or things included in the Heritage Register; and activities specified in the Territory plan or in a lease to be subject to approval, including lease purpose changes. Procedures for giving approval to such activities will be specified in the legislation, and the conduct of controlled activities without approval will be an offence.

In addition to the legislation specified above, consequential amendments and transitional provisions legislation will provide for amendments and set in place transitional provisions necessitated by the planning and land use package.

Regulations under the planning and associated land use legislation will provide for the application of time limits to relevant components of the decision-making processes specified in the legislation. Decisions not taken within the relevant prescribed time limit will be deemed, for the purposes of initiating an appeal, to constitute a refusal or decision in the negative, and so allow the commencement of any relevant appeal or challenge process. These provisions should allow for greater certainty and ensure that delays are kept to a minimum.

Mr Speaker, in developing this integrated package of land planning legislation, the Government is committed to a full and meaningful process of public consultation. We are honouring this commitment in a number of ways. Firstly, we have considered all the submissions and comments received in response to the former Government's consultation paper

on planning and its preliminary drafting instructions. Matters raised during the community consultation meetings on planning, which were held late last year, have also been taken into account.

Since the Alliance Government came to office, meetings have been held with a range of interested groups at both ministerial and senior officer level and these have provided the Government with further information on the community's wishes in relation to planning issues.

To ensure that all interested persons have an opportunity to consider and comment on the Government's specific planning proposals, each draft Bill, starting with the ones I have tabled today, will be made publicly available before its formal introduction into the Assembly. Through these measures we will ensure that there is maximum opportunity for public participation in developing our planning legislation.

We invite comment from all interested parties on these exposure drafts so that the Bills ultimately tabled for adoption by the Assembly will truly represent the community's views. However, we are announcing details about certain key areas of the remaining Bills in advance of their release so that the public is informed at this stage about these important parts of the package.

With regard to betterment, we will introduce a system under which a charge will be applied of 100 per cent of the difference between the "before" and "after" values of a lease, but with remissions according to the length of time since the original issue of the lease. Different rates of remission will be applied according to whether the lease was originally granted at full market value, at a concessional price or whether it was granted free. This will mean, for example, that for a lease issued 10 years ago at full market value, a remission of 20 per cent will apply and so a betterment charge of 80 per cent will be payable when the lease purpose is changed. After 20 years, remissions would rise to their maximum of 50 per cent of the difference between the "before" and "after" values for leases originally granted at full market value. The rate of remission on betterment payable in relation to leases granted at a concessional price or granted free will accrue more gradually. This will result after 20 years in payment of 80 per cent betterment for concessionary leases and 90 per cent betterment for leases granted free of charge. We believe, Mr Speaker, that those remissions accurately reflect the public's opinion on these matters.

This new method for charging betterment will be certain, even-handed and effective. It will balance the need for an adequate return to the community with the need to maintain appropriate levels of development activity in Canberra. In view of the need to address any uncertainty that may exist in the market at present, the legislation will provide for the new betterment arrangements to apply from today and for appropriate transitional arrangements.

I now turn to the issue of appeals and the precise forum for hearing appeals. Appeals on the merits of administrative decisions taken under the land planning legislation will be available to affected or aggrieved parties with sufficient interest in the subject matter of a decision. These appeals will be heard by the ACT Administrative Appeals Tribunal, pending a comprehensive review of the ACT court system. However, decisions subject to disallowance in the Assembly, in some way carrying the authority of the Assembly, or where there had been an extensive inquiry or assessment process, would not be subject to appeal on the merits.

Any person will have standing to challenge decisions on the basis that legally required processes were not followed or that the decision was in some other way legally defective. Legal challenges will continue to be dealt with by the Supreme Court. The appeals rights provisions will strike a balance between the competing interests that are inevitably involved in planning matters.

The tabling of this draft legislation today demonstrates three very important things about the Alliance Government. Firstly, we are prepared to get on with the job. In its short time in office the Alliance Government has reviewed all the previous Government's proposals and has developed the land planning package to the extent that we are now able to table two Bills that form the major part of the overall package.

Secondly, I have already mentioned the Government's commitment to full public consultation in developing this legislation, and let me state now that I invite and welcome comments from members, from Assembly committees, from interested groups and individuals. Since public involvement will be integral to the processes of developing the plan itself, it is appropriate and proper that there should be an opportunity for genuine consultation on the legislation which will establish those processes.

Thirdly, this Government is prepared to address the hard contentious issues, such as betterment and appeals rights. These are the very sorts of issues on which the various parties which make up the Government could be expected to hold differing views, but in the interests of stable, responsible Government in the ACT, we have developed and released a comprehensive package of policies which reflect the approach that we have jointly adopted. In any alliance of different parties, certain compromises must be made in terms of policy and these we have agreed quickly and with ease. As a result, we were able to release our policy on land planning and development and leasehold management shortly after taking office in December last year, and this policy forms the basis of the land planning legislation package which I have described for you today.

Mr Speaker, there is one further point I wish to make in tabling these draft Bills, and that is to acknowledge the work on the planning system which commenced under the previous Government, including its discussion paper on these issues. We recognise the value of that initial work and we commend them for their effort. Now that my Government has tabled the draft Planning Bill and the draft Heritage Bill, I invite the Opposition, which is sadly depleted with only one member currently present, to participate fully in the consultation process - - -

**Mr Berry**: I raise a point of order, Mr Speaker. Mr Kaine sought leave to make a statement, but he is using the opportunity to take cheap shots at members of the Opposition. He would not have had - - -

**Mr Humphries**: You do it all the time.

**MR SPEAKER**: Order! Are you making a statement or raising a point of order, Mr Berry? What is your point of order?

**Mr Berry**: The point of order is that Mr Kaine should stick to the statement that he sought leave to make rather than take the opportunity to make cheap shots.

**MR SPEAKER**: Thank you for that. Please proceed, Mr Kaine.

**MR KAINE**: It is interesting that Mr Berry is so sensitive about the fact that nobody opposite was here to listen to my speech.

**Mr Berry**: I raised the point of order earlier, Mr Speaker, and I would ask you to keep the discussion to the point.

**MR SPEAKER**: Thank you, Mr Berry. Please keep to the point, Mr Kaine.

**MR KAINE**: Mr Speaker, now that my Government has tabled the draft Planning Bill and the draft Heritage Bill, whether members of the Opposition want to listen or not, I invite them to participate fully in the consultation process and to join with us in ensuring that the planning system guarantees the economic, social and environmental well-being of the ACT. I present the following papers:

Draft legislation -
Heritage Bill 1990.
Planning Bill 1990.
Planning and associated land use legislation: Explanatory statement.

## WEAPONS BILL 1990

**MR COLLAERY** (Attorney-General) (11.43): I present the Weapons Bill 1990. I move:

That this Bill be agreed to in principle.

The Weapons Bill is the culmination of a comprehensive review of the existing Gun Licence Act 1937 which began a number of years ago - I stress a number of years ago, Mr Speaker - and was hastened by much publicised multiple killings both in the ACT and elsewhere. The issues of weapon control is an emotive one.

On the one hand, there are those who are horrified by gun misuse and demand legislation leading to a prohibition on most gun ownership. On the other hand, there are the people who see the right to own and use guns as a personal one and consider any attempt to limit gun ownership as an attack upon their individual liberties.

The view of the Alliance Government is that a reasoned approach, which has been developed with the direct involvement of interest groups, such as the Australian Federal Police and sporting shooters' organisations, will gain the support of the general community. The Government also expects the support of mature and responsible gun owners who will appreciate the need for some additional controls to minimise the possibility of gun misuse.

The Bill establishes a system of dual registration. Every person who owns or uses a weapon will have to be licensed and every weapon that he or she owns or uses will have to be registered on that licence. Each applicant for a licence will have to satisfy a number of criteria prior to obtaining a licence. These criteria, especially those requiring the applicant to be a fit and proper person and to show good reason why he or she has need of a weapon, comprise the most fundamental aspects of the Bill.

Other provisions will require a prospective licensee to satisfactorily complete a course in the safe handling of weapons or to satisfy the registrar that he or she has adequate or experience in such handling, thereby ensuring that those who do want to own and use a weapon will be sufficiently skilled to avoid any mishap causing injury to themselves or others.

There has been, during the development of the legislation, debate on the necessity of establishing a dual registration system. It has been pointed out, correctly, that in a number of jurisdictions a licensee is no longer required to register each of his or her weapons. However, the Government considers that such a system is essential for the quick and effective tracing of weapons. The ACT already has a system of individual gun registration but what is proposed is simpler and more convenient for licensees. All weapons held by a licensee will only need to be registered once annually when the licence is renewed rather than on the anniversary of each individual weapon registration.

More importantly, the absence of a registration requirement would weaken the enforcement of one of the fundamental aspects of the Bill that I have previously mentioned, namely, that a person must be able to show good reason for requiring a weapon. The registration requirement will ensure that a person only ever has in his or her possession a weapon of a kind which is required for the purpose for which his or her licence was granted.

The issue of automatic and semiautomatic or self-loading weapons has received a great deal of publicity over time. The Bill continues to prohibit all fully automatic weapons and introduces a series of restrictions in respect of semiautomatic weapons. Non-military style semiautomatic weapons may be possessed and used for participation in sporting shooting competitions and also for recreational shooting and hunting in the ACT where the licensee is a member of an approved club and in another State or Territory where the owner is licensed in that State or Territory.

However, military style semiautomatic weapons may only be used for sporting shooting competition purposes. In taking this position on semiautomatic weapons, the Alliance Government has had regard to the fact that many such weapons are used in high level international sporting competitions. If these weapons are kept and used for competition purposes only, together with other controls, ownership should be permitted.

It may be argued that there is a strong case for the prohibition of semiautomatics. However, the many responsible owners of semiautomatics who will comply with the new legislation should not be deprived of the entitlements which flow from a preparedness to comply. Under any law, the irresponsible person will be the problem and will not be unduly affected by a prohibition. Under the Bill such persons will have difficulty in obtaining a licence and will therefore find it more difficult to acquire a weapon.

Under the provisions of the Bill, a permit is required for the acquisition of each weapon. In the case of a person acquiring his or her first weapon, there will be a 28-day delay between an application and the granting of a permit. This will ensure that a first weapon owner is not able to quickly obtain a weapon and has ample time to reconsider his or her need for it. So as to minimise the use of unregistered weapons or the use of weapons by unlicensed persons, the Bill prohibits the sale to a person of ammunition other than ammunition capable of being used in a weapon registered or endorsed on that person's licence.

The Bill, Mr Speaker, categorises weapons as dangerous, restricted or prohibited. Under the provisions of the Bill, licences may be obtained for dangerous and restricted weapons only. However, there are transitional provisions to cater for persons who, at the time of commencement of

these provisions, have licences under the existing Gun Licence Act 1937 in respect of weapons, including prohibited weapons, to enable them to comply with the new requirements.

The Government is confident that the vast majority of the ACT population which owns and uses firearms is made up of responsible and concerned people and the proposals contained in this Bill will not hinder them in using their weapons. On the other hand, the comprehensive requirements of this Bill will satisfy the quite justified concerns of the general community that dangerous weapons are being controlled and that the ACT will have adequate checks on who can obtain and use such weapons.

In recognition of the significance of the issue of weapons control in the community, the Government intends to establish administratively, a Weapons Control Advisory Committee, which will monitor the effectiveness of the provisions contained in this Bill and weapons control in the Territory generally. The committee will be able to make recommendations for change where it sees a need. This will provide a ready mechanism for ensuring that this controlling legislation remains relevant and reflects community needs. Mr Speaker, I present the explanatory memorandum for the Bill.

Debate (on motion by **Ms Follett**) adjourned.

## DOMESTIC VIOLENCE (AMENDMENT) BILL 1990

**MR COLLAERY** (Attorney-General) (11.50): I present the Domestic Violence (Amendment) Bill 1990. I move:

> That this Bill be agreed to in principle.

This Bill amends the Domestic Violence Act 1986 and is a consequence of the reforms in the area of weapon possession and usage contained in the Weapons Bill 1990 which this Government has just introduced. The Domestic Violence Act 1986 seeks to protect spouses and children from the effects of domestic violence through the imposition of protection orders where a person is engaged or has threatened to engage in conduct which would amount to a domestic violence offence.

The Bill is designed to control licensed weapons in cases where licensees themselves become subject to protection orders under the Domestic Violence Act 1986. In that situation, licences will be cancelled unless the court is satisfied that cancellation is not necessary. Where an interim protection order is made, the court may suspend a licence for the duration of the order. In both cases the court may order the seizure of a weapon.

As part of the package of legislation reforming the law relating to weapons, this Bill is important in meeting community concerns on safety in the home and on protecting families from the effects of domestic violence. Mr Speaker, I present the explanatory memorandum for the Bill.

Debate (on motion by **Ms Follett**) adjourned.

## SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - SELECT COMMITTEE
### Report

**MS MAHER** (11.52): I present a report of the Standing Committee on Scrutiny Bills and Subordinate Legislation. I seek leave to make a brief statement.

Leave granted.

**MS MAHER**: Mr Speaker, the report I have just presented is the first report of the Standing Committee on Scrutiny Bills and Subordinate Legislation. It contains two of the committee's comments on their examination of two Bills currently before the Assembly - namely, the Motor Traffic (Amendment) Bill (No. 2) 1990 and the Clinical Waste Bill 1990. I commend the report to the Assembly.

**Sitting suspended from 11.53 am to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### Expenditure Cuts

**MS FOLLETT**: My question is to Mr Kaine as Treasurer. Mr Kaine, are you proposing to present a mini-budget in June of this year to announce expenditure cuts of 4 per cent of gross ACT expenditure?

**MR KAINE**: Simply put, Mr Speaker, no.

### Hazardous Toys

**MR STEFANIAK**: My question is to the Attorney-General. Is he aware that children's novelty toys, which are designed to expand when placed in water and are therefore similar in nature to those prohibited in 1984, are back on the market?

**MR COLLAERY**: I thank the member for the question. My suggested answer is: I am aware that novelty toys called either "Instant Bath-size Sea Life" or "Instant Bath-size Zoo" were recently available for sale through a retail outlet in the Australian Capital Territory. These products represent an inhalation hazard due not only to their small

size but also the fact that the toy expands to many times its original size when placed in water. This type of toy, or even part of it, if chewed or swallowed could choke a child. I consider that these products, which are subject to a current consumer product safety order, represent a hazard to young children. Retailers should be aware that they risk prosecution if they sell the product.

I would point out that these products have been removed from sale with the full cooperation of the store owner in the ACT who has arranged for a recall notice to be placed in next Saturday's Canberra Times. Any person who has purchased these products will be able to return it to the retailer and obtain a full refund. I would commend the prompt action by the Consumer Affairs Bureau's products safety officer which has ensured that the product has not been widely sold or distributed.

## Asbestos Storage

**MR MOORE**: My question, which is to the Chief Minister, as Minister responsible for planning, concerns a leasehold matter. Is the Chief Minister aware that BRS Asbestos Removals, the government contractors employed to remove asbestos from the premises in the ACT, are in contravention of a section 4(c) of their lease which clearly states that the premises may not be used for "offensive, hazardous or noxious industries"? Since asbestos is being stored on BRS's premises at Hazel Street, Oaks Estate, could the Minister please advise the Assembly how he intends to rectify that breach?

**MR KAINE**: Mr Speaker, obviously Mr Moore has got information about a particular problem of which I am not aware. If he makes the information available to me, I will investigate the matter and give him a reply as to what can be done.

