



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

20 March 1990

## Tuesday, 20 March 1990

### Questions without notice:

Planning .....	527
Members' salaries .....	527
Executive Deputies .....	528
Industrial leases .....	529
Government housing .....	530
World Council of Churches .....	530
Health promotion fund .....	531
Playhouse Theatre site .....	532
Traffic fines .....	533
Tourist Commission .....	534
Northbourne Flats .....	535
Executive Deputies - status .....	538
Minister for Health .....	539
Assembly precincts .....	540
Chronicle articles .....	541
Assembly members' behaviour .....	541
Assembly members - imputations .....	542
Motion without notice .....	543
Suspension of standing orders.....	545
Scrutiny of Bills and Subordinate Legislation - standing committee .....	548
Papers.....	548
Availability of certain legislation .....	548
Land Use (Inquiries and Environmental Assessments) Bill 1990 .....	548
Law reform program (Ministerial statement) .....	552
Education (Ministerial statement) .....	555
Tourism Development Bureau (Ministerial statement) .....	558
Office block development in Civic (Matter of public importance) .....	564
Adjournment: Assembly business .....	581

**Tuesday, 20 March 1990**

---

**MR SPEAKER** (Mr Prowse) took the chair at 2.30 pm and read the prayer.

### **QUESTIONS WITHOUT NOTICE**

#### **Planning**

**MS FOLLETT:** I direct a question to the Chief Minister in his role as the Minister for planning. I understand that on Friday he announced that he had developed an integrated set of planning laws for the ACT. Given that so far the Assembly has been provided with only a third of those laws, and only in a draft form, when can we expect to see the rest of what he claims to be already developed laws?

**MR KAINE:** When I tabled the first two draft Bills for public discussion I gave a complete timetable, so what is happening with these Bills should not be any surprise to the Leader of the Opposition. I will be tabling the third Bill in the series today. The remainder will be produced progressively within the next two to three weeks.

#### **Members' Salaries**

**MR STEFANIAK:** My question is addressed to the Chief Minister. Members were previously advised that the Remuneration Tribunal's decision could be expected in the week beginning 19 March. Can he inform the Assembly whether the Remuneration Tribunal has made its determination of members' salaries?

**MR KAINE:** It is a timely question. Only this morning I received the Remuneration Tribunal's determination, and at my desk upstairs I have just signed letters to each member of the Assembly to transmit copies of the determination. They will have them this afternoon. It might be an appropriate time for me to table a copy of the determination and the statement that came with it from the Remuneration Tribunal.

In accordance with the provisions of the Remuneration Tribunal Act 1973, the determination and statement have been forwarded to the Commonwealth Minister for Industrial Relations and will be tabled in the Commonwealth Parliament. I propose to discuss with you, Mr Speaker, how best to prepare information for a future electorate allowance and expenses of office allowance, about which the Remuneration Tribunal has declined to make a determination

20 March 1990

for the time being. I will also be speaking with the Leader of the Opposition in relation to remuneration for that position about which the Remuneration Tribunal has made no determination either.

In the meantime, the determination, as far as it goes, will be effected as soon as possible. This determination will, I expect, put an end to speculation, principally in the media, about excessive salaries and perks of office for members. When the media and the public see this, they will understand that there are no excessive salaries or perks emerging from this determination. Most members will continue to be paid less than an ASO8 in the public service, and the Chief Minister will receive about the same as an SES level 1 officer in the public service.

I suppose I could say that this is generally in line with the aims of this Government. We have decided that we must take some major decisions concerning cost savings in the public sector, and it cannot in future fairly be said, in my view, that the Assembly members are exempt from the philosophy of reduced cost and least cost. I suppose I could say that when members read the determination, it will remove the moral decision from Mr Stevenson as to what he would do with his pay rise.

### **Executive Deputies**

**MR WOOD:** I refer the Chief Minister to a question that I asked on 20 February, still within our recent memory, concerning attendance of Executive Deputies and Ministers at ministerial council meetings. He answered:

They may, as all Ministers do -

that is, Ministers may, as all Ministers do -

take a departmental adviser with them or in some cases, if it is considered to be more appropriate because of the specialist advice that is available, they may take their Executive Deputy as an adviser. They are perfectly entitled to do this.

In some contrast, on 14 December Mr Kaine tabled in this Assembly a document titled "Guidelines for the relationship between Ministers (Executive Members) and Executive Deputies", which says in part that the Executive Deputy role would include "representing Ministers, when Ministers are unavailable, at ministerial councils". Will the Chief Minister acknowledge that on 20 February he misled the Assembly when he contradicted his earlier statement?

**MR KAINE:** No, Mr Wood - through you, Mr Speaker - I do not believe there is any contradiction there. Clearly, if a Minister is attending a council, he can take with him any

adviser he chooses, and that may appropriately be the Executive Deputy who has a special knowledge of the area in question. If, on the other hand, a Minister, for good reasons, is unable to attend a ministerial council meeting, he may well decide that it is more appropriate to send a learned and qualified Executive Deputy than a public servant to represent him. I do not think there is any inconsistency whatsoever.

**MR WOOD:** I wish to ask a supplementary question. I well remember your comments and an interjection in reply to which you said that it would be one or the other - that is, an Executive Deputy or a Minister, or even a departmental adviser - but not both. Are you aware that Mr DUBY has written to the Western Australian Minister for Transport and Environment advising him that on 23 March 1990 at the meeting of the Australian Transport Advisory Council in Perth the ACT will be represented by him as a Minister, Robyn Nolan as Executive Deputy and two departmental advisers? Can you confirm that this level of representation is contrary to both the guidelines and your statement of 20 February?

**MR KAINE:** I think Mr Wood asked in the preamble to his question whether I was aware that Mr DUBY had written such a letter. The answer is no; until this moment I was not aware of any such letter. But let us be clear that Mr DUBY is an Executive member of the Government and that if he feels that it is necessary on this occasion to take that level of representation it is his determination. Although I have set out some guidelines - and that is what they are - as to the role of Executive Deputies and senior public servants, a Minister of this Government is an Executive member, and I expect him to use his discretion. I presume that Mr DUBY has very good reasons for taking the representation that he intends to take, although he has not informed me about that.

**MR WOOD:** A further supplementary, Mr Speaker - - -

**MR SPEAKER:** Order!

**MR WOOD:** Am I to understand then that the guidelines are inoperative?

**MR SPEAKER:** Order! Mr Wood, please do not talk over me. I do not believe it is proper to ask a second supplementary question.

### **Industrial Leases**

**MR MOORE:** My question is directed to the Chief Minister. Could he please inform the Assembly whether the ACT Administration granted a lease in an industrial area to the road building company Dowse for little or no premium, or whether a premium was ever paid for the site? If so, how

20 March 1990

much was the premium and how was the value determined? Can he also advise us whether the ACT Administration is aware of the subsequent sale of the site two years later for \$200,000 and that, contrary to the lease provisions relating to the performance, no improvements were or have been undertaken on that site?

**MR KAINE:** By the nature of the question, it is quite clear that Mr Moore is talking about something that happened two years or more ago. Clearly I have no knowledge of the matter. If he cares to give me the details, I will take the question on notice and see whether I can answer it.

### **Government Housing**

**MRS GRASSBY:** I refer the Chief Minister to a letter in the Canberra Times of Sunday, 18 March, concerning the sale of government housing along Northbourne Avenue. As the writer correctly pointed out, Mr Collaery's statement to date leaves open the future possibility of development of this area by private developers. The writer asked that these matters be formally raised and that a final decision be made by the Cabinet. Will the Chief Minister undertake to have the future development of public housing on Northbourne Avenue raised in Cabinet so that a formal decision not to sell low-cost housing on Northbourne Avenue can become part of the Liberal coalition Government's official policy?

**MR KAINE:** I suggest that if the member of the Opposition really wants an answer she should address the question to the responsible Minister, and that is Mr Collaery.

### **World Council of Churches**

**DR KINLOCH:** My question is directed to the Minister for Finance and Urban Services in his role as Minister for tourism. Could he inform the Assembly what initiatives the Government is taking to assist the staging of the World Council of Churches annual conference in Canberra in February 1991, which is a tremendous event?

**MR DUBY:** I thank Dr Kinloch for the question. As he said, this is a very momentous occasion. I am pleased to inform the Assembly that the Alliance Government has been able to assist the World Council of Churches in a number of tangible ways to bring its annual conference to Canberra. To attract such a conference as this is a major achievement for the national capital. Some 10,000 delegates from around the world are expected to attend this conference. It is expected that they will spend more than \$4m while they are here, which will provide a huge boost to the local economy.

**Mr Whalan:** On a point of order, Mr Speaker; there is an opportunity on the business paper for ministerial statements. This is clearly a ministerial statement, and I suggest that it be dealt with in that regard.

**MR SPEAKER:** Order! I will make a statement on points of order later. That was not a point of order per se; that was a statement, Mr Whalan. I will make a statement on that later in the proceedings. I call Mr Duby.

**Mr Whalan:** On a point of order, Mr Speaker; I refer you to the standing orders in relation to the answering of questions. Clearly this answer is in breach of standing orders. It is a dorothy dixer. Hector Kinloch has been set up to ask this question. It is turning question time into a period of ministerial statements so that the time is used up and the Chief Minister can avoid being pressed on matters that will embarrass him and his Government.

**MR SPEAKER:** That again was a statement, Mr Whalan. I call Mr Duby.

**MR DUBY:** It is very, very interesting to hear that Mr Whalan does not regard this as a matter of importance, that he is not willing to have these matters of concern, of great benefit to the ACT economy, brought to public attention. They are matters of great importance.