## Influenza Epidemic

**MRS NOLAN**: My question is to Mr Humphries, as Minister for Health.

Is the Minister aware that there has been a severe epidemic of flu in the Northern Hemisphere during their present winter? Is he aware of reports that a similar epidemic may occur in Australia during our winter? Also, is the Minister aware of reports that the vaccine will be less effective if the virus undergoes changes? What action will he be taking to minimise any such epidemic and its effects within the ACT?

**MR HUMPHRIES**: I thank Mrs Nolan for her question. I am aware, of course, of reports of influenza outbreaks in the

Northern Hemisphere during their winter - our summer. The epidemic in the Northern Hemisphere was the largest epidemic for a number of years and produced increased morbidity and unfortunately a number of deaths, particularly in North America, the United Kingdom and Western Europe.

The growth of international travel and, of course, tourism, facilitates the spread of disease and for that reason it is likely that the flu virus which hit the Northern Hemisphere in our summer will hit this country in the southern winter. Three-quarters of the world's population lives in the Northern Hemisphere which accounts for why most pandemics originate in that hemisphere. But it also gives us a special advantage, in that we can prepare flu vaccines in anticipation of those same pandemics or epidemics coming to this hemisphere.

Each year the Commonwealth Serum Laboratory monitors the strain of flu virus in the Northern Hemisphere and makes a vaccine to include these strains. I am pleased to report that an excellent match has been made this year. I am informed that the CSL vaccine will be available in early March and will include three strains. One of these strains - the A-Shanghai strain - is closely related to the virus which caused the most severe cases in the Northern Hemisphere. However, despite national efforts to predict changes in the virus, it can change and decrease the vaccine's effectiveness.

The probability of the virus mutating is not great. It is not recommended that everyone should receive the vaccine. There are two main groups who are advised to have a vaccination injection: those most likely to become very ill if infected - for example, the aged, the infirm, those with chronic lung or kidney disease and those whose general immunity is reduced - and those who are most likely to be infected, such as health care workers. People should consult a medical practitioner if they are in any doubt at all. The Chief Health Officer will, of course, continue to monitor the situation in the ACT.

## Planning Legislation

**MR WHALAN**: My question is to the Chief Minister as the Minister responsible for planning. Mr Kaine, in the Assembly on 14 February Mr Jensen, your Executive Deputy, quoted the policy of your Alliance Government in this way:

> The ... Government will continue the current public consultation process, giving it a high priority and will table comprehensive legislation before the end of February 1990.

The key words are, "will table comprehensive legislation before the end of February 1990". Today you have tabled

only one-third of the planning legislation package - and that only in draft, not in the form of legislation. Do you accept responsibility for Mr Jensen's misleading the Assembly when he made his statement on 14 February?

**MR KAINE**: I do not think that Mr Jensen in any way misled the Assembly. As a member, he is entitled to express his view, just as Mr Whalan would at the drop of a hat. We said that we would put planning legislation on the table before the end of February. We also said that we would table it only as an exposure draft and that we would allow time for public consultation. That is exactly what we have done.

**MR WHALAN:** I ask a supplementary question. In relation to my previous question, the policy, as stated by Mr Jensen is quite categorical. I ask Mr Kaine to acknowledge that his Government has failed to meet its undertaking - and I quote:

> The Alliance Government will continue the current public consultation process, giving it a high priority and will table comprehensive legislation -

not draft -

> before the end of February 1990.

Will you acknowledge you have failed to meet that commitment?

**MR KAINE**: I acknowledge nothing of the kind. Mr Whalan is being absolutely absurd. We said we would table documentation for public consultation.

**Ms Follett**: Legislation.

**Mr Whalan**: Where is your policy?

**MR SPEAKER**: Order!

**MR KAINE**: I wish you would stop grandstanding. You were not even in the Assembly this morning when I spoke; you were too busy out campaigning.

**MR SPEAKER**: Order! Please address the question.

**MR KAINE**: If you want to know what the Government is doing, sit yourself down in the Assembly long enough to find out. You were not even here. At one stage - - -

**Mr Whalan**: Why do not you live up to your promises?

**MR SPEAKER**: Order, Mr Whalan!

**MR KAINE**: At one stage during my presentation this morning, Mr Speaker, not one member of the Labor Party was

sitting there. For most of the time that I made the presentation this morning - - -

**Mr Whalan**: Why do not you live up to your promises?

**MR KAINE**: You don't want to hear this. Why don't you shut up?

**MR SPEAKER**: Order, Mr Kaine!

**MR KAINE**: He asked me a question. They are like a bunch of jackals; they do not want to hear the answer.

**Mr Whalan**: Mr Speaker, I rise on a point of order. Could you try and restrain the disturbed gentleman opposite who is trying to justify his Government's reneging on its policy commitment.

**MR SPEAKER**: Thank you for your observation Mr Whalan. Have you finished, Mr Kaine?

**MR KAINE**: Just one word.

**Mr Whalan**: Why did you renege?

**MR KAINE**: Rubbish!

## National Capital Plan

**MRS GRASSBY**: Mr Speaker, my question is to the Chief Minister. On 14 February in response to a question you acknowledged that the national capital open space scheme should not be designated land under the NCP. What steps has your Government taken to achieve this objective?

**MR KAINE**: Discussions between the Interim Territory Planning Authority and the National Capital Planning Authority in terms of the National Capital Plan draft are still going on and when it gets beyond the officer stage and filters up to the political level I will take it further. But for the time being discussions are going on - as they rightly should - at the officer level to determine what the content of the National Capital Plan will be.

**MRS GRASSBY**: I ask a supplementary question. Are you confident that the NCPA will modify its position on this matter?

**MR KAINE**: Yes, I am. I have spoken informally to officers of the National Capital Planning Authority and yes, I am confident that they will change the plan.

## Environmental Education

**DR KINLOCH**: Mr Speaker, we are all concerned about the environment, on both sides of the house. Some of us had the great pleasure yesterday at Telopea Park School of hearing Jacques Cousteau the great French environmentalist speak about our bipartisan commitment to maintaining the environmental integrity of Antarctica. He spoke on other matters, both in French and English, and the children also spoke in French and English. I wish to note - - -

**Ms Follett**: Is this a question?

**MR SPEAKER**: Dr Kinloch, please present your question.

**DR KINLOCH**: I ask our Minister for Education, to whom I pay tribute, what priority does the ACT Government give to teaching for the care of the environment?

**MR HUMPHRIES**: I think that is a timely question and I will be happy to answer it.

**Ms Follett**: I raise a point of order. Mr Speaker, I put it to the Assembly that Dr Kinloch is in fact supposed to be advising Mr Humphries on these matters, is he not? Is he not the Executive Deputy assisting Mr Humphries. I thought they could have discussed this outside the Assembly and not wasted the Opposition's time in questioning the Government.

**MR SPEAKER**: Order! That objection is overruled. Please proceed, Mr Humphries.

**MR HUMPHRIES**: This Government, Mr Speaker, gives a high priority to teaching for the care of the environment. My department has developed - - -

**Mr Whalan**: I raise a point of order, Mr Speaker. Can we ask Mr Humphries to table this statement because it is a ministerial statement, not an answer to a question.

**MR HUMPHRIES**: It is not a ministerial statement at all. Mr Speaker, this is an answer to a question and I am prepared to give it if members opposite would allow me to do so.

**MR SPEAKER**: Please proceed, Mr Humphries.

**MR HUMPHRIES**: The Department of Education has developed a draft policy on environmental education

in the schools' curriculum and that is in line with the environment policy which was launched a few weeks ago by Mr Jensen. This draft policy is being distributed as a consultative document for comment by senior departmental officers, other Government agencies and environmental organisations.

In conjunction with the draft policy, a working group will commence shortly to develop an environmental education curriculum statement to assist schools to incorporate environmental education as an integral component of all subject areas from preschool to year 12. Both the Birrigai Outdoor School and the Dairy Flat Education Centre offer intensive environmental programs, as members are aware. These special programs are, of course, important, but it is vital that students learn to care for their environment not just on days they visit those centres but at all times.

To this end the environment is also a major theme of three separate curriculum frameworks already provided to assist teachers and schools in developing their own programs - that is, social, education and science and technology. Most schools and colleges already have innovative extracurricular activities such as environmental clubs, revegetation and propagation projects, the waste watch project at some North Belconnen schools, and the Children of the Green Earth Club at Hughes Primary School.

Some schools have developed their own environmental and recycling centres. Dr Kinloch mentioned Jacques Cousteau's visit to Telopea Park school yesterday. I was very privileged to be there, and I must say that the level of environmental awareness among the children at that school was very high. I hope that, through these policies, we can encourage that for all children of the ACT.

## ACT Risk Insurance

**MR WOOD**: I direct a question to the Chief Minister, and refer him to an article in the Canberra Times of 5 December 1989 which raises concerns attributed to the Chief Minister that the ACT was inadequately insured. As Treasurer, what is your current position in relation to that matter?

**MR KAINE**: The question of insurance is under investigation and consideration by the Government. There appears to be a strong case for arguing that the Territory and its budget are really too small to carry the ACT's own insurance as most governments do. The areas of insurance in which the Government might need to be covered to indemnify itself against major risk are being identified. As each of them is identified, the Government will consider them and consider what action, if any, it should take to ensure that in the case of any major disaster involving liability on the part of the Government, we have the capacity to pay it.

**MR WOOD**: I ask a supplementary question, Mr Speaker. You said there is a strong case being presented. Will you tell the Assembly who is presenting the strong case? Is it the insurance industry?

**MR KAINE**: Well, the case was presented to the previous Government, Mr Wood. Perhaps you should ask the previous Treasurer who presented it and what it said.

**MR WOOD**: Well, who is presenting it?

**MR KAINE**: Ask the former Chief Minister - she got the case.

## Mr Speaker

**MR BERRY**: Mr Speaker, my question is directed to you. I refer to a series of articles in the Canberra Chronicle credited to you which highlight the conflict of interest in your role as Speaker and as a member of the Government, which harms the Assembly and the tradition of an independent Speaker.

**Mr Humphries**: I raise a point of order, Mr Speaker. That question reflects on you as Speaker. It is entirely outside the terms of standing orders and should be disallowed.

**MR SPEAKER**: Thank you for your observation, Mr Humphries, but I would like to hear what Mr Berry has to say.

**MR BERRY**: Mr Speaker, I will table the two articles when I have finished the question. They were published in the northside and southside editions of the Chronicle on 13 February and 20 February, respectively. In the first of the articles you argued the Government's case for Executive Deputies and in the second you presented the business of the Assembly as consisting only of Government business - the meagreness of which is a matter of record - and Mr Stevenson's 15-minute introductory speech on X-rated videos. You failed to acknowledge that this house spent the whole of Wednesday, 14 February 1990 and part of Thursday, 15 February 1990 dealing with private members' business. Your column also failed to mention question time and to name the matters of public importance debated in this house.

Mr Speaker, do you approve of a situation where the convention of an independent Speaker is destroyed by a clear and public bias towards the Government's ventures? What action can the people of Canberra expect which will guarantee that the Assembly will not in future be brought into disrepute by such actions?

**Mr Collaery**: I raise a point of order, Mr Speaker. I do not rise to protect you; I rise to protect your office. The second edition of House of Representatives Practice makes it clear that you should consider before answering this. Remember that this is the practice of the House of Representatives - that members seeking information of the Speaker should do so on a matter of order or privilege. If they do so wish, they must raise that matter under the appropriate procedure. Questions on such matters cannot be put to the Speaker as questions without notice.

Clearly, Mr Speaker, if you are to be drawn into debate in this house, we will have great difficulty continuing the structure of business, as is designed for this house. I put to you, Mr Speaker, that if Mr Berry has sufficient concerns he should raise it as a matter of privilege under the correct standing orders, or - - -

**Mr Whalan**: I wish to raise a point of order.

**MR SPEAKER**: One point of order at a time, thank you, Mr Whalan.

**Mr Whalan**: But he is making a speech, Mr Speaker.

**Mr Kaine**: You cannot interrupt one point of order with another.

**Mr Whalan**: It is a speech, not a point of order.

**Mr Moore**: I raise another point of order, Mr Speaker. You have always allowed a point of order on a point of order before. It has been going all this last two weeks.

**MR SPEAKER**: If I was in error before, I do not need to be reminded of it, thank you, Mr Moore. Please proceed, Mr Collaery.

**Mr Collaery**: Mr Speaker, I put to you that it would be out of order for you to engage in debate in this chamber on the issues raised by Mr Berry.

**MR SPEAKER**: Thank you for your observation, Mr Collaery. I will gladly report back to Mr Berry on his most important observation. I will take that question on notice.

**MR BERRY**: I have a supplementary question that you might also wish to take on notice.

**MR SPEAKER**: I will take both of them on notice. Please address them to me in writing.

**MR BERRY**: Well, you might be able to answer this one. Will you, as Speaker, give consideration - - -

**MR SPEAKER**: Order, Mr Berry. I will take that on notice, thank you.

**Mr Humphries**: I raise a point of order, Mr Speaker. I think, with respect, Mr Speaker, that Mr Berry's supplementary question, so called, highlights the abuse of supplementary questions which the Opposition has engaged in. If it was truly supplementary, it would have arisen out of your answer. Since no answer was given, I think that in fairness it could not possibly be a supplementary question. I would ask you in future not to allow those sorts of supplementary questions.

**MR SPEAKER**: Thank you.

## Multicultural Policy

**MS FOLLETT**: My question is to the Chief Minister. Mr Kaine, I note that, at least up until 2.30 this afternoon, you had not actually released a multicultural policy on behalf of your Government. Could you inform the Assembly whether you are proposing to establish an Ethnic Affairs Commission along the lines that exist in other States, and if so, what form would you propose that it take?

**MR KAINE**: I will take that question on notice, Mr Speaker, and give the Leader of the Opposition a comprehensive reply so that she gets it right when I give her the answer.

## Ministerial Propriety

**MR WHALAN**: Mr Speaker, my question is to Trevor Kaine as the Minister responsible for maintaining propriety in the Government. In the - - -

**Mr Kaine**: Well, Mr Speaker, I do not believe that that is my responsibility at all. I believe the question is quite improper from the introduction to it.

**MR SPEAKER**: Please present your question, Mr Whalan.

**MR WHALAN**: In the Assembly on 7 December 1989, you said in relation to the casino project - and I quote:

> The contract process now in place will continue.

Does this statement confirm the decision of the previous Government to keep Ministers of the Government absolutely at arm's length from the selection process and, if so, can you now assure the Assembly that no Minister has had any discussions or communications with any individual or corporation with an interest in the casino tendering process concerning the casino licence since 5 December 1989?

**MR KAINE**: Mr Speaker, to the best of my knowledge, the answer to that question is no. No Minister has entered into any discussion with a potential contractor.

**Ms Follett**: You said you would find out.

**MR KAINE**: I said, to the best of my knowledge.

**MR WHALAN**: I ask a supplementary question, Mr Speaker. Mr Kaine, do you regard this matter as serious enough to justify your asking your Ministers if they have had any such communication or discussions?

**MR KAINE**: Certainly, Mr Speaker. Have any of my Ministers engaged in any such discussions?

**Mr Collaery**: I have had no discussions with any potential contractor.

**MR KAINE**: I think he has got his answer, Mr Speaker.

**Mr Whalan**: I rise on a point of order, Mr Speaker. Could we have it included in Hansard that - - -

**MR SPEAKER**: Is this a point of order or a statement, Mr Whalan?

**Mr Whalan**: It is a point of order. Mr Kaine invited people to comment, but they avoided the question of whether there had been any discussions or communications with any individual or corporation with an interest in the casino tendering process concerning it, and Mr Collaery specifically avoided answering that question. So I would just like to have his comment included in Hansard.

**Mr Collaery**: On a point of order, Mr Speaker, there is an imputation in that, which I resent. Mr Whalan is starting this slanderous procedure again. This is this man who has brought the Assembly into so much disrepute. Why does the member not address the question to each of the Ministers? I invite him to do so.

**MR SPEAKER**: Order! Your point is taken. Mr Whalan, I request you withdraw that imputation against Mr Collaery.

**Mr Whalan**: I am sorry, there was no imputation.

**Mr Collaery**: There was an imputation. Mr Speaker.

**MR SPEAKER**: I rule that there was an imputation. Please withdraw it, Mr Whalan.

**Mr Whalan**: Mr Speaker, if you will specify what the imputation was, I will withdraw it, but I will need to have it spelt out because for the life of me, I cannot see any imputation - unless Mr Collaery is feeling guilty about something. There was no imputation whatsoever.

**Mr Collaery**: On a point of order, Mr Speaker, the imputation was very clear to the house. The imputation was that I gave a qualified response in some way.

**Mr Moore**: Point of order, Mr Speaker.

**MR SPEAKER**: I will handle one point of order at a time, thank you, Mr Moore. If you keep objecting in this manner, I will have you removed. Now, please play the game by the rules as in the standing orders.

**Mr Moore**: Mr Speaker, may I draw your attention to the fact that you allowed Mr Collaery's point of order on top of Mr Whalan's point of order.

**MR SPEAKER**: Mr Whalan was addressing me, thank you, Mr Moore; he was not raising a point of order. I suggest you listen. The situation is that I have asked Mr Whalan to withdraw an imputation. From the words I heard, I believe that an imputation was made on Mr Collaery's character.

**Ms Follett**: Mr Speaker, I raise a point of order. The response that Mr Whalan made was that Mr Collaery had not answered the question put to him. I do not believe that that contained any imputation whatsoever.

**MR SPEAKER**: Order! I believe Mr Collaery did in fact answer the question, but perhaps that will not be recorded in Hansard. Your comments were recorded, Mr Whalan, and therefore I would ask you to withdraw them.

**Mr Berry**: I wish to raise a point of order, Mr Speaker. I was sitting here and, quite clearly, Mr Collaery did not answer the question and Mr Whalan just wished to draw attention to it.

**MR SPEAKER**: Thank you, Mr Berry. I will take this matter on notice.

**Mr Kaine**: On a point of order, Mr Speaker, I suggest that if Mr Whalan wants to ask a question of Mr Collaery he simply gets up now and asks it, and then he will get an answer and the matter will be clarified. But he will not do that of course, Mr Speaker.

**MR SPEAKER**: Order! I will take advice on this matter. As I previously ruled, I will take this matter on notice and examine the record and make a statement thereupon.

## Asbestos Removal

**MR STEVENSON**: My question is to Mr Duby regarding asbestos. I have received a letter from a couple who had asbestos in the ceiling of their home. Their seventh child was due and they were trying to get something done about it quickly. They were told that it would be removed in the first year, but that was not possible. So they decided to enter into a private contract for $38,000, of which $35,000 was approved. Since then, the department, apparently realising that the $35,000 figure was too low, has increased the amount to $40,000 and my constituents wondered whether something could be done about the other $3,000? In other words, could the department now approve the full $38,000, as against the $35,000 that was initially approved, for which they have entered into a contract?

**MR DUBY**: The question of asbestos removal is a vexed one and it is a very important issue in relation to both public health and private health of the family. Under the asbestos removal program we have a priority review

committee which determines priorities for special removal - in effect, jumping the queue. Members of that committee include members from the asbestos support group, as well as departmental officers.

The situation is quite clear. In my announcement on Tuesday I raised the amount of refund or reimbursement available to victims of asbestos insulation in their homes from $35,000 to $40,000. I was also quite clear in my statement that the raising of that level was to apply from Tuesday only. It is my view, and that of my departmental officers, that persons who, for whatever reasons, chose to enter into private asbestos removal programs with private contractors prior to that date, knowing the state of play at the time and knowing that the amount of refund available was $35,000, did so in full knowledge of the facts.

In those circumstances, the brief answer to Mr Stevenson's question is no. I am not prepared to consider reviewing cases of people who entered into private contracts for removal of asbestos from their homes prior to Tuesday's announcement**.**

## Executive Deputies

**MRS GRASSBY**: Mr Speaker, my question is to the Chief Minister. In reply to a question on 13 February concerning the cost of reallocating Executive Deputies on the executive floor of this building, you said that you could not provide a figure because the move was not yet completed. Before the move was endorsed by you, was there any estimate of the cost and, if so, what was the cost? If not, why was no estimate prepared?

**MR KAINE**: Mr Speaker, there were several proposals put forward for different ways in which the other members of the Government might be housed on the fifth floor. They all had costings attached to them. My recollection is that they ranged from about $10,000 to something of the order of $70,000 to $80,000. I believe that the option that I agreed upon was the lowest cost option, but lest I give Mrs Grassby a wrong answer to the question, I will take the question on notice and get the exact figure. I believe that the lowest cost option was adopted. Of course, we still do not have an actual cost because the move still has not been made.

**MRS GRASSBY**: I ask a supplementary question. Could you please also put on the table of the Assembly the floor plan which you endorsed and also the costs involved?

**MR KAINE**: I do not see much merit in putting floor plans on the table. The floor plan, I believe, is in the possession of the Speaker. If anybody wants to have a look at it, they are quite welcome to do so as far as I am concerned.

**Executive Deputies**

**MR WOOD**: I also want to ask a question related to this matter - one that is, I believe, rather more important. We know that within a week or two the backbenchers of the Government or the Executive Deputies - whatever title they have - will go up to the fifth floor. I do not think this is a good idea. They will be moving themselves away from the parliamentary precinct to the administration precinct. Mr Kaine, does this very symbolic gesture, this separation, further emphasise the dominance of the Executive Government and do you regard the parliament so lightly as to remove all your members from its precincts?

**MR KAINE**: I am not sure, Mr Speaker, that I have any clear idea of where the precinct of the Assembly - - -

**MR WOOD**: Ground and first floors are the parliament.

**MR KAINE**: Well, they are part of it and I am glad that you added that Mr Wood - - -

**MR WOOD**: The fifth floor is the Executive.

**MR KAINE**: The fifth floor was the Executive, but your question presumes that they are moving into the administrative precinct. I do not quite know what you mean by that either.

**MR WOOD**: Are they going to the fifth floor?

**MR KAINE**: They will move to the fifth floor, but the fifth floor is not an administrative precinct. When you are clear on what it is that you are trying to get me to answer, then I will see if I can be equally clear in answering the question.

**MR WOOD**: Well, I will follow that up with a supplementary question, which is directly related. We are unique, Mr Kaine, in that we do not have a parliament building separate from the rest of the governmental activity. The tradition is that there is a parliament and that is where the members are; the Executive members go elsewhere to their administrative centres. In this building that happens to be the fifth floor, Mr Kaine, and by taking your backbenchers up there, you are removing them from the parliamentary sphere.

**MR SPEAKER**: I believe that was a statement rather than a question.

**MR KAINE**: Well, I do not mind making further comment on it, Mr Speaker. I think that Mr Wood's statement that we are unique in that there are not a series of different buildings which people occupy is the crux of the question.

We have one building in which we house the Assembly, the Assembly Secretariat, the Executive, all other members of the Government and some of the administration. I believe that the important thing is to locate those people so that they can do their work most effectively. We do not have the luxury of spreading people out and making sure that they are all nicely segregated one from the other.

**MR WOOD**: That is what I do not want.

**MR KAINE**: Well, I do not want it either. We are all in the same building, so surely anybody can take the lift from the fourth floor to the fifth floor without any difficulty. I simply do not see the point of the question.

## Civic Square Redevelopment

**MR JENSEN**: My question is directed to Mr Collaery in his capacity as Attorney-General. Mr Collaery, in your position as Attorney-General, have you had any role in relation to the tendering process for the Civic Square redevelopment?

**MR COLLAERY**: I thank the member for the question, and I welcome the opportunity to answer it. I have had no involvement whatsoever with the tendering process for the Civic Square project. I have seen no papers relating thereto. I have had no consultations in government relating thereto. So far as I am concerned, those issues rest entirely with whoever was authorised to deal with them, and I have had no conversations of any substance. Nevertheless, it is difficult for any member of this Government or this Assembly to move in this city without mention being made of the casino. We must recognise that. In my role as Attorney-General, I received a submission on or about 10 January 1990 from my Law Office and I am happy to table this to make clear that any innuendo, slander or imputation from the insolvent opposite me has no basis.

**MR SPEAKER**: Order, Mr Collaery! I request you to withdraw that statement.

**MR COLLAERY**: I withdraw the description of insolvent to the extent that it is incorrect.

**Ms Follett**: That was a qualified withdrawal, Mr Speaker.

**MR SPEAKER**: I agree, that was a qualified withdrawal. Please withdraw.

**MR COLLAERY**: I withdraw in an unqualified sense, the word "insolvent". In that submission, it was put to me, in my administration of the gaming machines legislation, that on 30 June 1987 the former Minister for Territories, Mr Scholes, included as class B gaming machines, machines commonly known as black jack and roulette. These machines

have not yet been introduced into the ACT licensed clubs to date. The casino component of the section 19 development is being promoted on the basis that conduct of casino games such as black jack and roulette in the ACT would be restricted to a table game format and played exclusively in the casino. If I can put that into ordinary language, as I understand it - not being a casino habitue - those types of machines would compete with what is played out on the green felt.

The major projects group from the Office of Industry and Development has asserted that the premium offered for the casino site would be adversely affected due to the perceived competition to the casino from ACT licensed clubs if clubs are permitted to operate gaming machines with a black jack or roulette format. Quite frankly, at the time I received this submission, I had not even familiarised myself with the gaming machines legislation. I took considerable care with this submission, and it was put to me that in its submissions to the casino social impact study and the subsequent Legislative Assembly select committee on the establishment of the casino, the Licensed Clubs Association indicated that it would not seek approval of gaming machines which had casino overtones, including a list of casino games which included black jack and roulette.

Acting on the advice of my Law Office, after inquiring within the Government as to the accuracy of the statement - and I subsequently confirm from the transcript of the Select Committee that the Licensed Clubs Association had indeed made that statement - I signed the necessary ACT Government Gazette notice on 31 January 1990. It appeared in the Gazette and I will make that available to members. Subsequently, there was a conversation between myself and Mr Peter Head, general manager of the Southern Cross Club. I am not sure of his position in the Licensed Clubs Association, if any.

**Mr Moore**: I rise on a point of order, Mr Speaker. I refer to standing order 118, which says that the answer to questions without notice shall be concise and confined to the point.

**MR COLLAERY**: Mr Speaker, I seek leave to make a statement.

**Ms Follett**: Not in question time!

**MR SPEAKER**: Your point is upheld, Mr Moore. I would ask Mr Collaery to finish the statement.

**MR COLLAERY**: Mr Head, of the Southern Cross Club subsequently received a letter from me in which I advised him of the facts that I have just read to the house, that I understood those matters, and if there was any misunderstanding, he should contact me without delay. That letter went by facsimile - I have a copy; I do not know the date it was sent - and I received a response - - -

**Mr Moore**: On a point of order, Mr Speaker, you upheld my previous point of order and allowed Mr Collaery, quite rightly, to finish, but now he is continuing.

**MR SPEAKER**: Thank you, Mr Moore, your point is upheld.

## Legislative Assembly Precincts

**MR BERRY**: Mr Speaker, I have a question for you. Would you describe the Assembly precincts?

**Mr Jensen**: Take it on notice.

**Mr Whalan**: Norman has just given you your running instructions, saying take it on notice.

**MR SPEAKER**: Thank you, Mr Whalan, for your observation. I did not hear the comment of Mr Jensen. I will take that on notice because, to be quite honest, it is not that simple to describe the precincts of this Assembly, as you know. The area outside the Assembly has been described previously, and if you really have a problem with this, I would only be too pleased to spend half an hour or longer with you, Mr Berry, to influence your knowledge of this matter.

**Ms Follett**: I raise a point of order, Mr Speaker. You did say you would take the question on notice. Do we take it you will provide an answer?

**MR SPEAKER**: Thank you, Ms Follett. I said what I will do and that will happen.

## PERSONAL EXPLANATION

**MR COLLAERY**: Mr Speaker, I claim to have been misrepresented and seek to make a personal explanation.

**MR SPEAKER**: Please proceed.

**MR COLLAERY:** It has been implied that I have had some improper contact with the casino tendering process. To ask that question of me, of course, Mr Speaker, requires the corollary to be in place - that is, that the questioner knows who the casino tenderers are. There is a certain logical inevitability about that of which we may seek an explanation in due course. I received a quite unhappy - one can only describe it in that way - message from the Licensed Clubs Association indicating to me that it was dissatisfied with the gazettal notice. There is great irony in this if one considers the role I played in the Residents Rally's attitude to a casino. The Association said:

> The exclusion of black jack and roulette format machines ... because of perceived competitions of a casino seems to us to be very much a one sided and favoured approach by the Government to a prospective casino operator.

I cannot believe the ironies in that - that I should receive a complaint that I have favoured the casino! Mr Speaker, I acted on advice of my Law Office. I have acted quite properly in this matter. Indeed, my conversation with Mr Peter Head included a reference to the casino, obviously it did, and the conversation was general to my knowledge. The Southern Cross Club is not, to my knowledge, as Mr Whalan put it, a potential contractor or tenderer to the process.

The general manager of the Southern Cross Club did indicate to me that there was some interest by the club in the site through - as I understood it - a third party. A name was mentioned. I believe that the name relates to a merchant bank called Tricontinental. I may not have heard correctly, but I believe I heard the name Tricontinental. There have been no other involvements by myself, other than the usual questions from lobbyists and persons in the community as to whether we are going to kill the casino or not. They have been general questions.

The imputation raised against my name once again by this gentleman - who had the advantage of 11 pm amendments in the Senate to enable him to be in this house - is highly improper.

## Asbestos Storage

**MR DUBY**: Mr Speaker, I seek leave to make a statement correcting an answer I gave to a question asked by Mr Moore during question time yesterday.

Leave granted.

**MR DUBY**: I wish to correct an answer I gave to a question asked by Mr Moore concerning an approach to my office by Mr Matthews, of Oaks Estate, about the storage of asbestos at Oaks Estate over the weekends. In my response I indicated that I thought I had responded to correspondence from Mr Matthews. This is not correct; I had confused Mr Matthews with another constituent. I can report, however, to Mr Moore that my department has been in contact with Mr Matthews about his concerns and the matter is currently in hand.

## PERSONAL EXPLANATIONS

**MR WHALAN**: Mr Speaker, I would like to make a personal explanation.

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

**MR WHALAN:** Yes, I do.

**MR SPEAKER**: Please proceed.

**MR WHALAN**: In response to a question earlier, Mr Kaine used words to the effect that this morning I was out campaigning for my friends. This implied - - -

**Mr Duby**: That you had some.

**MR WHALAN**: Well, at least, Craig "Dingo" Duby, I have got some friends and Trevor acknowledges it. The fact is, Mr Speaker, that I was in the precincts of the Assembly, subject to their definition, all morning and my friends who are running for election do not need too much campaigning because they are going to romp in.