**Mr Whalan:** What are you doing about the staff at the bureau? Are you going to sack them?

**MR DUBY:** Direct support has already been provided by the Tourist Bureau to assist the World Council of Churches with the running of the conference, and the bureau has outfitted the Council's new office at the churches centre, Pilgrim House. The bureau has also provided \$20,000 in this financial year and next to appoint a professional conference organiser to oversee arrangements for this conference which, as I have said, is one of the largest on the world circuit. The Government has also coordinated the efforts of its agencies to ensure that they work closely with the organisers and the relevant Federal Government bodies to make sure that the conference runs smoothly, which I am sure it will, given bipartisan support.

### **Health Promotion Fund**

**MR BERRY:** My question is directed to the Treasurer. The Follett Labor Government's budget contained provision for a health promotion fund in a trust account. This account was to hold revenue from the increase in tobacco tax. Will the Treasurer inform the Assembly of the action that he has taken to set up this account?

**MR KAINE:** I remind Mr Berry that I am not a one-man band; I am not Minister for everything.

20 March 1990

**MR BERRY:** You are Treasurer.

**MR KAINE:** You are talking about something that is in the health budget. I tell the members of the Opposition for the second time that if they want answers to their questions, they may address them to the appropriate Minister. If they do not want answers they can continue to make me the centre of their attack. That is fine; I will do my best to answer them. As I said, I am not Minister for everything; I have three other Ministers to share the responsibility of office. If the Opposition members want their questions answered, I submit that they address them to the appropriate Ministers - in this case, the Minister for Health, Education and the Arts.

**MR BERRY:** A supplementary question - - -

**MR KAINE:** Why don't you ask the question of the Minister for Health? You do not want to know the answer.

**MR BERRY:** The question that I would like to put to you - - -

**MR KAINE:** You asked about the establishment of a fund which is in the area of responsibility of the Minister for Health.

**MR SPEAKER:** Order! Chief Minister, order!

**MR BERRY:** The supplementary question that I ask of Mr Kaine is: is he prepared to carry out the duties of Treasurer or not? If so - - -

**MR KAINE:** Yes, Mr Speaker, but not of the Minister for Health and not of the Minister for Housing and Community Services.

**MR BERRY:** If so, would he please answer the question in relation to the health promotion fund which is set up under his area of control.

**MR SPEAKER:** Mr Berry, I draw attention to the fact that that could not be a supplementary question, as the first one was not answered.

### **Playhouse Theatre Site**

**MR MOORE:** My question, which is addressed to the Chief Minister, concerns a planning matter. There have been persistent rumours about the development of section 19, and one of them has to do with the closing of the Canberra Playhouse Theatre. Could he advise the Assembly when the Playhouse is closing and why?



**MR KAINE:** The only rumours about section 19 which circulate are started by one or two of the members on the other side of the house, as lots of other rumours about lots of other matters are started by members of the Opposition.

**Mr Jensen:** Like housing on Northbourne Avenue.

**MR KAINE:** Such as selling off assets on Northbourne Avenue and firing the staff of the Tourist Bureau. These rumours can all be traced back to one or two individuals who seem to spend their time not acting like members of an opposition but putting out distorted statements which have no bases of fact, causing people, such as the residents of the Northbourne Flats, great stress and concern. This is where the rumours start. This is what the rumours are about.

There are no rumours, of which I am aware, about closing down the Playhouse, except that, in the context of the total construction plan, at some point that theatre will have to be closed because it will become part of a construction site. Perhaps you should ask Mr Whalan because the plan to which we are working in connection with section 19 has not changed since 5 December. The same processes as Mr Whalan put in place are being followed. If he had a plan to close down the Playhouse Theatre, you might ask him when it would be because this Government has made no change to that plan. Why not have a little discussion and sort it out amongst yourselves? Then you will not need to ask stupid questions of the Government.

### **Traffic Fines**

**MR STEFANIAK:** My question is directed to the Minister for Finance and Urban Services.

**Mr Kaine:** Not to the Chief Minister?

**MR STEFANIAK:** Not to the Chief Minister. You can have a rest. What is the Government doing about the level of traffic fines in the ACT in comparison with those in New South Wales and other States?

**MR DUBY:** I thank Mr Stefaniak for the question. It is a well-known fact that ACT traffic fines are substantially below those which are currently levelled in New South Wales, Victoria and other parts of Australia. There has been great concern recently that the current rate of fines may not be providing a sufficient deterrent to unsatisfactory road user behaviour, and the levels have not been reviewed for many, many years. Accordingly, I have asked my department to review, as a matter of urgency, the level of traffic fines in consultation with the Australian Federal Police. Discussions have already been held with the police, taking into account the level of fines applying

20 March 1990

elsewhere in Australia. Agreement has been reached in principle, and detailed proposals regarding these matters are now being prepared. It is hoped that increased fines for traffic infringements will provide a further incentive for safer driver behaviour.

### **Tourist Commission**

**MR WHALAN:** My question is addressed to the Chief Minister. On Friday, 9 February he presented a paper at a lunch of the Building Owners and Managers Association Ltd, at which he said, *inter alia*, concerning the tourist commission, that the Government has appointed a commission of five part-time members. He was later asked whether he could tell the Assembly the names and qualifications of these five part-time members whom he had appointed. He declined to answer the question, and said that he would take it on notice and give an answer in due course, when he has all the details.

He again declined to answer a similar question on 21 February 1990. Will he now acknowledge that he misled the Assembly because he knew that the Government had not appointed a tourist commission and that it had not appointed five part-time members?

**Mr Collaery:** On a point of order, Mr Speaker; I think we are at it again. This unsustained attack on the Chief Minister is in breach generally of standing order 114 under which Ministers can be asked questions on matters of administration for which the Minister is responsible. Clearly, Mr Kaine is not responsible for tourism.

**MR SPEAKER:** Thank you for that observation, Mr Collaery.

**MR WHALAN:** On a point of order; are you going to rule on that point, please?

**MR SPEAKER:** I direct the question to the Chief Minister who may reject answering, if he wishes. I call the Chief Minister.

**MR KAINE:** Today for the first time I have decided that I am not Minister for everything, as I have spelled out already. Three other executives in my Government have ministerial responsibility. I have been very tolerant with the Opposition - - -

**MR WHALAN:** That's kind of you, very kind of you.

**MR KAINE:** Yes, it is. Day after day the members opposite have concentrated their questions on me solely, and Hansard demonstrates that. I have played their game. I have given them a fair go. I have answered the questions. I have given them the opportunity to break me down, which is what they thought they would do.

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

**MR KAINE:** I am answering the question. Why do you not sit down?

**Ms Follett:** Mr Speaker, the reason why I have stood up and will not sit down is that Mr Kaine is not answering the question, and his comments are totally irrelevant to the question that he has been asked.

**MR SPEAKER:** That is a valid point.

**MR KAINE:** My comments with respect to the question are just as relevant as the question. I again state that if the members opposite want answers to their questions - I have stopped playing their game - in future they can address their questions to the Ministers responsible or they will get no answers to them. It is as simple as that.

**MR WHALAN:** Mr Speaker, I wish to press as a supplementary question the issue of misleading this house. I believe that that suggestion is so serious that the Chief Minister would have addressed himself to it.

**MR SPEAKER:** Order, Mr Whalan! I do not believe that is a question without notice. If there is a matter of impropriety, that is to be raised as an issue before the Assembly.

**MR WHALAN:** It is a supplementary matter to the question which was asked, and that is what the standing orders provide for, Mr Speaker.

**MR SPEAKER:** Thank you for that observation.

**MR WHALAN:** Supplementary to the question which was asked, will Mr Kaine tell this Assembly whether he did or did not mislead the Assembly.

**MR KAINE:** I did not mislead the Assembly.

### **Northbourne Flats**

**MS MAHER:** My question, which is directed to the Minister for Housing and Community Services, regards the rumours concerning the Northbourne Flats. Does the Government propose to sell the flats?

**MR COLLAERY:** I am delighted to receive that question because after Mrs Grassby wrote to Housing Trust residents on 22 February and again on 2 March I went to see them - - -

**Mr Moore:** I rise on a point of order, Mr Speaker. To illustrate my point of order, I would like to quote what Mr Kaine said on 2 November 1989.

20 March 1990

**MR SPEAKER:** Order, Mr Moore! Quotes do not become part of a point of order.

**Mr Moore:** I am using the words of the Chief Minister in making a point of order about question time on 2 November because it is the same point of order that I wish to make now.

**MR SPEAKER:** Please proceed, but keep close to the point.

**Mr Moore:** He said:

... I have had to protest, as Leader of the Opposition, at the blatant misuse of question time in this Assembly by the Government.

**Mr Duby:** On a point of order, Mr Speaker; this is clearly an infringement - - -

**MR SPEAKER:** Order! I will take only one point of order at a time.

**Mr Duby:** On a point of order, Mr Speaker - - -

**MR SPEAKER:** I will not take a second point of order.

**Mr Humphries:** This is not a proper point of order. Mr Moore should state his point of order.

**Mr Moore:** I am; that is what I am doing.

**MR SPEAKER:** Please state the point of order in accordance with the standing orders.

**Mr Moore:** The point of order is that he is making a ministerial statement. Mr Kaine continued:

The degree to which it is misused seems to swing, depending on how safe the Government feels. On those occasions when the cold breath of the opposition is felt on the backs of Ministers' necks - - -

**MR SPEAKER:** Order! Mr Moore, this is a statement. It is a political statement. It is not a point of order. Points of order arise from the standing orders.

**Mr Moore:** This is a point of order. They were the exact words of a point of order put by Mr Kaine on 2 November 1989 when the then Labor Government - - -

**MR SPEAKER:** There is no need to embellish the point. If you have a point of order, just make the statement in accordance with the rules as written in the standing orders.