**MR MOORE**: Mr Speaker, I wish to make a personal statement.

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

**MR MOORE**: I do indeed.

**MR SPEAKER**: Please proceed.

**MR MOORE**: Thank you, Mr Speaker. Mr Speaker, my understanding is that yesterday a press release was put out by Mr Dennis Stevenson which referred to me as a pawn of the porn industry - p-a-w-n and p-o-r-n - which, whilst we admire Mr Stevenson's alliteration, is hardly the case. He referred to it with particular reference to the Bill that I have tabled.

I draw the Assembly's attention to the fact that that Bill implements the policy that I helped formulate as a member of the Residents Rally. I am sure that Dr Kinloch, Norm Jensen and Mr Collaery would agree that that was part and parcel of an agreement to have a conscience vote on the issue, and that, anyway, we would remove pornography from family accessible areas. So not only was the particular press release a lie, but it could also be described as "disinformation, distortion, equivocation, evasion, exaggeration, fable, fabrication, factoid, fairytale, falsehood, fib, fiction, half-truth, invention, legal fiction, misinformation, misreport, misrepresentation, misstatement, perjury, pretext, prevarication, story, tale, tarradiddle, untruth, white lie, or a whopper".

The point that is drawn to my attention is that when people need to stoop to this sort of level instead of arguing the point, it indicates that they have very little to argue

about, or that they have nothing to base their stance on. Instead, they should argue the actual facts of the matter.

**MR STEVENSON**: I seek to make a personal statement.

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

**MR STEVENSON**: Yes, indeed I do.

**MR SPEAKER**: Please proceed.

**MR STEVENSON**: Firstly, Mr Moore claimed that the press release described him as a pawn of the porn traders. The truth of the matter was that it asked a question about that. The major reason for asking such a question was that I have found that usually Mr Moore is quite forthright in his dealings in this Assembly and presents the case fairly. In the case of the X-rated video debate he has resorted to things that were not correct. At the demonstration outside the Assembly last Tuesday week he claimed that the Abolish Self Government Coalition was a sham. He also claimed this at the debate at the ANU.

**MR SPEAKER**: Order; you must address the issue.

**MR STEVENSON**: The issue is that the evidence would have it that he was not operating as he would normally do so, and so one could well ask the question, was he being a pawn of the porn industry?

**Mr Moore**: That was again a rhetorical question in the same sense that it was a rhetorical question in Mr Stevenson's press release. I ask that any imputation that he meant by that be withdrawn.

**MR SPEAKER**: Let me think on that one for a minute.

**Mr Kaine**: Do some cogitating, Mr Speaker.

**MR SPEAKER**: I will take that on notice. I really do not believe that your point is valid, Mr Moore, but I will get back to you on that.

**MR BERRY**: I seek leave to make a short statement and I claim to have been misrepresented. My claim is in relation to a lot of noise from the person who could be described as the Minister for cheap shots, the Chief Minister, in relation to absences from this house during his Bills.

**Mr Kaine**: The Leader of the Opposition and the deputy are absent again.

**MR SPEAKER**: Order.

**Mr Kaine**: The debate is going on in here, not out there.

**Mrs Grassby**: We can hear it all.

**MR BERRY**: The long and boring speech of the Chief Minister was listened to by everybody and the Chief Minister did not acknowledge that members have loudspeakers in their offices upstairs and even, Mr Chief Minister, when one responds to the call of nature, one has to suffer some of these speeches.

## CANBERRA LEASEHOLD SYSTEM
## Discussion of Matter of Public Importance

**MR SPEAKER**: I have received letters from Mr Stevenson and Mr Moore both proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79 I have determined that the matter proposed by Mr Moore be submitted to the Assembly, namely:

> The potential advantages of the Canberra leasehold system and the parlous state of its administration.

**MR MOORE** (3.21): I must say it has taken me a little by surprise. The Government whip told me that Mr Collaery would be making a statement prior to the matter of public importance, but I understand that these things can change. Under these circumstances I will ask your indulgence if I take a little bit of time to reorganise my papers at some stage.

We start off with the concept of the leasehold system and I think it is absolutely critical that the concept of the leasehold system be very carefully explained in dealing with this matter of public importance. The matter of public importance is:

> The potential advantages of the Canberra leasehold system and the parlous state of its administration.

If you were renting a house and you had made or you wished to make some improvements to that house and then you moved out, you would hardly expect to gain some profit. If you were letting a house and you or somebody else made some improvements to that house and in due time as the value of that house went up that house was sold, you would expect to make some profit. In other words, the person who owned the land would be the person who expected to make some profit from that particular sale. The situation is very much the same in Canberra. We are very fortunate to have a leasehold system and with that leasehold system comes the notion that the people of Canberra, in toto, have become the owners of the land.

Perhaps I could draw attention to the fact that you do not have the clock on.

**Mr Duby**: Now is your chance, Mike.

**MR MOORE**: I do not need the extra time. I am quite happy to make my speech in the normal time.

That concept of the leasehold system is very simple and that concept is that we, the people of Canberra, own the land. That has a wide range of ramifications and advantages for the people of Canberra, advantages that they have over other people in other cities that do not have the advantage of the leasehold system.

Let me say that in raising this matter, I have no intention of attempting to use it to denigrate either the current Government or the previous Labor Government. Rather, I want to draw attention to some of the difficulties that have happened prior to both governments, with maladministration of the leasehold system. I want to look at some of the situations that are current and the potential problems that are likely to arise in the future without a very tight management of the leasehold system.

With that in mind, I welcome the draft planning legislation. We can look carefully at it and hope that for the good of Canberra we can work together and get the very best possible planning legislation - hopefully the best possible planning legislation in Australia. It should be possible because it should be easier in Canberra because we are fortunate enough to have a leasehold system. One could draw attention particularly to the central business district because the situation is clearer there. The value of land under the leasehold system is greatest not to the person who rents it from us, the people of Canberra, but to the people of Canberra.

When I hear people arguing that there is a block of land, perhaps with some trees on it or some green area, but the block of land is worth $xm and therefore we must exploit those dollars, then we really must weigh up what is in the best interests of the people of Canberra. The advantage we have is that as we are all the owners of the land we can make a decision that it is in our interest to have a park or a pool or a play area, or something to that effect, rather than to have a conventional development of the land.

There are many previous examples of problems with the leasehold system. There has been a series of editorials in the Canberra Times over the last four or five years in which the leasehold system has been explained and attention drawn to the risks. Some of the areas that have had attention drawn to them are the Uniting Church's centre over on Barry Drive, the Amdahl building, which is just across the road from us - and I shall come back to that - and, of course, smaller developments such as Rocky Knoll. Let me draw attention to an editorial in the Canberra Times from September last year. Let me manage without that editorial. Some of the problems with those buildings are that in the - - -

**Mr Kaine**: Is it permissible for the speaker to have an assistant, Mr Speaker?

**MR SPEAKER**: I would certainly think so.

**MR MOORE**: As I explained at the beginning, Mr Speaker, I had expected to have just a few minutes to make sure I had these in order. The Amdahl building across the road was originally leased by the YMCA and Legacy. The situation with that particular lease was that they sought a change of purpose clause. The YMCA, at that stage, had a piece of land that they combined with Legacy. The purpose was changed so we now have the Amdahl building instead of one for community use. That building is now used as an office block. The result of it was that there was a rearrangement with the land for YMCA and, not only did they get a windfall profit of some millions of dollars - as did Legacy, although not nearly as much - but they also happened to wind up with more land than they started with. We now see a situation next to that very site where the City Bowl has been purchased by a developer who has then closed it down and not used that lease according to the requirement of the particular purpose of the lease that he has.

The windfall profit went to worthwhile community groups like Legacy and the YMCA - and I have the highest regard for those groups as, indeed, I do for the Uniting Church who made millions of dollars from their site - but the point of the matter is that the money belonged to the people of Canberra and should those people have gone with other community groups to try and bid for $2m, then their chances would have been equivalent to other people's. I doubt if they would have been able to make that sort of money that way as indeed they did under the back counter. This is the whole problem that we have with maladministration of the leasehold system.

Professor Peter Self of the ANU urban research group has a wide experience both in economics and planning - he is a professor of economics and planning, he has great familiarity with new towns in England and the concept of a garden city. He says that it is possible for us to have the best possible facilities in the ACT simply by the appropriate administration of our leasehold system. That is what we must make sure that we do.

There are further current examples that require some elucidation, but before I do, let me emphasise this: there is a very big difference between the appropriate profits developers make in developing a building according to the purpose of the lease - that is a perfectly justifiable, perfectly appropriate, legitimate type of profit - and the profit of land speculation which is justifiable and appropriate under other systems but is not appropriate under the leasehold system. Under the leasehold system we, the people of Canberra, are the owners of the land.

In many homes in many suburbs in Canberra we have a situation where what we refer to as a section 10 allows people to run a business from their own home. It is a very important thing that people can apply for because it allows very small businesses, like those of accountants and so forth, to be run from their own homes, and it is a way of starting -

**A member:** And solicitors.

**MR MOORE:** And solicitors. It is a way of starting businesses up. Once those businesses get too big for a section 10, then they move into more appropriate areas. Most of us are aware where those section 10s have been misused and abused and that is something that the administration must take into account. But that is really the smallest of the issues.

One of the current issues, of course, is in Watson, section 75, block 3. That is a move to develop a garage on Northbourne Avenue. That garage on Northbourne Avenue is not necessary because there is already one on the opposite side of the road from the particular site, and Eagle Hawk has a garage not more than a couple of kilometres up the road. Leading up to this is a situation where, in recent times, we have seen the Downer Shell garage and the Hackett Shell garage close. The point of the matter is that when the Hackett Shell garage closes, no doubt the owners will be looking to develop it along similar lines to the Downer one where it has been changed to accommodate medium density residential. The profits of that sort of matter should come back to the people of Canberra.

The public interest is the thing that the courts have always looked at in the leasehold system, and in the case of the Shell garage the public interest is that it is appropriate to have a garage there for the use of the people. If that garage does not want to do that or the owners find it is unprofitable and they cannot do it, then they should return the lease and that will be the end of the matter. It is not a case where they should make a windfall profit from changing the purpose of the lease. The only two reasons for changing the purpose of a lease should be: one, if there was a mistake made in the drawing up of that lease - and I will give an example of that in just a minute - or, two, if it is in the public interest, not the profiter's interest, but in the public interest to change that lease.

The example I was going to give comes from section 52 in the city and it has been a matter of some concern here. Allow me once again to draw attention to the fact that I am not having a shot at either the Labor Government as it was a few months ago or the Liberal Alliance Government here. Page 14 of the development conditions of that lease said, in development plan 1984, regulation 617:

> ... it should not be assumed that the need for a sympathetic relationship to the adjacent Custom Credit House is required. This in turn necessitates that the maximum height of the proposed building closely corresponds to that of Custom Credit House.

In fact, they are opposites and what we had was a mistake with the lease. That mistake, of course, did necessitate a change in the lease purpose laws because one sentence said you could basically build at any height you liked, and the next sentence said it had to be almost the same height as the building next to it. Similarly, sections 18 and 19 in Braddon on Northbourne Avenue include a run of motels which have just made a rapid move to attempt to change their purpose in order to develop office blocks.

The overriding question which must apply is: are those office blocks in the public interest? The other question about the leasehold system is: if the NCPA is interested in that particular section as they want it as a designated area - what should the buildings be; should the NCPA have control of them? They are some of the questions that the legislation grapples with.

One of the answers that many of us would have liked to have seen is a single planning authority. This has been spoken of on many occasions, it was spoken of yesterday by Professor Peter Self, and had we had a single planning authority, with the necessity to seek approval from two separate bodies, I think a lot of our problems would be resolved.

That does appear to be water under the bridge, but it is an issue that perhaps could still be raised in due time when we seek a close working relationship between what will be the new Territory planning authority and the National Capital Planning Authority.

With reference to the betterment tax, Mr Speaker, the draft that was released this morning had betterment charges payable as part of their explanatory memorandum. It looked at a system of a sliding scale of betterment charges. Many people would argue that this is the compromise position. I would say that it reflects a lack of understanding of the leasehold system. We are the owners; other people rent the land from us. They ought not get the profit. It should simply be a 100 per cent betterment tax. That is the recommendation that was put out by the Langmore report. It is a recommendation that was put out by Max Neutze in his recommendation to the Langmore committee. Max Neutze's recommendation is in the back of the book. Recommendation 10 of John Langmore's report is that:

> The Committee recommends the current 50 per cent betterment levy should be replaced by compensation to the lessee for the value of the lease that is surrendered, including improvements, and a charge of the full premium value -

That is, 100 per cent -

> for the grant of a new lease together with the cost of the necessary off-site services.

That is from the Report on the Canberra Leasehold System by the Joint Sub-Committee on Transport, Communications and Infrastructure in November 1988. The experts agree that 100 per cent betterment tax is available and is the best, and if you look at the Alliance policy then you will find a very similar statement to the one I have just read out. (Extension of time granted)

I will be very brief, Mr Speaker. The betterment tax levied when approval for a change of lease purpose has been granted should be at a level commensurate with the change in value of the lease caused by the lease purpose change. It should be 100 per cent. I think that the most important thing that we can expect out of our leasehold system is that the people who own the land get the value of the land.

**MR KAINE** (Chief Minister) (3.38): Mr Moore has proposed for debate today as a matter of public importance the potential advantages of the Canberra leasehold system and the parlous state of its administration. It is ironic that the debate should so closely follow my announcement of the Alliance Government's initiative in producing a package of legislation which will provide the most comprehensive overhaul of the planning and leasing system in Canberra since the establishment of the Australian Capital Territory. I am sure the irony is not lost on Mr Moore who sat in this Assembly while the former Government dithered on the matter for seven months. We have made the essential decisions in just over two months.

Long before self-government there were allegations by individuals and groups about the neglected state of the leasehold system and its administration. By introducing the package of reforms that I have announced, my Government has addressed the longstanding weakness of the Canberra leasehold system which has been allowed to remain unchecked and unchanged by the Commonwealth over many years. Notwithstanding the fact that the issues and problems that Mr Moore has raised have not been a product of this Government's action or inaction, this Government is committed to providing the most efficient and effective land tenure system in the ACT.

I would like to put Mr Moore's motion into some sort of historical perspective. There is absolutely nothing new in what he has said. As far back as I can recall, and I can recall back a fair way, there have been widespread criticisms and allegations of mismanagement, and even fraud, in relation to the administration of the leasehold system. Investigations have been carried out into these allegations and the worst that can be said about the specific matters is that in some cases there have been

unwise decisions by Commonwealth Ministers and occasionally errors have occurred in the administrative process.

This Government has already indicated its desire to overcome inefficiencies in all areas of the ACT Government. Allegations of corruption are, of course, a different matter. I invite any member of the Assembly or the public who have information suggesting corruption or mismanagement in the leasehold system to bring these matters to my attention so that they can be immediately investigated. In the absence of any evidence to the contrary, I have full confidence in the integrity of the staff of the Office of Industry and Development who manage the leasehold system.

In 1988 in his report on the Canberra leasehold system, to which Mr Moore referred, Professor Max Neutze cited some of the cases which were stated to be evidence of corruption or serious mismanagement of the leasehold system. By way of response the then Commonwealth Government arranged for the tabling of material on each of the seven cases. If members of the Assembly have not seen that publication, I will table today a copy of that presentation to the meeting of the Commonwealth Joint Standing Committee on Transport, Communications and Infrastructure, which was held in June 1988. I table the following paper:

Leasehold System - Seven case histories

From this publication you will see that in each case the decisions which were alleged to be incompetent or improper had been approved by the Commonwealth Minister responsible and conformed to the law as it then existed. Obviously we do not defend all, or indeed any of these decisions, but we have to acknowledge that they were made in accordance with the rule and system which then operated.

Our dissatisfaction with these sorts of outcomes is reflected in the reforms that I have mentioned earlier today. We have taken a view that there is a need to better protect the public interest. Much of the material presented to the joint standing committee in 1988 indicated a general misunderstanding of the leasehold system and its implications and the administration of it. In any review of the leasehold system it is also necessary to understand the objectives, advantages and difficulties of a leasehold system in Canberra. The objectives of the ACT leasehold system are: to protect community interests, to provide certainty for landowners, to allow reasonable flexibility of land use, to provide simplicity and economy in operation and to facilitate economic and social development.

Members should note that in the debate on the establishment of the ACT the rationale for a leasehold system was based on the benefit that would accrue to the community from such a system. Major concerns which were addressed at that time were: how moneys were to be provided for the construction and maintenance of the new national capital, how opportunities for land speculation could be diminished and

how the unearned increment from overall development could be returned to the community.

While to some extent the Commonwealth Government action to abolish land rent in 1970 diminished the ability of the community to reap the benefits of the increased increment, the new betterment proposals go some way to redressing that balance. It is important to note that in a leasehold system the title to land is also a binding contract between the Government and the leaseholder. This aspect of the system is seen as an advantage to the parties to the agreement.

The Government, and through it the community, benefits from the ability to provide specific planning across the whole of the ACT by use of the purpose clause. With this method of land tenure the Territory plan can be a more general document addressed to the major principles of planning and development. The inclusion and use of the development covenants have meant that areas are developed in a uniform time scale and the most economic use is made of infrastructure developments. The leaseholder also benefits from the system as the major land tenure arrangements are contained within the lease document. The other areas of the law affecting leases will, through our new legislation, be consolidated into one Act and a much more simplified system will prevail.

In summary, there were advantages and disadvantages from the leasehold system. However, in the main it has served the ACT well. We acknowledge the validity of some of the criticisms made by Mr Moore. The aim of the Alliance Government is to make the system work to the greatest advantage to the ACT residents and we have already acted to implement that aim. The new legislation is the first concrete evidence of the Government's commitment to this goal.

**MR WHALAN** (3.44): Mr Speaker, I would like to comment on the second part of the matter of public importance of the potential advantages of the leasehold system and the parlous state of its administration. I am particularly concerned about the wording of this particular part. In fact, I am sick and tired of non-specific criticisms of the administration of this Territory. I am quite happy to have debate in this Assembly which relates to specific items, then let us examine the facts as they relate to those specific items.

Rather unfortunately, this matter of public importance continues a debate which commenced more than 18 months ago, a debate initiated by Mr Bernard Collaery in his assault on the administration of the ACT leasehold system. Before, during and after the election for the Legislative Assembly in March of last year, Mr Collaery conducted a campaign of innuendo, allegation and misrepresentation in relation to the administration of our leasehold system. Press clippings of that time demonstrate the basis upon which this man operated.

The Canberra Times on 14 December 1988 said:

> The Minister responsible for the ACT, Clyde Holding, has rejected allegations by the Residents Rally for Canberra that the ACT Administration was responsible for a loss of $55m in revenue.
>
> Radio reports on Monday said a spokesman for the Rally, Bernard Collaery, had claimed he had specific evidence of the losses.

In another move Mr Collaery, in the Canberra Times of 15 December, called for an independent public inquiry into alleged losses of revenue resulting from lease administration in the ACT.

This is the general tenor of a whole range of public statements which can be attributed to Mr Collaery over that period, and continues right through until this very time. The general result of this campaign of character assassination of the people who are charged with the responsibility of the administration of our leasehold system was to create an atmosphere of uncertainty and insecurity and it served to undermine morale within the public service. It was most eloquently commented upon by John Enfield in his defence of the public service in response to Mr Collaery's allegations. John Enfield, who is the Public Service Commissioner, said, and I quote from the Canberra Times, 25 March:

> In particular, Mr Enfield objected to Mr Collaery's claim that the ACT for five years has been a "principality of the Labor Party" characterised by "patronage, appointments, cronyism and corruption". Mr Collaery went on to assert that the ALP had been "willingly assisted" in this and other duplicities "by the public administration of this capital".
>
> As Secretary of the Department of Territories from May 1984 to July 23 1987, Mr Enfield said he was the most senior officer in the administration during that period and therefore responsible for it.
>
> He said Mr Collaery's comments had no foundation and were offensive to him and in both his past and present public service roles.
>
> "If you have been quoted correctly, I would like to have details of the information on which your remarks are based", Mr Enfield wrote. "If there is any repetition of comments of the kind attributed to you, I shall be taking legal advice".

Mr Collaery wrote back and said that his remarks had not been directed - surprise, surprise - towards Mr Enfield personally. He said that he had not made any suggestions about Mr Enfield or any other named public servant - that is the worst part about this, they were all unnamed; well, only one was named, but we will come to him. Mr Collaery said he was interested in the cut and thrust of politics; his statements were generally intended as a criticism of the Federal Labor Party. "This is a political debate and I see no reason why you should join issue with this particular matter". This is the particular point and it is the style of the man that once there is rebuttal of his claim he shifts ground, he changes ground and moves to another spot.

When the Assembly first met for business on 23 May last year the very first question that Mr Collaery asked was in relation to a public servant and corruption and the allegations of corruption in relation to an investigation. He put:

> ... Mr Lyon had encouraged the director of internal investigations to investigate the surrender and regrant of two blocks at Turner owned by a company of which a senior ACT Administration official was a director?

Mr Jensen's question on the same day followed up the same theme, and thus began the pursuit of Tony Hedley.

On 1 June we had the most scurrilous attack - on a person who has got no rights within this chamber - that could ever have happened in any House of Assembly, Legislative Assembly, or legislature within this country. This was an attack on Tony Hedley. In that speech by Mr Collaery on 1 June, commencing at page 330 in the Hansard, 11 specific allegations were made and this is the tenor of them. He spoke about white-collar crime, the conflicts of interest, the commercial landlord practices and the fact that one of the principal ACT Administration advisers was himself a commercial landlord. Further, why was the landlord contribution not revealed? Further, it was stated that Mr Tony Hedley is a director and that:

> ... the Chief Minister advised that the officer who took the decision did so on the basis that it was open to Hamed ... to obtain the benefit of the erroneous previous decision.

There was the allegation of the purchase of land from two widows, and the emotiveness that that implies, and that the leases were surrendered but no fee was paid on the extension of the loan. Then a sentence which commenced:

> An honest official handling the matter asked for clarification -

This statement implied that anybody else involved in this process was not honest or was dishonest. He said that prior to leaving the Administration Mr Hedley was linked with the tender process of the Belconnen Mall. He referred to outrageous rents charged by Mr Hedley at Thetis Court and referred to Mr Hedley's subordinates being involved in a back finance deal and the construction of APUs, and the same official purchasing a house in Canberra Avenue which is likely to be rezoned as we all know.

The situation then was that, naturally, these 11 allegations naturally, invited a response from Mr Hedley. Mr Hedley did so respond and he sent a letter to you, Mr Speaker, and he sent a copy of his letter to the then Leader of the Opposition, Trevor Kaine, who to his credit raised that matter in the Assembly on 27 June. On the 27 June Mr Kaine in the adjournment debate sought leave of the Assembly to table the document in response to the issues raised by Mr Collaery.

But even then Mr Collaery was not satisfied. He tried to prevent that process. If you look at the Hansard of that day he implied in the process that this was a ploy on the part of Mr Hedley to have this matter introduced into the Assembly to prevent prosecution in the courts. He said:

> The first observation I would make -

This was after Trevor Kaine had made his speech -

> is that this has been a very shrewd move by Mr Hedley because in granting this leave we have, in effect, made, prejudged and prevented, by way of the rules of evidence in most courts in this land, a full and proper examination of these issues ... this tabling has precluded probably, and has made it difficult for, any court of law at any time examining the matter properly.

We see then that the attacks on the leasehold have come through in a pattern of attacks on individual cases, none of which has been substantiated.

In conclusion, I draw attention to an editorial in the Canberra Times on 7 July where it referred specifically to the credibility of Mr Collaery. I do not have time to complete this in detail, but it does refer to Mr Collaery as having now gone over the threshold. It has just discussed the allegations that he has made and it goes on to say that the matters cannot rest there:

> Mr Collaery's credibility must take a severe battering. In those circumstances he cannot walk away unscathed saying that he is only asking innocent questions ... With privilege goes responsibility and accountability. If that responsibility is not exercised properly the consequences will fall back upon them and the person not acting responsibly.

The price is credibility.

**MR JENSEN** (3.54): I thank Mr Moore for raising this issue today in the Assembly. As my colleague Mr Kaine has said, it is rather ironic that the process that we all sought from the previous Government should start at this time.

A number of reports have been produced on the rights and wrongs of the leasehold system as they operate here in Canberra. In 1988, the member for Fraser, John Langmore, chaired a joint subcommittee of the Federal Parliament to examine concerns that had been expressed in 1987 by the Joint Committee on the Australian Capital Territory. Those concerns were that the leasehold system was:

> ... causing problems in the redevelopment period of the city's growth.

To assist the committee in its work, Professor Max Neutze from the Urban Research Unit of ANU was commissioned to prepare a report for it. This report, to which Mr Moore has already referred, and the subsequent Langmore report have formed an important focus for the discussion and debate on this issue.

I think it is appropriate that at this time I look briefly at some of the issues that were raised by this report, particularly in relation to the leasehold system and some misunderstandings of that system. The report indicated that the reasons for the leasehold system are that it ensures orderly development, provides a means of planning the city to be developed in a predictable fashion, and it prevents speculation.

The report also identifies the fact that the concept of leasehold, although accepted widely, is rarely understood. Some developers and other purchasers in this town have been complaining about the fact that there is a leasehold system. But I would suggest that, with the prices that they have been paying, they either do not understand the difference or they are happy to pay those prices because they believe that the leasehold system that operates in Canberra is just as good as the freehold system elsewhere. Otherwise, Mr Speaker, why would they be prepared to pay those prices? Quite frankly, I suggest that they do not have a complaint.

There is a difference between leasehold and freehold, which is outlined in the committee's report. Freehold empowers the land owners to control the use and development of the land, its sale, transfer and subdivision. Under a leasehold system this empowers the landlord - that is us, the people of the ACT; we are the owners of the land - to control the use, development and subdivision of that land. The lessee has the right and entitlement to its use and enjoyment under the terms and conditions.

Therefore, the leasehold system serves two interests: from a local point of view it provides for orderly development in a predictable fashion and prevents speculation; and from a national point of view it identifies the fact that land in Canberra is a national asset to be safeguarded and used for the benefit of the nation and the capital.

Land use planning is assisted by the leasehold system, as is estate management. We as a community are able to maximise the wealth deriving from that estate. However, the key to management of the leasehold system is the coordination between land planning and lease administration. Lease purpose clauses are a very important instrument in controlling land development.

After a relatively short period in office, the Alliance Government has commenced the process of implementing measures to meet the concerns that have been expressed by the community about the operation of the leasehold system. They are concerns that go back to an article in the Canberra Times by a respected writer on this subject, Mr Jack Waterford, who refers to this. It is dated 5 December 1988, and he refers to the problems associated with the leasehold system and its management and administration. At the time Mr Waterford suggested that perhaps we should have an inquiry as part of an investigation into local revenue raising possibilities and leasehold maladministration up to the point of self-government. I am referring, Mr Speaker, to the second of two articles by Mr Waterford in the Canberra Times. I suggest that all of us in the Assembly and those who administer it agree that changes are required.

One of the conclusions in the submission of the ACT Administration's Office of Industry and Development, of June 1988, to the Langmore inquiry, at page 25, paragraph 8.1, stated:

> The Administration considers that review of the ACT leasing system is an important step in considering whether the ACT community is being as well served as it might by the system.

At paragraph 8.2 it states:

> A number of developments are in train that have the potential to significantly upgrade the system; these include:
> - review of the public consultation process,
> - review of the planning appeals process,
- review of the mechanism for changing lease purpose clauses, and
- review of the appropriate level of betterment charges.

All these matters will be taken up in the Government's legislation that will be brought down soon.

Specific criticisms of a leasehold system that we inherited from the Commonwealth Government include: the need to ensure that developers pay a realistic price for the grant of additional development rights, that the new betterment proposals address that need in a fair and equitable manner; the need for public consultation at both the planning and leasing stages; and the need for a fair opportunity for members of the public to be informed in an open system and given an opportunity to appeal against matters which adversely affect them.

The best answer to such criticisms is to make the leasing system open and accountable. The lack of openness in the management of the existing system will be addressed under the new system, as I am sure the Leader of the Opposition would have found out had she read the documents that were handed out this morning. Also, contributing to making the process more accountable is the point that all land disposals and all grants of additional development rights will have to be done in accordance with policies published pursuant to the ACT (Planning and Land Management) Act and set out in the regulations to be made under Territory laws.

Let me turn now to allegations of weakness in lease administration in the ACT. Most errors and problems that have occurred can be attributed to the complexity of the existing law and the large number of Acts and ordinances. I quote once again from the ACT Administration's submission to the inquiry. At page 13, paragraph 6.9, it refers to a large number of ordinances, such as the Leases Ordinance 1918, Church Lands Leases Ordinance 1924, Leases (Special Purpose) Ordinance 1925, Mining Ordinance 1970, and the list goes on. It also mentions other statutes that have a bearing on how the leasing system operates; there are five of them. One of the problems that has developed over a period of Commonwealth control of the ACT is that a number of leasing administrations, Acts and ordinances have built up, and various governments of the day have not been prepared to bring them under some sort of control. The Alliance Government, as I know the previous Government was proposing to do, is going to do that.

Self-government has provided an opportunity for lease administrators to have much freer access to the responsible Minister than was previously the case. Since the Alliance Government came into office both the Chief Minister and I are able to provide guidance on Alliance policy to assist in resolving what are often complex decision making processes. Often the problem was that no-one was there to give the advice or the direction needed. That involvement by elected and accountable officials is yet another step in making the lease administration process accountable.

Under Alliance policy we are seeking to introduce new and accountable government. This is particularly necessary for lease administration if we are to avoid the repetitious allegations that are regularly aired by those wishing to express dissatisfaction with the leasehold system. I

suggest that such allegations must be investigated. Often where there is smoke there is fire. It is appropriate that they be investigated.

**MR SPEAKER**: Order! Mr Jensen, your time has expired.

**MS FOLLETT** (Leader of the Opposition) (4.04): I am very pleased indeed that Mr Moore has raised this matter of public importance today. It deserves very close scrutiny by this Assembly. I am very pleased to hear the support throughout the Assembly for the ACT leasehold system. I am aware that prior to forming the Alliance Government the Liberal Party had a policy of perpetual leasehold. I am very pleased that it has backed away from that very silly proposition.

The reasons that the ACT's leasehold system is such an asset to our community and is so deserving of our support have often been stated. Briefly put, they include the orderly development of the ACT and place conditions on the granting of leases, thus ensuring that development of the ACT is conducted in an orderly way. They also ensure that the city and the Territory can develop in a predictable fashion. I think it is very important that in a planned city we are able to predict the method of development and what form that development might take. This is important in order to prevent speculation. I believe that the main reason why we have the legacy of the leasehold system in the ACT was that at the time the ACT was formed there had been prodigious and scandalous speculation in land in both Sydney and Melbourne. The founding people in the ACT wanted to avoid undue speculation in land, and the leasehold system was seen as an effective method of doing that. I am very pleased indeed that everybody still upholds that system.