**Mr Moore:** I am doing that. I am using the words of the Chief Minister, the then Leader of the Opposition.

**MR SPEAKER:** That is irrelevant.

**Mr Moore:** They were not ruled out of order then.

**MR SPEAKER:** Order! That was a learning curve that we all went through. We have now gone beyond that, hopefully. Some members may not have, but I appeal to you. That was leniency on my part to allow - - -

**Mr Moore:** Thank you, Mr Speaker. I will quote just some of his words to make my point:

... and misusing question time by making ministerial statements.

They are the words of Trevor Kaine.

**MR SPEAKER:** Thank you, Mr Moore.

**MR COLLAERY:** I decided to seek this question on the floor a few minutes ago, when Mrs Grassby asked the question of Mr Kaine to get a bit of publicity, knowing that he would properly - - -

**Mrs Grassby:** He dumped you in it. He would not deny it; he dumped you in it.

**MR COLLAERY:** He is in the Hansard, as saying that there will be no sale of government housing in that context. I went to see those elderly residents. One woman was 89 years of age and was terribly upset. I will not go into the emotional trauma that was caused by Mrs Grassby, other than to say that on return to this building I asked for the records of those premises, and I found a document, which I propose to table at the end of this response, prepared during Mrs Grassby's tenure as Minister for housing. That document was a proposal to the Housing Trust during Mrs Grassby's tenure as Minister for housing proposing a development of the site by Civil and Civic Pty Ltd. There is a response, dated 8 November 1989, and I will read it to the house, for this gross event. This letter is to an officer of the Trust. It states:

Thank you for attending the meeting with ...

the commissioner and some others. It continues:

As agreed, we are working on a proposal to provide new stock for the trust on various sites around Canberra ...

The most extraordinary discovery is that these events took place, not in my time as Minister but in the time of Mrs Grassby. I seek leave to table the following letter:

20 March 1990

Housing - Joint Venture - Copy of letter from Mr A. Johnson, Development Manager, Civil and Civic Pty Ltd to Ms J. Westaway, Manager, Property Development, ACT Housing Trust, dated 8 November 1989.

I think in another place, or perhaps in this place, at another time we will have more to say about this matter. But if another boomerang was delivered across the floor, here it is.

### **Executive Deputies - Status**

**MS FOLLETT:** My question is addressed to the Chief Minister. On 13 February of this year Mr Wood directed a question to Mr Kaine, seeking clarification as to the role of Executive Deputies. Mr Wood asked with what authority Dr Kinloch had made statements about balloting for places in courses in secondary colleges. He asked: what was the status of statements made by Executive Deputies? Mr Kaine did not answer that question, which is not surprising and not untypical, but I am now asking again: do public statements by Executive Deputies have the status of expressions of government policy?

**Mr Collaery:** Mr Speaker, on a point of order; for the welfare of this house - - -

**MR SPEAKER:** Order! I ask you to get straight to the point.

**Mr Collaery:** That question put by the Leader of the Opposition contained an imputation against the Chief Minister that he did not usually answer questions. Mr Speaker, I direct your attention to standing order 117(b)(iv), imputations. I think the conduct of this house will be better off if - - -

**Mr Whalan:** Stop wanking. Sit down, you wanker.

**MR SPEAKER:** Order! Mr Collaery, I believe that you are out of order.

**Mr Humphries:** I rise on a point of order, Mr Speaker. Mr Whalan used a most unparliamentary term in reference to the Deputy Chief Minister, and I ask him to withdraw it. The term was "wanker".

**MR SPEAKER:** I did not hear the comment, but please withdraw it, Mr Whalan.

**Mr Whalan:** I am sorry, but I did not state anything that you heard, and you have already said that you did not hear it, Mr Speaker.

**MR SPEAKER:** I will hold the proceedings at this time to take advice on Mr Whalan's observation that, because I did not hear the comment, it is not unparliamentary. I put to Mr Whalan: did you make the comment claimed by Mr Humphries?

**Mr Whalan:** I do not know. He would have to repeat it, Mr Speaker. I am not sure. In deference to you, Mr Speaker, there was quite an exchange across the chamber. If Mr Humphries could clarify - - -

**MR SPEAKER:** Thank you, Mr Whalan. I did not hear the comment. We will proceed.

**MR KAINE:** To get back to the question, the interest of the Opposition and the difficulty that it has in understanding the concept of Executive Deputies is quite incredible. Everybody else in the world understands it. The media understand it, the general public understands it, and the public servants who work with the Government well and truly understand it. Yet, despite repeated questions asked on the floor of the house and repeated answers and my putting out a detailed set of guidelines that determine the roles and responsibilities of the Executive Deputies, the Leader of the Opposition still does not understand it. She must be the only person in Canberra who does not understand the role, responsibilities and place of Executive Deputies. I suggest that if she wants to know the answer to the question, she simply read the set of guidelines that I have put out. That explains exactly what their job is, and she will not need to ask any more questions on the subject.

**MS FOLLETT:** I have a supplementary question, Mr Speaker. I draw the attention of everybody to the point that I asked a very simple question: do public statements by Executive Deputies have the status of expressions of government policy? In the Canberra Times of Friday, 16 March, Mrs Nolan said that all positions in the current Canberra Tourism Development Bureau will be subject to a spill. Is this government policy?

**MR KAINE:** The Leader of the Opposition is falling for the assumption that, because it is stated in the Canberra Times, it is fact. Mrs Nolan has already publicly stated that that was not a correct description of what she said, and I do not think any further comment is needed.

### **Minister for Health**

**MRS NOLAN:** My question is directed to the Minister for Health, Education and the Arts. It picks up on an issue raised by Mr Berry in a question addressed to the Chief Minister during the last sittings of the Assembly, with respect to the appropriateness of the Minister for Health presenting himself as a medical practitioner. Firstly, has the Minister presented himself as a doctor and purported to

20 March 1990

conduct medical examinations? Secondly, does he consider such behaviour is appropriate for a Minister of the Crown?

**MR HUMPHRIES:** I thank the member for her question. I must confess that yesterday I presented myself as a doctor and conducted medical examinations. As part of the Canberra Festival, the Department of Health ran an annual teddy bears health clinic. I joined a team of departmental officers and friends in manning that clinic.

**Mr DUBY:** Did you go down to the woods?

**MR HUMPHRIES:** I did, and I bore the falling branches of that. I must admit that I took a turn on the reception desk, I presented myself as a doctor, and I examined teddy bears.

**Mrs GRASSBY:** Did you use the same syringe all the time?

**MR HUMPHRIES:** I did. In answer to Mrs Grassby's question, I have to confess that I used the same syringe on more than one occasion, but she should understand that the special serum used for teddy bears is self-sterilising and therefore does not require the renewal of separate needles. I point out that the clinic is a very important part of the process of accustoming children to the process of immunisation, to help them to understand that immunisation is an important part of the health program that they should undertake as youngsters. It helps them to understand that it is not a painful or traumatic experience.

### **Assembly Precincts**

**MR SPEAKER:** On Thursday, 22 February 1990, Mr Berry asked me, in a question without notice, to describe the Assembly precincts. The question of what the Assembly precincts are is not one which the Speaker should determine. Rather, it is up to the Assembly as a whole to define what the precincts are. Nevertheless, as Speaker, I have had to give a general outline of the Assembly precincts to the police for the purposes of affording security during demonstrations that have occurred in and around the Assembly building.

Following consultations with appropriate officials, the consensus view was that the precincts should comprise all of the ground and first floors of the building, certain areas of the fifth floor which are allocated to Executive Deputies, the upper level of the basement carpark, and sufficient of the public street level external to the building as would provide for clear passage to and from the building's entrances and exits. I am also administratively responsible for the area occupied by the press on the third floor.



However, I re-emphasise the fact that, while these areas may have been considered as precincts for the purposes of security, the Assembly precincts remain undefined until the Assembly takes a decision to detail them formally. After consultation with party leaders, my intention is to arrange for the introduction of a motion for this purpose.

### **Chronicle Articles**

**MR SPEAKER:** On Thursday, 22 February 1990, I was asked by Mr Berry a question without notice concerning the content of my articles which are published weekly in the northside and southside Chronicle. The purpose of these articles is to inform residents of Canberra about items of interest which are occurring in the ACT Legislative Assembly and give background information regarding the Assembly. My aim is that, through these articles, the Assembly will be seen to be more accessible to the public, and positive publicity about the role and functions of the Assembly will be generated.

In his question, Mr Berry pointed out that a number of proceedings in the Assembly had not been covered in the articles dated 13 and 20 February. I might add that had Mr Berry delayed voicing his concern until the full series of articles on the sitting period were published - that is, 13, 20 and 27 February and 6 March - he would have had little complaint. I point out that the Chronicle imposes a word limit on the weekly article that is published.

**Mr Berry:** Rubbish!

**MR SPEAKER:** Thank you for that interjection. I hear an interjection to an answer given to a question without notice. I will take Mr Berry to task on his comment that it was rubbish that a wording limitation is imposed by the Chronicle. That is absolutely - - -

**Mr Jensen:** Rubbish.

**MR SPEAKER:** I will not say any more. I am just disgusted with the situation. But I will go on. I am sure that members would agree that trying to cover all the activities of a week's sitting of the Assembly in such a small space would be very difficult, if not impossible. However, my intention is to achieve a balanced reporting of all issues coming before the Assembly, even given the space constraints imposed by the Chronicle. In doing so, I will promote the Assembly in an impartial and independent way, as the office of Speaker requires me to do.

20 March 1990

### **Assembly Members' Behaviour**

**MR SPEAKER:** On Wednesday, 21 February 1990, Mr Berry directed questions to me concerning comments that I made on the behaviour of some unnamed members during a radio interview. I do not intend to name the members, as suggested by Mr Berry in a supplementary question. However, I apologise to all members for the strong words used during that minor segment of a lengthy interview. Nevertheless, I call on all members to ensure that their self-imposed standards are appropriate.

### **Assembly Members - Imputations**

**MR SPEAKER:** I have another statement. At the Assembly's last sitting on Thursday, 22 February 1990, two requests were made of me to order the withdrawal of alleged imputations against members. I undertook to consider both matters. The first request was made by Mr Collaery in relation to a comment made by Mr Whalan during question time. The second request was made by Mr Moore who asked that Mr Stevenson be required to withdraw an alleged imputation made during a personal explanation.

Under our standing orders all imputations of improper motives and personal reflections on members are considered highly disorderly, and it is the duty of the Speaker to determine whether words are offensive or disorderly. I have examined the Hansard record of both occasions and do not regard either remark of such a nature as to require withdrawal. In the cut and thrust of debate many things are said about members, and that will always be the case. In both instances I do not regard the comments to be so offensive in a personal way as to require a withdrawal, and I regard the matter as closed.

On a related matter members may have noted that certain comments of an objectionable nature were made in the Assembly relating to alleged insobriety on the evening of 13 February last. At the time I called for an unequivocal withdrawal of the comments, and I believed that the withdrawal was made. However, having considered the Hansard record, I note that the remarks were not unequivocally withdrawn, as I had requested. I believe, and I am sure the Assembly would agree, that the comment was objectionable and offensive. Consideration was given to the deletion of the incident from Hansard; however, that course was not pursued.

Could I stress to members the need to ensure that the language used in the Assembly is of a high standard at all times. I believe that the comments made on the evening of the 13th reflected poorly on the Assembly and on the member who made them. As I have stated, at the time I believed a withdrawal had been made, and therefore I do not propose to pursue that particular matter any further. However, I put

members on notice that I cannot and will not tolerate any use of such offensive words in the future.

I also wish to remind members that points of order should be confined to matters of order and should not be used as a device to interrupt proceedings. The matter raised in a point of order should be one of order; that is, members should clearly point out where they feel a breach of order has occurred. The only words that should be necessary when making a point of order is the standing order number and a few words extracted from the text of that standing order. The excess verbiage which I have permitted in the past was to accommodate the learning cycle that we all went through as new members in this Assembly. This practice is therefore no longer necessary.

Points of order should not be raised on political issues, on matters which have nothing to do with the Chair or to intervene in debate.

Could I also point out that, in normal circumstances, I will not accept any points of order while another member is speaking to a point of order. I believe a member should have the right to make a point of order without interruption except by the Chair, and in future I intend to ensure that that course is followed.

### **MOTION WITHOUT NOTICE**

**MR WHALAN** (3.13): I move that debate on the Speaker's statements concerning the precinct of the Assembly be adjourned and made an order of the day for the next day of sitting.

**MR SPEAKER:** There is no question before the Assembly.

**MR WHALAN:** There is. I just moved a motion that the Speaker's statement concerning the precinct of the Assembly be adjourned - - -

**Mr Jensen:** Are you seeking leave, Paul?

**MR WHALAN:** No, I am not. A statement has been made - - -

**Mr Jensen:** Are you seeking leave?

**MR WHALAN:** Norman, if you knew your standing orders, you would know that this is completely in order. A statement has been made by leave of the Speaker in his role as presiding officer. That is in the same category as a ministerial statement, and it is subject to the same rules of this Assembly as ministerial statements. So I persist with my motion. There is a conspiracy here in relation to the precincts - - -

20 March 1990

**MR SPEAKER:** Mr Whalan, I put it to you that you need to seek leave to move a motion on my statement. If leave is granted, then you can proceed to debate it.

**MR WHALAN:** Mr Speaker, I refer you to the minutes of the Assembly, from which you will see that every time the adjournment motion on a statement is made no leave is sought. It is not an adjournment by leave; it is an adjournment by standing order. I put it to you that this is in the same category.

**MR SPEAKER:** There is no motion to take note of; it was a statement. It was an answer to a question. It was not a motion before the Assembly.

**MR WHALAN:** You said, "I am making yet another statement". They were all in the form of statements, and you identified them as such Mr Speaker.

**MR SPEAKER:** I beg to differ. It was an answer to a question.

**MR WHALAN:** I put it to you, Mr Speaker, that the statement which you have made today about the precincts of this Assembly goes so much to the heart of democracy in the ACT that you should agree to allow debate on this issue. If you do not agree to allow debate on it, it will be seen by the community that you are working in some way with the Executive.

**Mr Kaine:** On a point of order, Mr Speaker; I do not believe that this Assembly has to be subjected to this harangue by Mr Whalan. If he wants to seek leave to make a statement, he should seek leave to do it, and get it over and done with.

**MR SPEAKER:** Thank you, Chief Minister.

**MR WHALAN:** Mr Speaker, in deference to you, I seek leave of the Assembly to move that debate on the Speaker's statement concerning the precincts of the Assembly be adjourned and made an order of the day for the next day of sitting.

**MR SPEAKER:** The question is that the motion be agreed to.

**Mr Doby:** No. Is leave granted?

**MR SPEAKER:** The question is that the motion be agreed to.

**Mr Doby:** No; is leave granted?

**Mr Jensen:** No, we have not been asked whether we want to grant leave yet.

**MR SPEAKER:** Is leave granted?

Leave not granted.

### SUSPENSION OF STANDING ORDERS

**MR WHALAN** (3.16): I notice that Mr Collaery is receiving his riding instructions from Mr Kaine. Mr Kaine is saying to Mr Collaery, "As soon as he sits down, move the gag".

**Mr Kaine:** On a point of order; Mr Speaker, I object to these snide remarks by Mr Whalan, and I am not intending to call on any standing order. I object strenuously to these snide remarks that Mr Whalan constantly makes on the floor of the house. If I am not permitted to turn to my colleague and make a statement without that kind of remark, there is something wrong with the democracy about which Mr Whalan so proudly talks.

**MR SPEAKER:** Mr Whalan, please continue your - - -

**Mr Duby:** Harangue.

**MR SPEAKER:** I am not sure where you were. You were moving a motion, I believe.

**MR WHALAN:** I move:

That so much of the standing orders be suspended as would prevent me from moving the adjournment of the debate on the Speaker's statement concerning the precincts of the Assembly

so that that debate becomes an order of the day for the next day of sitting.

I move that way because it will come as a surprise to some members on the other side of this chamber that we on this side of the chamber are concerned about the division between the roles of Executive government, members of this Assembly, and this Assembly as a legislative body. We believe that as a result of questions which have been asked of the Chief Minister these roles have become totally and absolutely confused. Today we have had the classic demonstration of that.

**Mr Kaine:** On a point of order, Mr Speaker; Mr Whalan is not speaking to his motion. He is now beginning to debate the subject.

**MR SPEAKER:** Thank you, Chief Minister. Please stick to the point, Mr Whalan.

**MR WHALAN:** Yes, I am establishing the urgency which is because of the cavalier manner in which these people opposite are dealing with democracy in this Assembly and this chamber.

**Mr Kaine:** On a point of order, Mr Speaker; Mr Whalan is turning this into a political debate, and I seek that he be directed to desist.

20 March 1990

**MR SPEAKER:** Thank you, Chief Minister. Please speak to the point of the motion to suspend standing orders, Mr Whalan.

**MR WHALAN:** In moving this adjournment, we seek the opportunity to discuss on a later day the precincts of this Assembly. Mr Speaker, we are not totally convinced that it is absolutely your prerogative to determine the precincts of the Assembly. We are not convinced that it is your prerogative in consultation with the Executive to determine the precincts of this Assembly.

**Mr Kaine:** On a point of order, Mr Speaker; Mr Whalan is deliberately misquoting what you said. My recollection is very clear. You said that it was the responsibility of the Assembly to determine the precincts of the Assembly. You are being misquoted; it is going in the Hansard as a misquote. I again request that he be directed to stick to the facts.

**MR SPEAKER:** This is an unusual situation in which to find myself, but I must make the point that I said, "After consultation with party leaders, my intention is to arrange for the introduction of a motion ..." to be debated before the Assembly. They were the words that I used.

**Mr Berry:** I rise on a point of order, Mr Speaker. I do not think it is the Speaker's place to debate the motion.

**MR SPEAKER:** Thank you, Mr Berry.

**Mr Berry:** And I also would say that continual interjections by Mr Kaine speaking one way or the other on the motion under the guise of a point of order - - -

**MR SPEAKER:** Under what premise are you speaking now, Mr Berry? Are you speaking to a point of order?

**Mr Berry:** I think he ought to stick to the points of order.

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

**MR WHALAN:** We believe it is quite properly the matter and the property of this Assembly to discuss this issue of the precincts. Now, as a result of the complicity on that side of the chamber to deny debate on this issue, we will - - -

**Mr Collaery:** I rise on a point of order, Mr Speaker. Under standing order 117, another imputation is the word "complicity". I ask that Mr Whalan be asked to withdraw that word. He is referring to the Chair and the Government.

**MR SPEAKER:** I ask you to withdraw that, Mr Whalan.

**MR WHALAN:** It is a deliberate move to deny me speaking time; I will withdraw it. But that is the only reason I withdraw it. I do not believe that it is unparliamentary language, and it is certainly not an imputation.

**Mr Kaine:** It is an imputation, clearly.

**MR WHALAN:** Come on! Every time something is said these people jump to their feet and say that under standing order 117(b)(iv) - - -

**MR SPEAKER:** Order!

**MR WHALAN:** And say it is an imputation. They are attempting to stop debate.

**MR SPEAKER:** Order! Mr Whalan, please desist from speaking over me. When I call "Order!" please come to order. Again, with the leave of the Assembly, I point out that the Government did not see, and has not been party to, any comment made by me on the precincts. That is why it is to be raised as a motion. You have been misled.