Nevertheless, there have been difficulties, as Mr Moore has pointed out, in the administration of the system. I do not think we need to go back over the kinds of examples that have been public for many years now, but I would like to quote a comment made by the Chamber of Commerce as long ago as 1966 which sums up the difficulty that has been faced all along. It said:

> We again sound a warning that the advantages of a planned city, and incidentally the cost of a planned city, will be dissipated and wasted if policies for development and conduct of business are not clearly established and clearly defined and unequivocally supported by effective enforceable legislation.

That is a problem that we still face. I know that Mr Moore and Mr Whalan have pointed to the tedious and repetitious allegations of corruption, fraud, some kind of criminality in the administration of the leasehold system in the ACT. Mr Collaery based his career upon it.

I believe that at the heart of these allegations lies the fact that, as the Chamber of Commerce pointed to in 1966, we still do not have a clearly defined and unequivocally supported set of legislation. What we have is not really enforceable, not readily understood, and has been applied in a fairly hotchpotch fashion over the years.

One of the difficulties that I faced as Minister for planning was coming to terms with the administration of the lease system and the constant allegations of corruption which had been made, not least by Mr Collaery. It is very regrettable that there is no clear system for dealing with such allegations. In relation to one anonymous allegation of criminality that I received, I was obliged to call in the Australian Federal Police whose subsequent inquiry took over four months. This had occurred before self-government, but it was ongoing during my term of office, as it is during Mr Kaine's term of office. I do not believe it was an appropriate way of dealing with that question, to have to ask the Federal Police to investigate.

The difficulty that I believe existed in that case, and in many other cases, was administrative. Poor decisions may have been made; there may have been poor communication between various officers, and between various officers and their Minister, but I think it was very sad that it had to be dealt with as a criminal matter and by the Federal Police who, with all due respect to them, are not administrative specialists. Despite the patting on the back and the self-congratulations over the way, that is still the situation.

Mr Kaine and Mr Jensen have made much today of having produced comprehensive planning and associated legislation. They have done no such thing. I would like it placed on the record that we have an incomplete set of draft legislation; there is no escaping that fact. I sympathise with them. I understand the difficulty. It is an extremely complex matter, and it will not be dealt with rapidly. I think your rather ill-advised promise to this Assembly to bring forward the legislation by the end of February has unfortunately brought you to this pass.

We still do not have, for instance, the kind of land and leasing legislation that could clear up the difficulties to which other speakers have alluded. We still do not have the approvals and orders legislation that could resolve many of the ambiguities, many of the management and administrative problems, that have arisen in the administration of leases over the years. As Mr Jensen at least acknowledged in his remarks, that legislation is still to come. In the two-and-a-half months that the Kaine Government has been in office, and in the seven months preceding that when it was plotting and planning to be in office, it was not possible for it to develop draft legislation to the point at which it could put it before the Assembly today, and it has not done so. I think the Assembly should acknowledge that fact.

I congratulate Mr Kaine on the drafts that he has put on the table, but he has produced two draft Bills of a package of six pieces of legislation that is required. I believe that only when the full package of legislation is in place and its operation is well understood, not only by this Assembly but also by the community, including developers, community groups, and people in the street who do not have a particular interest in land use, will we clear up the constant problems that have arisen over the many years, to which both Mr Moore and Mr Whalan have spoken so eloquently.

Like anybody in this Assembly and the community who cares about the planned nature of Canberra, I look forward to that legislation. I think it will resolve many of the difficulties that have plagued us. It will enable us to keep Canberra the planned and beautiful city that it is. It will not be threatened by ill-advised development or uncontrolled speculation. It will not be bedevilled by the spectre of corruption and criminality that has been the case in all matters to do with development for so many years.

I look forward to that legislation. I would have been very pleased to bring it to this Assembly. From the document that Mr Kaine has put out this morning, I am aware that what he will bring to this Assembly in time will probably be very closely related to the kind of legislation that I would have brought to this Assembly.

**Mr Moore:** And that Mr Mant would have brought to this Assembly.

**MS FOLLETT**: Exactly so. We have all been advised by the same people; we are all using the same draftspersons, and I expect that the legislation that comes forward will be largely uncontroversial. But let us not be under the misapprehension that the drafts that Mr Kaine has brought forward today solve the planning problems in the ACT; they do not. A comprehensive package of legislation, including in particular the approvals and orders legislation, and the land and leasing legislation, must solve those problems. I look forward to seeing that legislation, not by the end of February, as promised by the Alliance Government, unfortunately, but in due course.

**MR COLLAERY** (Attorney-General) (4.14): The basis of our leasehold system is the Seat of Government Act 1910. The debates on that Act, which I looked at once, make interesting reading. The basis was that lands would be given by the State of New South Wales to us, as the Commonwealth, in custodianship, to be dealt with wisely and properly for a seat of government that would meet all the aspirations that some of our members here today have mentioned. Those aspirations included clearly a number of important aspects of creating a system of non-freehold tenure, a leasehold system, so that there would not be land

speculation. If you look at the original debates, in that short period of nine years after Federation, you will see that those framers of the basis for the acquisition of land to form this Territory had very much in mind a leasehold system whereby the national community had custodianship of the land.

So we now have the National Capital Planning Authority that comes from a planning Act, and that acknowledges the fact that all land in this Territory still belongs to the Commonwealth in its right, in the realm, in the Crown and that we in this Territory have custodianship of it. It would be extremely difficult to do away with the leasehold system and create freehold, and I do not believe anyone on this side of the house has ever suggested that by any policy.

I agree with our colleague Mr Moore that the leasehold system brings with it those aspirations. I note with interest that our early federation fathers - it was a very misogynous assembly in those days - saw fit to include the fact that the Secret Commissions Act 1905 would apply in the Territory. That was a specific inclusion in the legislation. Clearly, they wanted to make sure that there would not be speculative land dealings which were a feature of our colonial past and which remain, as we know, a feature of Australian life. That is probably a sad reality of advancement and development.

**MR SPEAKER**: Order, Mr Collaery! I draw your attention to the time remaining for this debate. Please proceed.

**MR COLLAERY**: Thank you, Mr Speaker. I was pleased to note that corruption and criminality in all matters to do with development was recognised by the Leader of the Opposition in her speech. Certainly in nearly eight years of Labor rule in this Territory we did not see a general advancement of the leasehold system despite many pleas by John Langmore, one of the Labor fraternity. There have been constant editorials in the Canberra Times calling for protection of the integrity of the leasehold system and, in response to Mr Whalan, those editorials on several occasions have mentioned the corruption of the leasehold system.

To do justice to Mr Hedley, I simply draw attention to the fact that Mr Whalan read selectively from the record. I am clearly on record, at page 332 of last year's Hansard as saying:

> These matters may not be criminal; they probably are not, so my friend across the floor can get up and vouch for this official's honesty. I am not here to attack that official.

The fact is that these dealings raise serious questions about conflict of interest, et cetera. They are legitimate comments. They are supported generally in the community,

and they were supported such that the matters were looked at on my advice, quite properly, by the Director of Public Prosecutions. An opinion was issued, but it is not proper for me to mention that opinion. I assure members of the house that the concerns that I raised in relation to those matters were sufficient to cause proper and prudent examination of those issues, particularly those administrative ones that gave rise to the suggestion and perception of partiality.

I believe it was quite proper. A subsequent poll in the Canberra Times showed that there was strong support for some recognition of our vulnerability in society in terms of the need for the Administration to be under strict purview in its dealings with matters of high fiscal impact.

Mr Whalan imputed to me a suggestion that Mr Hedley charged outrageous rents. "Outrageous" was Mr Whalan's word. I have never used it; it is not in the Hansard, and I refute that.

In summary, the leasehold system is complex. It is a great challenge to this Government, and we are not afraid to tackle those issues. We will tackle them. Certainly in terms of the administration of the public service we look to evolving a sense of joint endeavour with the public service, which I am afraid the Australian Labor Party was unable to get out of the service in its time in office. It did not enjoy, as it thinks, the complete and absolute confidence of all the people of the Territory. I think the vote that went to the Residents Rally in the election pointed that up quite clearly.

Questions of the leasehold system being preserved and of what the Rally perceived as too close dealings at times secured support at the poll. I think it is the people who count in these debates, not the rhetoric that Mr Whalan used. It is regrettable that he chose to dredge up that issue which I had put aside. I believe my appointment of Mr Hedley to the Gaming and Liquor Authority is clear evidence of the fact that that issue has been put aside.

**MR SPEAKER**: Order! The time for this debate has now expired. I draw members' attention to the fact that from now on, with the approval of the Assembly, in any timed debate the time remaining for that debate will be shown on the clock during the last speech, so that the speaker can regulate the speech according to the time remaining.

## MOTOR TRAFFIC (AMENDMENT) BILL (NO. 2) 1990

Debate resumed from 13 February 1990, on motion by **Mr Duby**:

> That this Bill be agreed to in principle.

**MRS GRASSBY** (4.22): It is good to see the Liberal Alliance Government implementing Labor Party policies. There is no use in Mr Duby pretending, as he did in his speech on this Bill last week, that the Motor Traffic (Amendment) Bill (No. 2) was merely the result of bureaucratic work prior to self-government. The record is clear. At the 1989 election our policy document stated:

> Labor will investigate compulsory training for motorcyclists along the lines of the successful scheme operated in Tasmania ...

Nobody else made that promise. Following the election of the Labor Party, work proceeded on developing the idea. I pursued the funding for this proposal and had it included in the first ACT budget which funded most of the initiatives which we promised at the election. Work on this Bill was well advanced when the Follett Government was removed from office. As was said earlier, "thrown out" was a little hard.

So it is quite clear why this Bill is here today. It is here because it was a Labor policy. It is here because Labor cares for our community. It is here because we, alone, had a detailed and practical set of promises to implement in government. We will watch in the months ahead to see whether Mr Duby can dream up any policies of his own; I suspect he will not. I think we will see Mr Duby and the other Ministers continue to implement Labor policies or simply let the bureaucracy run things on autopilot.

Training for motorcyclists is very important for new riders, with the road toll as high as it is today and with more and more traffic on our roads. It is important that before persons are able to get a licence to ride a motorcycle they should have training on the way to ride it safely and to know the rules of the road. We have seen enough deaths involving motorcyclists in the past few years, and, as the Minister said, if it saves only one life it is worth this Bill being passed in the house today.

However, this was only the first part of our training for young persons who are about to drive a motor vehicle. Our Labor Government was looking at introducing training in year 10 for students wishing to get a permit to drive as soon as the legal age was reached. We were to put driver training into all secondary schools, with lectures to explain the dangers of speed, drinking and taking drugs while driving. Motor vehicles of any kind are lethal weapons in the hands of our young people and they should be taught the value of their own and other people's lives.

We were negotiating with the police to take possession of the police driving range where people could be taught to drive cars safely. Year 10 students and anybody else could learn the proper way to drive a car and the rules of the road while at the same time being taught the dangers of

drinking, taking drugs and speed that could have caused some of the most traumatic accidents we have seen. We did not get the chance to put this into practice, but I am quite sure the Liberal Alliance will take up another one of our policies and implement it, as it does not seem to have very many of its own.

I commend this Bill to the house, as it is one of the Labor Party policies, and I hope that it will go through without any trouble. As I read the Bill, it is no different from that which we had drawn up when we were in government.

**MRS NOLAN** (4.27): At the outset I would like to advise Mrs Grassby that this matter was first on the ATAC agenda back in 1984. So it has been around for some time, and I am sure has been discussed by many people. In fact, I believe that the only State that does not have this piece of legislation is Western Australia.

Very briefly, Mr Speaker, I am pleased to support this Bill to amend the Motor Traffic Act 1936 so that motorcycle permit licence applicants will be required to successfully complete a rider training course. I consider road safety to be a very important issue and anything that can be done to lessen road accidents is, I believe, a worthy initiative. I would like to provide some statistics that reflect the importance of this amendment Bill. The annual carnage on Australian roads involves more than 3,000 fatalities and 80,000 injured. A disproportionate number of these accident victims are motorcyclists and since 1985 we, in the ACT, have seen some 36 riders and pillion passengers die on our roads.

Researchers at the Bureau of Transport Economics in 1989 qualified the average cost to the community of a road fatality to be $560,000. Based on this very conservative financial and emotional cost estimate, the cost of motorcycle fatalities to the ACT community since 1985 has been in excess of $20m. These few statistics that I have provided give some indication of the potential for community gain through the implementation of road safety initiatives that can effectively reduce the road toll.

Compulsory pre-licence rider training is one of such road safety initiatives that can reduce the disproportionate number of ACT motorcycle fatalities and injuries and the consequent community cost. Young or inexperienced motorcyclists, as has already been stated by Mr Duby, are many times more likely to have an accident than a motor car driver or to be killed in a crash.

Debate interrupted.

## ADJOURNMENT

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

That the Assembly do now adjourn.

**Mr Collaery**: I require the question be put forthwith without debate.

Question resolved in the negative.

## MOTOR TRAFFIC (AMENDMENT) BILL (NO. 2) BILL

Debate resumed.

**MRS NOLAN**: This amendment Bill aims to minimise risks which result from inexperience or lack of basic knowledge. As it was first endorsed, as I said before, by ATAC in 1984, it is in fact a pity that it has taken as long as it has to come to fruition. As I also stated earlier, it is consistent with all States except Western Australia. I commend the previous Government for introducing the amendment Bill on an administrative basis late last year. I commend the amendment Bill to the Assembly.

**MR MOORE** (4.31): Mr Speaker, having been directly involved in this matter as the coordinator of driver training at the last driver training course in an ACT college, I would like to speak very positively on the Bill and reiterate some of the comments that people have made. It is an absolutely critical part of driver training that the attitudes of the young are developed and very carefully monitored. The attitudinal aspect is far, far more important than skills. It is the combination of those skills and those attitudes that produce a good driver.

I have taught many very skilful drivers who are very bad drivers, and I think that it is most important that this sort of training be taken very seriously. This applies far more to motorcyclists rather than to other vehicle drivers because it would appear that often it is the motorcyclists who seem to have an attitude that their bikes are, in some way, an extension of their ego, rather than a method of transport. Therefore, this is an ideal opportunity to provide a change of attitude and a realisation of the sorts of methods that can be used to modify behaviour.

Let me draw the Government's attention to the fact that whilst it is arguing about the importance of such matters, that last driver education course in a college thanks to budget cuts in education, has closed down. The vehicle that had been donated by Commonwealth Motors Pty Limited for some 10 years has now been returned to Commonwealth Motors. That vehicle, which was valued at $13,000, represented a major contribution to the safety and attitude

of students. Very serious consideration should be given to the action that needs to be taken in order to give young people the same sorts of opportunities with motor bikes. With that small comment, I should like to add my support to this Bill.

**MR STEFANIAK** (4.33): I would like to add my support to this Bill to amend the Motor Traffic Act 1936 to require compulsory pre-licence rider training for novice motorcycle riders. As Mrs Nolan indicated, this idea has been on the table since 1984. There have been some schemes in the past. I recall participating in one in 1971 which was run by the then ACT Police as a community service and I found that particularly useful and helpful.

**Mr Collaery**: What, when you were 11?

**MR STEFANIAK**: Oh, no! I was considerably older than that. There are four approaches that are available to governments to reduce the numbers of road accidents - improved roads, appropriate laws, effective enforcement and finally, education and training of road users. It is my belief that insufficient attention has previously been given to providing adequate driver and rider training to learners, prior to their being given the considerable responsibility and right to operate a vehicle on the road.