**MR WHALAN:** Mr Speaker, I am sorry. You were party to the fact that certain people who were previously on the first floor of this Assembly have moved to the fifth floor with their Executive government, and very conveniently there is a proposal that it suddenly become part of the precincts of the Assembly. That is very convenient, and that is why we believe that it should be aired in full debate in this Assembly. So, Mr Speaker, if you believe in the fundamental rights of this Assembly to discuss issues such as this precinct, I urge you to vote in support of this suspension.

Question put.

The Assembly voted -

AYES, 6

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

NOES, 11

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

Question so resolved in the negative.

20 March 1990

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE  
Report and Statement**

**MS MAHER:** I present report No. 2 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and seek leave to make a brief statement on the report.

Leave granted.

**MS MAHER:** The report that I have just tabled details the Committee's scrutiny of the following Bills: Motor Traffic (Amendment) Bill 1990, Motor Vehicles (Dimensions and Mass) Bill 1990, Domestic Violence (Amendment) Bill 1990, Weapons Bill 1990, Publication Control (Amendment) Bill 1990 and Publication Control (Amendment) Bill 1990 [No. 2]. I commend the report to the Assembly.

**PAPERS**

**MR COLLAERY** (Attorney-General): I present the following papers:

Architects Act - Architects Board - Report 1988-89.  
Bookmakers Act - Bookmakers Licensing Committee - Report 1988-89.  
Building Act - Building Standards Committee - Report 1988-89.  
Cemeteries Act - Trustees of the Canberra Public Cemeteries - Report 1988-89.  
Surveyors Act - Surveyors Board - Report 1988-89.

**AVAILABILITY OF CERTAIN LEGISLATION**

**MR KAINE** (Chief Minister), by leave: Pursuant to subsection 25(4) of the Australian Capital Territory (Self-Government) Act 1988, I table a statement in relation to the availability of three Acts on the days on which the laws were notified. The Acts are: Occupational Health and Safety Act 1989, Legislative Assembly (Members' Staff) Act 1989 and Motor Traffic (Amendment) Act (No. 3) 1989. I present the following paper:

Availability of laws - Statement, 20 March 1990.

**LAND USE (INQUIRIES AND ENVIRONMENTAL ASSESSMENTS) BILL 1990  
Draft Legislation**

**MR KAINE** (Chief Minister), by leave: It gives me pleasure to table today the draft Land Use (Inquiries and Environmental Assessments) Bill 1990, together with an



explanatory statement concerning the Bill. On this Assembly's previous sitting day, Thursday, 22 February, I tabled the draft planning and heritage Bills as the primary elements of the Government's comprehensive land planning package. I notice that hardly any member of the Opposition is here and interested in what I have to say, which is becoming typical these days. I refer specifically to members of the Labor Party, who disappear off the floor of the house at every opportunity.

**Mr Berry:** It might have something to do with your speeches.

**MR Kaine:** Since this is a matter of some interest, and one on which the Labor Party placed much emphasis, namely planning legislation, I would have thought at least its members would have been here to hear what I have to say. But it is typical of their attitude.

On 22 February, I informed the Assembly that remaining parts of the package would be tabled and released for public comment progressively. The tabling of this Bill today marks the next stage in this process. It demonstrates the high priority that we on this side of the house place on making this important legislation available to Assembly members and the public as soon as it is drafted.

In tabling the draft planning and heritage Bills, I stated that one of the prime objectives of our land planning system is to achieve a balance between economic growth, community expectations and environmental concerns. This Bill represents an essential factor in ensuring that this balance is achieved and maintained. As an integral part of the land planning system, the procedures set in place by this Bill are directed towards the overall aim of the system - to provide the people of the ACT with an attractive, safe and efficient environment in which to work, live and have their recreation.

The inquiries and environmental assessments Bill is based upon three key principles: that the comprehensive examination of, and consultation on, major proposals be allowed before decisions are taken; that all relevant issues shall be taken into account in assessing a proposal, and that a single assessment or inquiry process to encompass matters relating to different components of the land planning package should be undertaken.

I will now address briefly the way in which the Bill will operate. Its overall purpose is to 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 or requirements under various parts of the land planning package. For example, under the planning Bill the Minister

20 March 1990

responsible for planning could require an inquiry into a proposal to vary the Territory plan. In some circumstance the Territory plan or regulations under the inquiries and environmental assessments Bill could require that an environmental assessment be made of any proposal. An assessment in relation to a leasing matter could be triggered by a direction of the Minister responsible for leasing, under the land and leasing Bill that is yet to come. In addition, the environment Minister would have a general power, under the Land Use (Inquiries and Environmental Assessments) Bill, to establish inquiries or direct that assessments be made.

This arrangement recognises that the inquiries and assessment legislation is intended to cover such a broad range of activities that it would be inappropriate to vest this power in one Minister alone. In addition, the general power of the environment Minister provides scope for a disinterested analysis of the need for an inquiry or an assessment of a proposal should this be necessary.

The Bill thus provides for two ways in which proposals could be examined. The first would comprise an environmental assessment. This would normally consist of a public environment report or an environmental impact statement, together with a consultation report, copies of any written submissions and an evaluation report. I should point out that, to ensure that all relevant issues can be taken into account, the Bill adopts a broad definition of environment, to include all aspects of the surroundings of human beings affecting them as individuals or in social groups.

Regulations under the Bill, or the Territory plan itself, might require that an environmental assessment be made of a proposal where the proposal was of a certain category - for example, this could include any proposal to build a manufacturing plant which would give out noxious substances. In other cases, the responsible Minister could direct that an environmental assessment be made where the possible environmental impact of a proposal justified such an assessment.

Once the public environment report or environmental impact statement had been prepared, the report or statement would be submitted to the environment Minister to assess whether it met requirements under the legislation.

The second possibility under the Bill is an inquiry. Inquiries would comprise another, more extensive means of examining proposals. An inquiry would be established in relation to a proposal where the responsible Minister considered it necessary. The inquiry would be publicly conducted by a panel appointed by the Minister. The panel would comprise an appropriately qualified person or persons and would carry out its task relatively informally and in a way which would ensure that both expert and broader community views on a proposal were fully considered.

An inquiry could be held in situations in which an environmental assessment had not adequately resolved the environmental issues associated with a proposal. However, inquiries would not be limited to environmental issues and could be used to examine any aspect of a proposal. For example, an inquiry could be established to examine the economic impact of any planning decision, such as a proposed heritage listing.

Details of certain matters provided for in the draft Bill will be spelt out in regulations. These will include the information to be provided by a proponent in a notice of intent, and the detailed procedures and form of environmental impact statements and public environment reports.

As we recognise that these details will be of particular interest to Assembly members and the public, the regulations concerning them are currently being drafted and will be released for public comment in the same fashion as this Bill, as soon as they are available.

As with the draft planning and heritage Bills, public consultation is an integral component of the processes set out in the inquiries and environmental assessments Bill. Inquiries would normally be conducted in public and would provide an opportunity for any person to make an oral or written submission. At the completion of an inquiry, the inquiry report would be tabled in the Assembly and would be provided to the public. The conduct of an assessment would involve appropriate consultation and making the public environment report or environmental impact statement available for public inspection and comment. The completed assessment would be tabled in the Assembly. These mechanisms would provide a full opportunity for community involvement in the inquiry or assessment process.

In keeping with our concept of open, responsible government, we released our environmental policy some two months ago. The overall objective of that policy is - and I quote:

To produce a harmony between the retention and enhancing of the natural ecosystem on the one hand and human needs and aspirations on the other.

I see the legislation that I have tabled in draft form today as a key element in meeting that objective.

We want our economy to develop, prosper and diversify. We want to maintain and enhance the unique beauty of our city and its surroundings. We want to attract business and investment to Canberra. We want to ensure the social and environmental well-being of the Territory. The Land Use (Inquiries and Environmental Assessments) Bill provides for a balance between economic needs and environmental concerns in the ACT.

20 March 1990

Mr Speaker, I commend this draft Bill and welcome any comments that members may have on it.

**LAW REFORM PROGRAM**  
**Ministerial Statement and Paper**

**MR COLLAERY** (Attorney-General), by leave: Mr Speaker, it gives me great pleasure to announce the establishment of an ACT law reform program. This Alliance initiative will ensure a coherent and structured approach to the processes of ACT law reform. This is an important and long overdue step for the Territory.

The history of law reform in the ACT has been unimpressive. It has seen the citizens of the Territory either ignored or treated as guineapigs. The ACT has been used as a test tube to try out new legislation while the basic infrastructure of the law has been left in disarray. There have been a number of attempts to establish a law review process in the ACT. None has succeeded. Despite good intentions, our laws are in a sorry state. In particular areas there are no laws at all; in other areas laws overlap haphazardly.

You do not need to look far to see the symptoms of the problem. Certain laws constantly need to be amended to try to get them into shape. Many laws embody archaic principles and language and this makes it difficult for the ordinary person to understand the laws that they are expected to comply with. These problems cannot be cleared up overnight. They are symptomatic of decades of disregard.

There were early attempts to establish an ACT Law Reform Commission under the chairmanship of the late Mr Justice Blackburn in the 1970s. Although a number of detailed proposals for reform were made in the areas of commercial law and leases, much of that body's work has never seen the light of day. Similarly, in recent years the Australian Law Reform Commission has undertaken some reform work on ACT law. Several major reforms have been made, but even that body's efforts have barely scratched the surface of the problem. Thus, on self-government day the ACT inherited a great deal of out-of-date legislation that requires reappraisal of both its language and its principles.

There is a clear need for an effective and integrated law reform program for the ACT. Section 37 of the ACT (Self-Government) Act requires the ACT Executive to maintain the laws of the Territory. By setting up an effective law reform program the Alliance Government will ensure that ACT law is systematically and rigorously reviewed and tested for public relevance.

The Alliance Government recognises that law reform should be a consultative process; community views should be sought when reviewing or reforming the law. The purpose of law reform should be to improve the body of law in line with community concerns and government policy. A central objective of law reform processes should be to ensure that regulatory burdens placed upon business or other sectors of the community are kept to a minimum.

Therefore, a community law reform committee will be established to advise the Government on law reform issues as they affect the community. This committee will be modelled on the successful Criminal Law Consultative Committee; a committee that has, for several years now, been making an invaluable contribution to the development of ACT criminal law. I shall shortly be writing to the chairperson of that committee inviting discussion about its continuing role in the ACT.

I will be inviting representatives from local peak community and legal organisations and individuals with high legal standing in the community to participate on the community law reform committee. These people will have the capacity to contribute at a high level to the development of Territory law.

The committee will have an advisory role. It will identify areas that are in need of review or reform; it will anticipate emerging socio-legal issues; and, most importantly, it will assess the practical impact of various proposals and laws on the people of the ACT. A major overhaul of ACT law is required and this will take a number of years. This process will let us respond quickly to changing community circumstances. It may even result in the ACT being in a position to lead Australia on important issues. Certainly, that is my personal ambition.

For example, the ACT law of defamation - as elsewhere in Australia - does not meet basic community needs. The law reform process that I have outlined will enable us to examine and meet these needs. It will enable us to do some fresh thinking on the subject and to develop practical, socially responsible and original legislation. Such legislation may well be adopted by other States.

A complete re-examination of the court systems is under consideration. It is possible that the ACT will be the first Australian jurisdiction with a truly modern justice system and I will be addressing that issue shortly.

Landlord and tenancy law, in both residential and commercial settings, is another area in need of urgent reform and will be the subject of another major reform project. A law reform unit has been set up within the ACT Government Law Office to undertake some of this important work. It will also coordinate the law reform program. I hope that the Australian Law Reform Commission, which has already contributed to ACT law reform, will continue to do law reform work for us.

20 March 1990

The law reform unit has already commenced work on a number of law review projects. A review of ACT legislation dealing with public accountability through annual reports is nearing completion. The application of archaic New South Wales law in the ACT is being examined for continuing relevance. These laws will be repealed and, where appropriate, properly integrated into the body of ACT laws.

Laws should be simple. They should serve the people of the ACT community rather than frustrate their legitimate aims. I commend, and I trust all members of the Assembly will commend, the sentiments expressed by Mr Justice Connor, who was President of the Australian Law Reform Commission until 1987. He said:

When ordinary members of the community look at the law, what do they hope to find? I think they want something quite simple - they want the law to work - they want it to be able to be easily used. They do not want it to get in the way and frustrate them. They hope the law will help them achieve their other aspirations. They hope that, if they have to go to court, courts will be able quickly, efficiently and fairly to hear their cases and reach decisions that are acceptable and reasonable. They hope that, when they are in business, the law will help them carry out their business affairs efficiently and simply and does not impose undue burdens on them either as producers of goods or as consumers of them. They hope that the law will protect their individual human rights, such as the right to privacy, liberty and security, as well as their rights as members of groups.

In conclusion, these initiatives put beyond doubt the Alliance Government's commitment to good ACT government. My colleagues have heartily endorsed these initiatives and moreover, these initiatives will ensure a coherent and structured approach to the processes of ACT law reform for years to come in this Territory.

**MR SPEAKER:** Order! Mr Collaery, do you wish to present that statement?

**MR COLLAERY:** Yes, Mr Speaker. I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

## **EDUCATION**

### **Ministerial Statement**

**MR HUMPHRIES** (Minister for Health, Education and the Arts), by leave: Mr Speaker, I wish to outline the Alliance Government's position on a number of issues currently affecting schools and preschools in the ACT, and to indicate the Government's objectives for 1990. Unfortunately, it was not possible to make these comments in the debate on the Chief Minister's statement on the Government's objectives so therefore I will make them today in the form of this statement. The Government, of course, is conscious of the quite serious financial pressures facing the ACT and the escalating costs of running public school systems in this country. It is in this context that we will be approaching the issues before us.

The ACT school system is the youngest in Australia and is, perhaps paradoxically, widely recognised as the most highly evolved. Its rapid development has reflected the most useful educational ideals and ideas of recent times. The Government recognises and appreciates the excellence of the system and will seek to build on it.

One of the school system's most valuable assets is its flexibility. Over the last few years it has met and reacted to major changes in two areas. Firstly, it was the first Australian school system to provide a meaningful education for nine out of 10 students in secondary colleges without, in any way, compromising the ideals of excellence. Secondly, in 1989, the State and Commonwealth Ministers for education agreed on a set of national goals and began a project which aims to provide a basis in communication for an "Australian" education. Associated with these initiatives we have begun preparing our part of a national report on schooling in Australia. This willingness and ability to make changes to meet emerging needs is one of the major aspects which contributes to the system's overall quality and performance.

The Government intends to support and build on this tradition. As we enter the last decade of this century the speed and direction of social and economic change is likely to continue to put pressure on educational systems in both budgetary and educational performance areas.

The Government's fundamental objective is the achievement of high standards in all areas of education. This will be achieved through the provision of choice and equality of opportunity for all students within a system of well-ordered, high quality, self-managing schools. This will require skilled, highly motivated teachers, together with the means to ensure that the views of parents, teachers, students and the wider community are taken into account in decision making and policy formulation at all levels.

I would now like to outline a number of areas of particular importance to this Government. The school system is a

20 March 1990

major component of ACT public expenditure. In this budget year schooling accounted for 24 per cent of recurrent expenditure, at an estimated cost of \$222m. Our budget strategy needs to address not only the shortfall in funds granted by the Commonwealth Government, but also must continue to address the overfunding gap identified in the last Grants Commission inquiry which found school spending in the ACT to be nearly 18 per cent above the average State level in 1986-87. Although there have been reductions in schools funding since then, comparable reductions in the States mean that the ACT school system remains overfunded in comparison.

Although this does not lead of itself to the view that we should necessarily cut education, it must be considered as one of the many areas that the Government has to consider when assessing the overall overexpenditure problem in the ACT. Clearly, in the run up to the next budget we must look closely at both the overall expenditures and underlying cost structures of such a major activity.

**Mr Duby:** Look at the opposition benches.

**MR HUMPHRIES:** Yes, I note that, with the exception of Mr Stevenson, the opposition benches are completely and utterly deserted on this important matter of education. It is shameful.

**Mr Duby:** It is a disgrace.

**MR HUMPHRIES:** This examination, in consultation with relevant unions, will seek to identify areas of duplication or unnecessary activity which can be forgone without significantly affecting the high quality of education provided. Education systems all over Australia are facing similar structural issues. The challenge for us will be to provide a high quality education system while achieving those sorts of economies within our overall budget framework.

I want to speak now about community participation and in particular about a schools council. The public school system in the ACT originally operated as a Commonwealth statutory authority. It was managed centrally by a council of community members which provided a local government style of participation in education. The schools themselves were managed by boards whose responsibility was similar to but separate from the authority council.

In preparation for self-government the Commonwealth abolished the council element of the Schools Authority. Since that time the self-governing ACT has created a state-type Department of Education. This department is presently responsible for the public school system, the Government's responsibilities in relation to non-government schools, financial assistance by the ACT Government to the post-school institutions and the Arts.



The ACT public education system was built on principles of extensive community involvement. School boards embedded in legislation continue to represent this principle of self-management. Over the last two years the level of participation of school boards has been extended through regional associations to a central board forum which works closely with the senior executive of the department.

This Government believes that community participation is important in both the design and delivery of schooling. We accept that a local government type of structure would be inappropriate in the city state context of the ACT. We believe, however, that an independent body, responsible for decision making in areas of the major quality elements of education, must be a component of ACT government and non-government schooling. This level of cooperation has been achieved through the ACT Schools Accrediting Agency. A green paper canvassing options of this sort will be distributed to the community and adequate time will be allowed for responses before the Government makes any decisions in this matter.

The question of literacy and numeracy is one of great importance at the present time. The Alliance Government is committed to achieving high standards of literacy and numeracy for ACT students. This year, 1990, is the International Year of Literacy. A number of approaches for monitoring literacy and numeracy performance have been adopted by other States. The Government is committed, however, to establishing the approach which is best suited to the ACT. System-wide testing of students is one option. Testing the performance of students at selected year levels or of samples of students are others. Another possible approach is the development of literacy profiles which will enable the reporting of progress in reading and writing of all primary school students in a systematic and understandable way. The Government will shortly release a green paper on literacy and numeracy for discussion and comment as part of a community-wide consultation process.

The next subject I want to address is that of school review. The public school system is the largest educational undertaking in the ACT and enrolls the majority of students. There are some 170 public schools and preschools, enrolling some 45,000 students. The continuing excellence of the public school system is vital to the future of Canberra.

As part of its commitment to ensuring high quality for its schools the Government will introduce a continuous review program for all ACT public schools, commencing in second term of this year. Twenty-one schools, including five high schools and their feeder primary schools, will be reviewed in 1990. Consultations with schools and their school boards have commenced. Each year a cluster of schools, that is high schools and their feeder primary schools, will be reviewed within each region. Clusters will be reviewed on a five-year cycle. A discussion paper called, "Proposal

20 March 1990

for School Review in ACT Public Schools", has been distributed to schools for discussion and comment. Responses are being sought by the end of term one, 1990.

The three main purposes of school review are, firstly, to assist schools improve their operations; secondly, to satisfy the requirement that the schools and the department be accountable to the ACT community through the parliamentary process; and, thirdly, to enhance public confidence in ACT public education.

School review is based on a partnership approach involving the school community and the central administration of the department in assisting schools to review their programs and prepare high quality plans for school improvement. The Government is seeking appropriate system-wide coordination and cohesion without reducing the special nature of school based decision making. This will remain the hallmark of education in the ACT.