Others are aware of this problem as well. Newspaper article writers and letters to the editor correspondence continually refer to the inadequacy of current driver and rider training programs available for motorcycle learners. This Government recognises the importance of providing effective road safety education programs for our youth and the need to target special road safety programs towards high risk groups such as motorcycle riders. Having been a motorcycle rider since I got a licence, I know from personal experience that one is very vulnerable out there. The compulsory rider training course will ensure that young riders will have the fundamental understanding of the knowledge, skills and defensive rider attitudes that will improve their life chances. For this reason I commend the Bill.

**MR COLLAERY** (Attorney-General) (4.35): I rise to make a few comments and certainly I think Mrs Grassby will appreciate them. Firstly, Mrs Grassby said that her party was the only party with a policy on this matter. I read into the record the policy of the Residents Rally in this regard:

> In recognition of the importance of improving safety on roads, all learner drivers will be required to undertake a recognised driver training course which includes audio visual lectures and tests ...

It is there, Mrs Grassby, and you have to acknowledge it. As Mrs Grassby spoke, I thought of some of the causes of

accidents on bicycles. Some of them are - and the Australian Labor Party here should take these to heart - the incorrect position, facing in the wrong direction, lack of steering control and a zig-zag approach. Those are all problems that I believe are pertinent to this debate.

**Mrs Grassby**: Is that how you drive, Mr Collaery?

**MR COLLAERY**: And as well, Mrs Grassby, there is only one form of motorcycle riding where the rider's head is not the highest point in the progress forward and that, of course, refers to the rump of the Labor Party. Mr Speaker, the Bill is well conceived: it recognises the joint aspirations of the community. Certainly it has to be matched with proper and efficient road engineering delivered in great style by my colleague, Mr Duby, and his department. For those of us who have ridden bikes, road engineering is very important. When I ride a bike, Mrs Grassby, my head is at the highest point.

**MR DUBY** (Minister for Finance and Urban Services) (4.37): Mr Speaker, it gives me great pleasure to realise that this piece of legislation has the support of every member in this Assembly. Whilst we have had a bit of banter amongst ourselves, the fact is we all recognise the very serious nature of motorcycle training and the horrific costs that it imposes upon the community, not only in monetary but also in social terms. As I said earlier when I introduced this Bill, and as Mrs Grassby has reiterated, even if one life is saved it has been of great benefit to the ACT community. I welcome the support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## SUSPENSION OF STANDING AND TEMPORARY ORDERS

**MR STEVENSON** (4.38): Mr Speaker, I seek leave to make a statement for 10 minutes.

Leave not granted.

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

> That so much of the standing and temporary orders be suspended as would prevent Mr Stevenson making a statement to the Assembly for a maximum duration of 10 minutes.

**MR BERRY** (4.39): I assume that Mr Collaery is not going to speak to the motion, so I intend to speak in opposition to

it. The reason for that is not, of course, mischievous, as would never be the case with the Opposition. It is a matter of fact that this issue was placed in the lottery for matters of public importance and was not selected. I think it sets a fairly dangerous precedent that where matters of public importance - - -

**Mr Kaine**: A democratic Assembly.

**MR BERRY**: Well, it is not that if you can be interrupted by some loon across the chamber all the time. Essentially, what it boils down to is that matters of public importance are raised in the Assembly without the right of reply from other members.

**MR STEVENSON** (4.40): I wish to speak to the motion, Mr Speaker. There is a matter of grave public importance concerning the eligibility of members of the Federal Parliament, in the coming Federal elections. The reason I wish to make the statement today in this house is that this is a matter that should be cleared up prior to final nominations on March 2 for the Federal Houses in the coming election.

**MS FOLLETT** (Leader of the Opposition) (4.41): Mr Speaker, I merely wish to speak very briefly against the suspension of standing orders for this purpose. In the first place, Mr Stevenson has taken his chances in the ballot for a matter of public importance, and that is a democratic process. It is still available to Mr Stevenson to put his matter back in as a matter of public importance, so he has not lost that opportunity irretrievably.

The second point that I would wish to raise is that now I have some inkling of the matter which Mr Stevenson wishes to raise, it is quite clearly not relevant to this Assembly, and the appropriate place to raise matters that are not relevant to this Assembly is in the adjournment debate. So he has that opportunity available as well. He can make a statement on any matter that he wishes in the adjournment debate, and I would urge all members of the Assembly to stick with the program that we have before us and let Mr Stevenson take advantage, as all of us must do, of the procedures that are available to us.

**MR MOORE** (4.42): I also oppose the motion, Mr Speaker, and I would like to add to what Ms Follett has said. In fact, Mr Stevenson has had the opportunity over the last six sitting days to put this matter of public importance which he says is so important, and yet he seems only to have worried about it today. If it were really a matter of such gross importance he would have raised it sooner. Since the Federal election has been called, he has had the opportunity to put the matter up and have it balloted, then put it up again and have it balloted again. Had it been put up three or four times and missed out each time, I think we probably would have considered that there might be some particular reason to allow his statement. This is

just a case of the ballot being lost. Mr Stevenson has the opportunity in the adjournment debate to present his opinion and, if he wishes, to seek leave for an extension of time at that point.

**MR SPEAKER**: Order! I will just draw members' attention to the fact that there seems to be an error creeping into the debate. Mr Stevenson's MPI was not balloted out. I ruled that it was out of order and not something that could be debated within this house within the timeframe of an MPI. However, I believe that it could be raised as a matter, as it has been raised, or addressed during the adjournment debate.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (4.43): Mr Speaker, I am a little bit confused. I know that members of the ALP on previous occasions in this house have screamed in horror when people have spoken about applying the gag. I am not sure whether they, in their own particular and strange lexicon, would describe this as a gag, but I certainly think it is a gag. Members of the ALP in this house frequently seek the right to make statements - some of them quite frivolous, by the way. That right is rarely, if ever, rejected. Yet now they say that they do not believe that Mr Stevenson should have the right to make a statement of 10 minutes duration - certainly shorter than some of the statements Mr Whalan has been known to make. I find that attitude hard to accept and reconcile with their previous horror at the prospect of gagging members of the Assembly.

I assume from their reaction that Mr Stevenson has something to say which may affect the ALP's election campaign. We have had several attempts previously in this chamber, particularly from Opposition benches, to raise issues in relation to the Federal campaign, and I think that if they have opened a particular Pandora's box they are going to have to accept whatever might come out of it.

**MR COLLAERY** (Attorney-General) (4.45): I rise to close this part of the debate. Briefly, Mr Speaker, I think it is clearly correct for us to allow this member to speak to something that he believes is important and should come on in this order. If we err, we err on the side of free speech and democracy. He has asked for 10 minutes. That is all he is getting, on your ruling, Mr Speaker, and on the motion. I commend the house to allow him the right to speak here on this issue.

**Mrs Grassby**: It is not on the business paper.

**MR COLLAERY**: You were informed earlier about it - you have not been taken by surprise.

Question put:

> That so much of the standing and temporary orders be suspended as would prevent Mr Stevenson making a statement to the Assembly for a maximum duration of 10 minutes.

The Assembly voted -

| AYES, 11 | NOES, 6 |
|---|---|
| Mr Collaery | Mr Berry |
| Mr Duby | Ms Follett |
| Mr Humphries | Mrs Grassby |
| Mr Jensen | Mr Moore |
| Mr Kaine | Mr Whalan |
| Dr Kinloch | Mr Wood |
| Ms Maher | |
| Mrs Nolan | |
| Mr Prowse | |
| Mr Stefaniak | |
| Mr Stevenson | |

Question so resolved in the affirmative.

## QUALIFICATIONS OF CANDIDATES - FEDERAL ELECTION

**MR STEVENSON** (4.50): Mr Speaker, it is my belief that if action is not taken very quickly, there will be a number of candidates elected to the Senate and the House of Representatives at the coming election who are disqualified from taking up or holding their seat under section 44(i) of the Australian Constitution, which states:

> Any person who is under any acknowledgment of allegiance, obedience or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power ... shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

On 16 February 1988, Senator Ray, the Minister for Immigration, is recorded in Hansard on page 48, as saying:

> I ask honourable senators not to hold me to these figures but there are approximately 10 members of the Australian Labor Party who would come into that category of British subject and I believe there are three members on the Liberal side.

Mr Graeme Campbell, MP, Member for Kalgoorlie, stated in a letter to barrister, George Turner, on 30 November 1988:

> In the final analysis this matter will be determined politically and not legally.

I certainly find that a surprising statement. One would think that matters of constitutional law would be determined legally, rather than politically. Senator Puplick stated on page 12 of Hansard, on 16 February 1988:

> ... there are as many senators sitting on this side of the chamber who potentially are at risk from what the High Court could decide in this matter as there are on the Government side of the chamber. You, Mr President, would be as acutely aware of this problem as I am.

Also on 16 February 1988, on page 14 of Hansard, Senator Stone spoke of the circumstances of a person who finds that inadvertently and unknowingly he or she has been in breach of law. In relation to the proper course of action to take, he stated:

> The proper course is, first, to make a clean breast of it; to go to you, Mr President, or perhaps to the Minister, or both, and to point out as soon as he became aware of this deficiency in his election ... Secondly, I think the honourable course for a person in such circumstances is to ask himself - not to wait for the Government - whether the matter should be considered by the Court of Disputed Returns so that the matter can be adjudicated upon and decided. Thirdly, he should offer to stand aside while that process proceeds and is concluded.

I think we all recall the case of Mr Robert Wood, and the High Court of Australia which, in that case, said that the interpretation of section 44(i) and its applicability to an Australian citizen, who was also a citizen - or who may conceivably against his own wishes, be entitled to the rights or privileges of a citizen - of the United Kingdom, or of countries other than Australia, are questions of great contemporary importance.

As those questions were not fully argued, their resolution must be left for another day. I quote a statement - given to, I believe, all members of this Assembly some while ago - made by the barrister, George Turner, who has done much to try to have this matter attended to by the people who should attend to it - the Federal Parliament. He stated:

> The detailed knowledge therefore which existed in all parliamentary parties of this issue and its prima facie consequences for many in parliament cannot be ignored by the Australian people. That the matter should have been raised in parliament immediately after the High Court decision was handed down, and those cases of known prima facie breaches referred to the High Court is beyond doubt.

> The fact that no such action took place can never be justified to the Australian people. The seriousness of this matter is such that Watergate in comparison appears as a nursery story. The position can be summarised thus: if the Government and Opposition can succeed in ignoring or suppressing the application of a section of the Australian Constitution then upon that precedent the Constitution becomes the instrument of the Government to use how it likes. From such a result develops a dictatorship.

On 16 April, 1975 in the House of Representatives, Prime Minister Whitlam mentioned these matters in Hansard, pages 1661 to 1662. This just shows that the matter goes back 15 years and still nothing has been done. Gough Whitlam stated:

> I do not think it is very seemly or effective for members of either House to determine whether they have transgressed the Constitution. Parliament has made provision for these matters to be determined by the High Court. It would seem to be a seemly way to have the High Court determine it. If we find that many of us have transgressed the Constitution and have placed our seats in jeopardy, then the cure is not to ignore the Constitution but to ask the people to amend the Constitution.

It was Senator Withers who stated, in Hansard on 21 April, 1975:

> It is essential that members of this Parliament have the respect of the people ... If someone is accused of breaking the Constitution - the most important law in the land - that should be clarified. If it is not clarified, the whole Parliament will be demeaned ... It is not good enough to say that such a thing would only be a technical breach and should not be enforced. In the laws that govern this Parliament there can be no such thing as a technical breach. The law is the law. To breach it is to break it. We could not expect the people to obey the laws we pass to control their conduct, if the laws governing the conduct of Parliament were also not observed ... To do so would be dishonourable ... We have a duty to ourselves, to our successors and to the public, to immediately examine the meaning and application not only of section 44 but also of section 45 of the Constitution.

So we have a situation that has existed for 15 years where statements have been made in various Constitutional Commissions that the Constitution certainly appear to disqualify automatically any member from taking up a seat

in Federal Parliament if he or she has allegiance to a foreign power, dual citizenship or the rights of citizenship of a foreign power. Indeed, the final report of the 1988 Constitutional Commission said:

> We recommend that sections 44(1) and others be omitted and not replaced.

The Commission well understands the problem. In May last year I was on national television to answer the question of whether or not I was born in Rhodesia. At that time, on the Today program, with George Negus, I brought up the matter of dual citizenship. We spoke for some minutes on the matter and then I went across to the ABC, where I repeated my various accusations on the AM radio program. I said that this would make Watergate pale in comparison. There has been a senior level cover-up in all major areas in parliament in Australia, and so too has there been in the media.

As I have made that statement, members might wonder why I was on the media making my accusations. Well, the truth of the matter was that it was live Australia-wide television and radio. I personally have no doubt whatsoever that had it not been live my statements would never have gone across Australia. I think the proof of this is that immediately after I appeared on the radio and the television Australia-wide there was nothing of relevance printed in the media or issued on the electronic media as well. This is something that should be handled before 2 March and not later. We do not want a situation where there have to be by-elections all over the country.

Debate interrupted.

## ADJOURNMENT

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

That the Assembly do now adjourn.

### Executive Deputies

**MR WOOD** (5.00): Mr Speaker, before the Assembly resumes in two or three weeks' time, I think an unhappy event will have occurred - that is, that my friends and colleagues who are grassroots members of this Assembly will move from where we have been able to communicate on the first floor up to the fifth floor. I say this sadly because we have had a pleasant relationship over the past year. I do not wish to indulge in political point scoring, but I think that it will be an unhappy occurrence because it will be a measure that will further divide the groups in this Assembly. I do not look forward to that. It is not quite

as easy to walk on to the fifth floor as it is to walk on to the first floor. I think relationships have developed over the year - or almost the year - that we have been here, and they will inevitably change when people are rather more isolated on the fifth floor.

I suspect this was a move that was proposed - and shortly to be made - without any real consideration. I do not think people sat down and thought through all the ramifications. I suspect it was thought convenient to have people in the Alliance group together in one place, and I do not think any other consideration was given to it. It is probably too late now to reverse the procedure. I did think of talking to people and griping about it earlier, but I did not, because I considered that it was inevitable, even at that earlier stage. I think the Government ought to give some thought to it. I do not believe it is a desirable way to go, and perhaps in future debates I will talk about what I see as the parliamentary aspects of it. At the personal level I am sorry it is happening.

**MR KAINE** (Chief Minister) (5.03): Much has been made by the Opposition on this question of the move of the non-Executive members of the Alliance Government to the fifth floor, and since Mr Wood has raised it again in the debate - and I accept his assurance that he is not being political - it seems to me that perhaps I should put the matter in some sort of perspective.

I should make the point quite strongly, Mr Speaker, that the move of the non-Executive members to the fifth floor is not by decision of the Executive. The move of the non-Executive members to the fifth floor is at the request of the non-Executive members. I did not issue an edict, nor did any other Minister, that these people were to move. But they themselves put an argument that in their view they would work better with the Executive members of the Government if they and their staff were located on the fifth floor. So there is no conspiracy, no directive, from the Government that this should occur. The people concerned put forward the proposition and argued the case that they felt they would do their jobs better.

I want to lay to rest for once and for all the apparent belief, on the part of some members in the Opposition, that this is by Government decree, or Executive decree. It simply is not. There is nothing sinister about it. It is not the wish of the Government, or the Executive, that we separate ourselves from the administration. It is not our wish that we separate ourselves from the members of the Opposition. We are after all, as I said earlier in the day, in the same building. There is a lift that runs between the floors. There is a stairwell that runs up from one floor to the other. There are telephones. This will in no way limit the communication between members of the Assembly.