The Department of Education will soon be issuing for comment and consultation a new draft curriculum policy statement for ACT government schools. The statement will emphasise the partnership in curriculum between the department and the school community. It will focus on the necessity for curriculum planning at the school level to occur within a framework of national and ACT curriculum priorities. The statement will provide a curriculum planning environment that will emphasise high standards of teaching and learning, consistent with the Government's policy. The statement will outline the proposed model of curriculum development for the ACT which identifies and describes three priority concerns: firstly, essential learning outcomes; secondly, essential learning processes; and, thirdly, essential areas of knowledge and experience. The model also envisages how these concerns may be taken up at system, school and classroom level. The Government will be finalising this curriculum policy for government schools by the end of 1990.

I seek leave to continue my remarks on another day. I have to confess that I have not brought my glasses with me to the Assembly today; it is somewhat difficult to read without those and so I ask leave of the Assembly to continue these remarks at a later date.

Leave granted.

### **TOURISM DEVELOPMENT BUREAU Ministerial Statement and Paper**

**MR DUBY** (Minister for Finance and Urban Services), by leave: Mr Speaker, I would like to speak today on the performance and the future of the Canberra Tourism Development Bureau. I move to make this statement in response to a narrow and misleading article published in

the Canberra Times on Friday, 16 March. It was written by Mr Robert Macklin and was entitled, "Tackling tourist imbroglio at the coalface". Mr Macklin is well-known to the Government and I will touch on that particular matter a little later. This article has done little to progress the debate about tourism management in the ACT; rather, it has sought to open divisions within an industry which is absolutely vital to our economic development.

Mr Macklin inferred that the difficult period the local tourism industry is facing is due, in large part, to the Tourist Bureau's inability to market Canberra in a professional manner. The days are long past that we can simply turn to the Tourist Bureau and blame that organisation for all the ills and troubles of the ACT tourism industry. The bureau has undergone major changes in the last two years which have taken it from the status of a branch within the Department of Territories to a professionally run sales and marketing operation.

An overall marketing strategy has been put in place by the bureau which was not only endorsed by a broad cross-section of tourism industries and business leaders but has also been endorsed by the Australian Tourist Commission and other state tourism bodies. In fact, the New South Wales Tourism Commission has decided to follow suit with a number of the bureau's innovative marketing campaigns, whilst the Australian Tourist Commission has expressed strong interest in many of the bureau's marketing techniques.

At the very heart of the strategy is the bureau's desire to maximise the limited promotional funds it has and at the same time maintain as much flexibility with its marketing as possible. This has seen the development of an in-house advertising and promotional capacity which has enabled the bureau to save many thousands of dollars with its print campaigns, publications, videos and general promotional work. The work being produced by the bureau in-house is equal in its quality and professionalism to that being undertaken by any other tourism authority, and indeed, it has been complimented by many local and interstate advertising agencies. This has not led, as Macklin claimed, to having marketing schemes which have been poorly conceived and executed. He went on to claim that:

The privately owned elements of the industry have been given very little say in the direction this activity would take.

This is absolute rubbish. I will reiterate the bureau's marketing strategy was given - in the first instance - in draft and later as a final document to the tourism industry advisory committee for comment and change, if necessary. Over 20 industry leaders were given the opportunity to take the document and distribute it to all members of their various associations for comment. The fact that there were very few comments at all is, I would suggest, an indication that the industry as a whole felt that the marketing strategy was satisfactory and on target.

20 March 1990

I read Macklin's article with some amusement when he detailed the efforts of a so-called gang of five to improve the position of tourism in Canberra. Some of these people have been conspicuous in their absence in bringing the industry together and there has been a lot of talk in the tourism area over the past nine months about how the industry will step in and take over the Government's role. In some cases this talk has amounted to very little action. There has, on the other hand, been a lot of action by the government sector through the Tourist Bureau, including developing the concept of an ACT tourism commission.

The list of achievements by the bureau over the last couple of years is quite impressive. I am just going to give you an idea of the activities that the bureau is engaged in: the establishment of the ACT tourism awards; the development of Australia's first ever multicultural marketing strategy which has been a great success; the development of an innovative youth marketing campaign which caters for over 106,000 visitors each year; a comprehensive direct mail campaign to market Canberra as a convention destination; the production of a world class convention and promotions book; the production of attractive and professional print and radio advertising campaigns in-house; and weekly promotional campaigns at trade shows and shopping centres throughout New South Wales, Victoria and overseas.

This is not the place to complete this list. However, I can assure you it is most impressive. If you would like to talk in terms of the bottom line, the bureau has seen massive sales increases, particularly in its State offices, as well as significant increases in visitor numbers for the ACT. In an effort to give the industry every opportunity to assist itself, the Government has provided \$60,000 over the past financial year in direct funding to the CVCB - the Canberra Visitors Convention Bureau - together with a further \$40,000 in-kind support. Whilst I appreciate that the CVCB has had to go through a period of restructuring, the Government feels it is time for that body to demonstrate some action and to support the government sector through the tourism bureau.

I return to some of the scurrilous statements made by Macklin in this article. He suggests that all positions in the current Tourist Bureau will be subject to a spill. This is not correct - as a matter of fact it is totally incorrect. When the Government implements its policy to create a tourist commission, we will not automatically discard the great depth of experience and expertise that lies within the present bureau. We will, however, on advice from the new commissioners, assess the nature and structure of the commission, and should any subsequent restructure lead to any present member being without a position, that person will be absorbed within the ACT administration.

I am rather annoyed at Macklin's suggestion that the Government, through the Tourist Bureau, has been unable to respond to market forces in tourism. On the contrary, the bureau has been able to respond quickly when called upon. I suggest that the bureau has displayed a great deal more entrepreneurial flair than many other elements of the local tourism industry which are quite often bogged down by their own inflexible bureaucracies. By way of example, at the time of the pilots' strike the bureau quickly developed an advertising campaign - when I say "quickly", I mean within 24 hours; a feat that most advertising agencies could not match - which took advantage of the need for thousands of stranded holiday travellers to find alternative destinations. More recently, the bureau was the first State Government authority to see the opportunity inherent in the Federal Government tourism recovery program, and after negotiations with the industry it has mounted the first ever television promotion for Canberra. The bureau's flexibility has been recognised by tourism industry leaders throughout Australia.

I should like to read from a press statement issued by the President of the CVCB, Mr Barry Simon, following Macklin's article. I quote:

The industry through a number of associations have contributed to pay for prime time television advertisements selling Canberra to outside markets. This is an exciting and significant step which will benefit the industry and the ACT economy.

And, if I may paraphrase, the CVCB will not be sidetracked in its commitment to work with the bureau and later the commission and the Government to boost tourism spending in our region.

I congratulate Mr Simon on his objectivity. He was described in Macklin's article as one of a gang of five who are reported to have been responsible for revamping the tourism scene. I understand that Mr Simon has divorced himself from these divisive statements. Of course, Mr Simon has had a hand in attempting to improve our tourism industry as have many other members in both the government and the private sectors. There is no doubt that there is a great deal of improvement in the marketing of Canberra that could be done, but I think it is very important that all of us in this Assembly understand that in the Tourist Bureau we have a group of dedicated professionals. Due to an inevitable funding disadvantage compared to other States these people have learnt to find efficient and cost-effective ways in which to operate. These ways have certainly not been handicapped by an overly bureaucratic approach to the task of marketing Canberra. They have, however, been handicapped by a number of individuals who would seek to use tourism for their own ends.

20 March 1990

This brings me to Mr Robert Macklin, the author of this disgusting article that I have mentioned during the course of my statement today. I am sure my colleagues in this Assembly will be interested to learn that a company, Armak Productions Pty Limited, of which Mr Macklin is described as the managing director, received in early 1988 a \$50,000 grant from the Federal Government to produce a series of television programs entitled "Busranger Country", designed to promote, amongst other things, Canberra and its surrounding region. Unfortunately, some two years later, Armak has failed to produce anything, including, I might add, the \$50,000. Accordingly, I am advised that a letter of demand has been sent to Armak Productions Pty Limited seeking full repayment of these moneys.

A man with these credentials should not be taken seriously. Indeed, having had access for two years to a large slice of the very precious promotional funds we have available to promote the ACT, I would have thought Mr Macklin had done sufficient damage to the local tourism industry and therefore there was no need for him to have penned what I regard as a misleading and self-serving article. But I am sure the members of the Assembly will now understand the basis for these misleading allegations.

I sought leave to make a statement today as I felt it was time to put on record the Government's support for its tourism marketing operations. I urge all my colleagues in the Assembly and all the members of the ACT tourism industry to take a long, hard, objective look at the operations of our Tourist Bureau with a view to providing more support to a group of dedicated professionals who have one aim in their working life, and that is to improve Canberra's prospects as a tourist destination.

**MR SPEAKER:** Do you wish to table that statement, Mr DUBY?

**MR DUBY:** I will be, Mr Speaker.

**MR SPEAKER:** Do you wish to move that the Assembly takes note of the paper?

**MR DUBY:** No, I do not.

**Mr Whalan:** I move that the debate on the statement be adjourned and made an order of the day for the next day of sitting.

**MR SPEAKER:** I am afraid you cannot do that, Mr Whalan.

**Mr Whalan:** Well, Mr Berry just moved that it be done, Mr Speaker.

**Mr Collaery:** We did not hear that.

**MR SPEAKER:** Only a Minister can so move.

**Mr Berry:** So move what?

**MR SPEAKER:** That the papers be noted.

**Mr Whalan:** Could I seek your guidance please, Mr Speaker?

**MR SPEAKER:** Certainly, Mr Whalan, at any time.

**Mr Whalan:** Is this a ruse or something? What are they up to?

**Mr Collaery:** Sit down.

**Mr Whalan:** Mr Collaery has just told you to sit down, Mr Speaker.

**Mr Jensen:** No, he has not. He told you to sit down. Do you want me to tell you as well?

**MR SPEAKER:** Order! I draw your attention, Mr Whalan, to standing order 214 which states that:

On any paper being presented to the Assembly as provided ... a Minister may move without notice ...