I accept Mr Wood's good faith in his statement and his motives in making it, but I think there is an implication that somehow the Executive - or that I, in particular - have directed that this move should occur. It should be clearly on the record that that is simply untrue. But having accepted the submission from the non-Executive members of the Government, I believe that we will work better together by being on the one floor. But there is nothing sinister and there is no ulterior motive in bringing that about.

**MS FOLLETT** (Leader of the Opposition) (5.06): Mr Speaker, I would like to speak on the same topic that Mr Wood and Mr Kaine have just addressed and I really think that Mr Kaine has missed the point entirely on this matter.

**Mr Kaine**: I have not missed anything.

**MS FOLLETT**: I believe that he has missed the point entirely on this matter. I think that the question that Mr Wood has raised goes to the heart of the nature and the role of the Executive Deputies. It is a role on which I am still confused and I imagine the vast majority of the Canberra community is still confused.

We have seen in this Assembly an Executive Deputy whom Mr Kaine has told us is responsible for advising his Minister. We have seen that Executive Deputy asking a question of that self-same Minister in question time. I find that an extraordinary procedure and one that raises a doubt in my mind as to whether these Executive Deputies have any role at all, or are simply rejoicing in a fairly grand title that has no substance whatsoever. I suspect very much that that is the case.

The move of the Executive Deputies to the fifth floor confuses the issue even further. I think that this is the point Mr Wood, in particular, wishes to make - that it confuses the role of the Executive and of the Legislature. If the Executive Deputies are mere backbenchers, as Mr Kaine tells us, then they belong in the Assembly precincts. They do not belong in the Executive area. That is the difficulty that we are facing at the moment. If they are Assembly members and that is their only role, if they are allowed to ask questions of Ministers and take a full part on committees and so on, then their place is in the Assembly precinct.

On that topic as well, Mr Speaker, I am still waiting for some elucidation of the role of Executive Deputies on committees. As we know, Executive Deputies have been given the job of chairing committees which are directly related to the area of their executive deputyship. If they are to work with the Executive on the Executive floor and they chair Assembly committees, then I believe that is quite inappropriate. That blurs the role of Assembly committees and makes them, at least in my view, government committees. For instance, we have Mr Jensen chairing the Planning and

Infrastructure Committee when he is the Executive Deputy responsible for that matter and has made many statements in this house on matters to do with planning and infrastructure.

I think it is time that Mr Kaine tried to grasp the point that we are making with regard to the role of Executive Deputies, with regard to their location within the Assembly precincts and not within the Executive precincts and also with regard to their role on committees. That is a very important point, and I think that his constant dismissal of it really does not do credit to this Assembly. The role of Executive Deputies is one that he obviously places some store by; he has given that job to every member of his team, and it is a role that quite clearly has still not been thoroughly worked out.

There is still some confusion amongst members of the Government on the role of Executive Deputies, and there is clearly enormous confusion in how they are to operate in this Assembly. So I would ask him not to dismiss the matter, but to deal with it genuinely as Mr Wood has done, perhaps not in a way of scoring political points on it, but simply by acknowledging the importance of this Assembly, the importance of all members knowing their role, and knowing also the different roles of the Executive and of the Legislature.

**DR KINLOCH** (5.10): I speak, as always, for myself, but also on this occasion for my colleagues on this arc of the chamber. I endorse Mr Kaine's comments and would like to add to them, that there are some practicalities involved. In the case of two of us, for example, we are part of a party group which has some of its staff in one place and some of its staff in another. We are looking for some practical solutions for moving, and practical, pragmatic ways to do our business more effectively. That is part of it. I really see no great problem in being on the fifth floor.

I do, however, recognise the sense of Mr Wood's distress that some of us will not be meeting downstairs, and I want to assure him that especially in view of the fact that the Secretariat is on the first floor, that we will be up and down. We also have colleagues and friends on the first floor, and above all, the thing we are forgetting is that our wonderful Parliamentary library is on the first floor, with that delightful lady Anne Lange who is of such help to us at all times. On the matter of committee members, Executive Deputies, and indeed Ministers, I would ask those who are interested to refer to my comments this morning which will be in Hansard.

## National Exhibition Centre

**MR WHALAN** (5.12): I seek the leave of the Assembly to distribute two plans which relate to the National Exhibition Centre, and which help to explain to members the point I wish to raise.

Leave granted.

**MR WHALAN**: The matter relates to the future development of Natex, and I think that it is common ground with all members of the Assembly that the operation of Natex as a commercial venture applying commercial principles is generally acceptable. Until recent years the financing of Natex was the subject of a subvention from the Government, but in recent times that situation has changed and, increasingly, the operation of Natex is maintained within its own revenue. So the recurrent expenditure on redevelopment and capital development has been possible through the Exhibition Trust's own revenue efforts. It is possible that that might change slightly in the immediate future, but I think that in the long term the aim should be for Natex to become financially independent and operate as a commercial utility of the Government of the ACT.

As part of that basis, Natex has entered into a number of commercial activities, so that last year we saw the operation of a service station on the site. The result of that operation has been to provide rental revenue plus capital which has enabled capital development of further buildings in the exhibition centre. Also, there is a long term plan to continue that development on the showground as the need arises - and I am told that the need is continually arising - to achieve those objectives.

With that in mind, last year the Exhibition Trust was granted an additional area of land in the form of a 99-year lease. I would refer members to the diagram which has "Natex" up in the top right hand corner. That particular diagram has a shaded area and a heavy black line, drawn in a sort of circular manner around the arena. That heavy black line around the arena is the outer limit of the current development of the exhibition centre. Then there is a broken line which runs to the north across to the west, then down again. That is the area that I am referring to. That area was given to Natex on the basis of a 99-year lease and that is an area which will be available to it for future development. Indeed, much of it is used currently by Natex on various occasions for various functions and it will continue to be developed for many years into the future.

However, the problem that has emerged is that the National Capital Planning Authority, in redesigning the Federal Highway, has drawn a big line right through the middle of it. This has caused grave concern to both the Royal Agriculture Society and also the board of Natex. Therefore, Mr Speaker, I wish to place on record my

personal concern about this matter at this time. I know that negotiations are taking place between ITPA and the NCPA in the hope that it will be resolved amicably.

**MR JENSEN** (5.17): Mr Speaker, I would just like to comment briefly on the statement made by Mr Whalan in this area. Last night at the function that we both attended in relation to the opening of the Royal Canberra Show this year, I had discussions with the representatives of Natex and indicated that we would be happy to talk with them and arrange a meeting to discuss the issues and their concerns.

**MR DUBY** (Minister for Finance and Urban Services) (5.18): I would also like to comment on this matter, and to say how welcome it is to hear Mr Whalan's concerns about a matter which of course has been under consideration for quite some time by officers of my department. It is a matter of concern to a large number of members of this Government. The proposed link road to which Mr Whalan refers has been a matter of concern. It is not a new issue; it is something that we are completely in control of and are in the process of reviewing at this moment. I would just like to clarify that for the sake of the record.

## Mental Health Service

**MR BERRY** (5.18): I wish to speak about something that was discussed by Mr Humphries in the adjournment debate on Tuesday evening. And I must say that Mr Humphries has now got the belt because he told one of the biggest fibs that has been told in this place since the beginning of this session. I refer to the mental health issue in the ACT. Mr Humphries said at the outset that he very much shared the concern and the aspiration for a 24-hour mental health service, but then he went on for the remainder of his speech to point out how nothing would be done about it.

By way of an excuse, he did say that $150,000 was not enough to do anything about the mental health service. If one transposes $150,000 into budget terms, that means about $600,000 in a full year. To say that that is not much money in annual budgetary terms is a bit of a joke. Over a full year $150,000 is not a lot of money, but in terms of what the Alliance Government has left, it is heaps to get on with the job and start providing a 24-hour mental health service.

Mr Humphries then referred to a letter from Libby Steeper, who is convener of the Mental Health Task Force. He selectively quoted from that and talked about the $150,000 not being sufficient to provide a decent service. That is a quantitative statement if ever there was one, but what Mr Humphries very carefully avoided saying was some things that Ms Steeper raised in her letter. She said:

> Untreated, the sufferers' condition usually worsens. This causes enormous disruption to their lives. As they say, it is better to have a fence at the top of the cliff than an ambulance at the bottom.

These are the sorts of statements that Mr Humphries ignored and these are the sorts of things that he will not address because of his refusal to commit this Government to provision of services for people in real trouble. I think his statement in the adjournment debate last evening was an absolute disgrace and something that the people of the ACT will be concerned about for many years to come. I know that Mr Collaery will be a bit twitchy about that, because he has expressed concerns about the mentally ill in the past. The Government needs to sit down and come to its senses on this issue. It is well known that the ACT is underfunded in the provision of mental health services.

It might be an embarrassment to the Alliance Government that the Labor Government committed some money to kick off the program, but the fact of the matter is that we got it going and now you have stopped it in its tracks. Nothing will now be done until who knows when. We need something like Ms Steeper suggested - if the money is not enough to fund a whole year, then it would certainly be adequate to plan the extended hours service and train workers in the skills they will need. Then ongoing funding could be given in the next financial year and the service could be up and running with the least possible delay.

That seems a simple solution and whoever starts the service off has to go through that process. Workers will need to be trained in whatever service is provided for the mentally ill. For the Minister to say that in some way he supports the provision of mental health services and then to add that there is no way that he will commit himself to that provision would have to be the biggest fib that has been told in this place in this sitting period.

**MR COLLAERY** (Attorney-General) (5.23): Mr Speaker, I feel honour-bound to respond to the claimed fib on behalf of my colleague, Mr Humphries who, as the record shows, is not in the chamber. He is at an official function that is about to take place outside the precincts of this Assembly. Mr Berry has happily reminded members of the express concern for mental health facilities in the ACT. That they are not adequate is, I think, a concession in his statement and has been a concession on this side of the house as well. I would like to remind Mr Berry of the Labor Party's electoral commitment to, among other things, carry out an urgent review of the ACT Mental Health Ordinance.

**Mr Berry**: And we did it - we started it off.

**MR COLLAERY**: You had seven months to initiate that, and additionally to provide facilities for a full range of care to give people with disabilities, or their guardians, an

appropriate choice of full time or respite care. This would reduce full time institutionalisation where this is inappropriate and so on, and ensure the accommodation needs of people. So the Labor Party was fully committed to this before it got into office. It did not seem to deliver the goods in office.

Under Mr Berry's ministership - and one should not be churlish - Labor did allocate $150,000, but as Mr Humphries aptly said, and to paraphrase his words, this was "a bit of a tease". It was not enough to get an institutionalised care system going and it was not enough to fund a 24-hour crisis service. But I am happy to inform the house that in recent days Mr Humphries and I have discussed - and we have exchanged formal correspondence - the pressing need for psychiatric day care for young adolescents and young persons in the Territory, and the pressing needs of institutionalised care in the mental health area.

I assure the house that Mr Humphries has discussed it and he and I are dealing with the issue as quickly as we can, embracing, if possible, the meagre funds that were allocated to it in the budget and ascertaining whether we can convert current resources. We have been discussing, for example, what to do with some of the empty facilities at Hennessy House up at Calvary Hospital. There are active, positive discussions going on with the community.

I assure Mr Berry that we have the right and correct motives, that we are moving towards the issue and I trust that, in Mr Humphries' absence, I can speak for him in saying that we are committed, as soon as funds permit, to getting a proper mental health service for the Territory.

Question resolved in the affirmative.

**Assembly adjourned at 5.26 pm until Tuesday, 20 March 1990, at 2.30 pm**

**ANSWERS TO QUESTIONS**
**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 87**

**Water Table**

on 13 February 1990: Ms Follett - asked the Minister for Finance and Urban Services -

Is there any evidence of poly-chlorinated biphenyl contamination of the water table in the ACT.

(2) At what locations, and in what concentrations, has such contamination been detected.

(3) What are the likely sources of such contamination.

Mr Duby - The answer to the Members question is as follows:

(1) There is no evidence of poly-chlorinated biphenyl (PCB) contamination of the water table in the ACT.

(2) There are no locations where PCB has been detected in the water table.

(3) PCB is known to affect some surface soils in the Naval Transmitting Station Belconnen. PCB is known to adhere to soils, the levels found are extremely low and are not indicative of a major toxic pollution.

The Commonwealth Department of Defence (NAVY) are continuing a monitoring program aimed at defining the extent and level of pollution.

The Department of Defence is investigating ways of completely removing the PCB from the soil. In the long run the procedure may need to dispose of decontaminated soil into landfill.

ACT Environment Protection are working with Defence and are being kept fully informed.

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**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION N0. 103**

**Flora and Fauna**

on 15 February 1990:
Ms Follett asked the Minister for Finance and Urban Services

(1) What species of flora and fauna native to the ACT are (a) believed to have become extinct and (b) considered to be endangered, and for what reasons.

Mr Duby - the answer to the Members question is as follows:

One animal has become extinct in the ACT in recent times, the brush-tailed rock wallaby, Petrogale penicillata. It probably disappeared in the mid 1950s. Causes of its extinction included predation by foxes, changes in the fire regime and competition from introduced stock.

One plant species, the perennial herb Taraxacum aristum, has apparently become extinct in the ACT in recent times. The plant is relatively common in Tasmania but rare in other parts of its range in mainland Australia. This species was only known from a few specimens in this region. The reasons for its local extinction are not conclusively known.

There are two endangered animals in the ACT and three endangered plants.

The two endangered animals are the Trout Cod Maccullochella macquariensis, and the pink-tailed legless lizard, Apprise parapulchella. The trout cod became locally extinct probably due to a variety of factors including pressure from introduced fish such as trout, overfishing and habitat modification. Recently a few trout cod have been introduced into Bender reservoir in an attempt to re-establish this species in the ACT.

The pink-tailed legless lizard is more common in the ACT than once thought and its habitat will be adequately protected as part of the Murrumbidgee Corridor and Canberra Nature Park Reserve systems. Major pressures on this lizard have been destruction of habitat for urban development and agriculture and removal of surface rocks on which it depends for protection.

Of the three endangered plants in the ACT, all are perennial herbs with no established common names. They are Rutidosis leptorhynchoides, Theism austral and Swainsonia recta. Adequate habitat for the first two of these species is currently contained in reserved areas. Causes for their current status include past land management practices including grazing and agriculture and in recent times urban development.

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APPENDIX 1 (Incorporated in Hansard on 21 February 1990 at page 422

**THE TOP THIRTY HOST POPULAR SPORTS IN THE A.C.T. -**

1. GYMNASTICS 10 800
2. GOLF ? 500

3. RUGBY LEAGUE : ? 106
4. SOCCER ? 000
5. NETBALL 6 600
6. SOFTBALL 6 o66
7. TOUCH 6 020
8. TENNIS 5 651
9. AUSTRALIAN FOOTBALL 5 388

10. VOLLEYBALL 5 050
11. HOCKEY 4 736
12. RUGBY UNION 4 628
13. BASKETBALL 4 409
14. SOCCER - INDOOR 4 310
15. CRICKET 4 300
16. SKIING 4 150

17. ATHLETICS . 3 646
18. CRICKET - INDOOR 2 774
19. TENPIN 2 663
20. SQUASH 2 606

21. WEIGHTLIFTING 2 043
22. LAWN BOWLS - MEN . 1 985
23. HOCKEY - WOMEN 1 76o
24. DARTS 1 319
25. SWIMMING 1 150
26. LAWN BOWLS - WOMEN 1 000
27. FISHING 990
29. BASEBALL 921
30. BADMINTON 880

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