Therefore, for a member to so move would require leave of the Assembly to do so.

**Mr Berry:** I seek leave to move that the paper be noted.

Leave not granted.

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

That so much of the standing and temporary orders be suspended as would prevent him moving that the Assembly take note of the paper.

**MR SPEAKER:** Before we call the vote, I will draw members' attention to the absence of Mr Whalan who is now in breach of standing order 155. I will request an explanation from him on his return. Call the vote.

Question put.

20 March 1990

The Assembly voted -

AYES, 6

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

NOES, 10

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

Question so resolved in the negative.

**OFFICE BLOCK DEVELOPMENT IN CIVIC**  
**Discussion of Matter of Public Importance**

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

The need for a moratorium on office block development in Civic until after a full environmental, social and economic inquiry has been carried out into the effects of development in Civic, the surrounding areas, the town centres and the decentralised plan.

**MR MOORE (4.18):** I shall start today by referring to the report of the Standing Committee on Planning, Development and Infrastructure on the redevelopment of the former Canberra Times site, October 1989. The concluding comment in paragraph 4.14 goes:

Notwithstanding these comments the Committee warns that its conclusions should not be seen as the "green light" to other developments which could result in increases in employment levels in Civic. The Committee is not aware of any future developments in Civic, particularly office developments, which have yet to be approved which cannot await the introduction of the proposed Territory planning legislation. Further approvals should be deferred until the new ACT Government and the Legislative Assembly have determined a policy relating to future development in Civic. This will necessitate a detailed review of the Metropolitan Canberra Policy Plan, Development Plan consideration of the conclusions of the Joint Committee on the Australian Capital Territory report on Metropolitan Canberra and a review of existing and proposed development in the ACT.



Further in that report are the additional comments made by Mr Collaery. Firstly, his point 6:

As the facts stand any surrender and re-grant of Concrete's lease may be open to challenge in the Supreme Court pursuant to the Administrative Decision (Judicial Review) Act 1989 to the extent to which surrender and grant of a lease is amenable to review. The grounds of review are potentially wide and may well include a precedential decision on the correct interpretations of sections 29 and 64 of the Planning and Management Act. Such a review will not as a matter of law be a review on the merits. Pending the establishment of an accessible and affordable planning appeals mechanism, I believe that the grant of a new lease to Concretes in circumstances where any effected parties are precluded from review on the merits of the decision including the consequential decisions of design siting and building approvals, is fundamentally wrong. As matters stand in the ACT the effect of granting a new lease to Concrete Constructions will be to preclude further effective review on the merits.

And further, in point 9 of Mr Collaery's additional comment his final sentence states that:

The lease should not be accepted for surrender and a new lease granted until the Government has provided for a just, timely, affordable and accessible review mechanism.

In one of its reports the House of Assembly called on its Minister at that time to ensure that there would be an environmental inquiry into development in Civic. The joint parliamentary committee looked at the 69th variation which was the section 38 development. Now that development is completed and it is the Canberra Centre. It is completely operable. At that stage I stood before the joint parliamentary committee and recommended to that committee on behalf of the Reid Residents Association that an environmental impact statement should be a part of its recommendations. In fact, it was part of its recommendations, but was that inquiry ever conducted? No, it was not.

Similarly, the Supreme Court decision on the Canberra Times site was probably the closest thing we have had to an environmental impact statement on Civic. It would appear that we have a particular problem as far as that goes. I can tell you much more recently about such a thing. This morning it was reported this way on ABC radio:

Deputy Chief Minister Bernard Collaery says he wholeheartedly agrees and expects this will be put to the Assembly in the near future.

20 March 1990

And then quoting him:

Given the number of other development applications I think the Alliance Government clearly has to consider the need for an overall directional environmental decision for Canberra city. And you can be assured the Government won't be making any decision on the Canberra Times site or any other individual applications of that nature until we have resolved those issues.

**Mr Collaery:** So why grandstand with an MPI?

**MR MOORE:** No, not at all. We will just take it to an appropriate conclusion. I have just started, thank you Mr Collaery. In tabling the draft legislation on the inquiries and assessment Bill the Chief Minister has also put forward a series of ideas in his statements which are quite appropriate. They indicate the need for us to look at the development of Civic and its impacts socially, its impacts economically and its impacts environmentally. If we wait until this legislation goes through before we institute such an inquiry, then clearly the developers will not know where they are and what will happen is that any further development in Civic will take even longer. That is one of the complaints that is coming from developers at the moment.

So why should we look at an environmental statement? Why should we look at a social and economic inquiry at a time when there are a series of developments pending? Why should we go for a moratorium on office block development? I have no intention of repeating some of the reasons that have been stated clearly in this Assembly by me and by others for some time, because I presume that members can either remember, or if they wish they can look them up in the Hansard, the reasons why we should need an environmental impact statement. But I think we must take into account the economic costs that have been drawn attention to - costs in terms of infrastructure and transport on the one side, and on the other side costs to the general economy in Canberra by having developments withheld or delayed.

I speak specifically of delay of developments like the Canberra Times site, which has been delayed for two years. This could well be the case also with sections 18 and 19 in Braddon on Northbourne Avenue, as these are the developments that I have lodged intention to contest. The social factors that need to be taken into account, of course, are those that talk about the quality of life in the ACT, and they are tied very much to the decentralised town centre plan. The quality of life is far greater for people who do not have to spend something like six or seven or eight hours travelling to and from work each day. That is part of the quality of life - being able to live near where you work and being able to shop appropriately. Quality of life comes with adherence to that particular

plan and particularly how it is set out as to its fundamental ideas in the 1984 Metropolitan Policy Plan.

The environmental factors have been gone over again and again. We talk about pollution and we talk about a series of other environmental factors, use of fuel, public transport and those factors all need to be taken into account. The only way to do that is - and I go back through those inquiries to the House of Assembly and the joint parliamentary committee report - finally to have a full inquiry into Civic.

Where shall we go? Well, the first thing to do as far as an inquiry is concerned is to ensure there is a moratorium on office block development, but on no other development at all. I have never at any stage said we ought not to have other development. And should the Chief Minister, as he has suggested, be enthusiastic to get the Canberra Times site developed, then I can assure him that to the best of my knowledge, and through my contacts, nobody will object to the development of the Canberra Times site in the form of serviced apartments, or a hotel, or something along those lines.

**A Member:** A hotel in the current market?

**MR MOORE:** No doubt Concrete Constructions would not be impressed by that because they paid too much for the site when they had not been clear that they could change the purpose of their clause. So we need that inquiry and we need it conducted quickly.

There are many who would argue that we cannot conduct the inquiry because we do not yet have this legislation, the draft of which the Chief Minister tabled a short while ago, and for that reason I suggest that the inquiry should be conducted under the Enquiry Act 1938. The Enquiry Act 1938 provides many reasonable ways in which we could conduct such an inquiry. Section 3 of that states:

- (1) The Minister may, from time to time, appoint a Board of Enquiry or any person to enquire into any matter in relation to the Australian Capital Territory which is specified in the instrument of appointment.
- (2) The Minister may appoint any member of a Board appointed under this section to be the Chairman of the Board.

Section 4 states:

Every member of a Board and every appointed person shall in the exercise of his duty have the same protection and immunity as a Judge of the Supreme Court of the Australian Capital Territory.

An inquiry under this section could be a very significant and respected inquiry because it would have the same sort

20 March 1990

of response as would be given to a Supreme Court and it would not have the restrictions of that Supreme Court because:

5. A Board or an appointed person shall make a thorough investigation without regard to legal forms and solemnities and shall not be bound by any rules of evidence, but may inform its or his mind on any matter in such a manner as ... he thinks just.

The logical and rational way to speed the process, to ensure that we have an inquiry, to ensure that the developments in the ACT can go ahead and can go ahead in an environmentally appropriate way, in a socially appropriate way, in an economically appropriate way, is to run the inquiry. Do it now and it will probably be nigh on completed before the planning legislation that you are putting forward is through this Assembly. It would be completed before the Interim Territory Planning Authority brings down its plan of Canberra and it could be of great assistance in helping them to be informed on what should be done there. The floodgates are almost ready to be opened.

I turn back to the committee report on the Canberra Times site, the final statement of which says that this should not be regarded as a green light. Well, it is a green light, and that is why I have lodged my own objections to the series of four major developments that are going on along Northbourne Avenue.

Let me make it quite clear that I would be delighted not to have to go to court to object to those. If an inquiry such as this is instituted I would be delighted to withdraw my objections.

**Mr Kaine:** I bet you would. They will cost you a mint.

**MR MOORE:** Of course, the risks are certainly there, and I am aware of that. It is interesting that of the 40 applications for the 40 changes of purpose that have been run over the last short while only 10 have been done by this technique of using a section 11A. Of course, that does allow the Chief Minister - and I have written to him on this matter - to delay those applications. I have used the word veto, but there is nothing to stop them applying a second time. I would suggest that the Chief Minister should approach each of those developers and say to them, "Look, withdraw your applications now. We'll run this inquiry and after that you can put your applications in again". At least they would be able to understand what it was or, and this is preferable, they would be able to apply under the new legislation where the appeal system is cheaper and more accessible.

The Chief Minister interjected, "Of course. It'll cost you a fortune". He would know from the Remuneration Tribunal's findings today that I certainly do not have that fortune.

**Mr Jensen:** Send us a cheque, Michael. You owe us one.

**MR MOORE:** That is the way these things run.

**Mr Jensen:** We are still waiting for our cheque, Michael.

**MR MOORE:** I have replied to that. So let me once again emphasise that if the Chief Minister now faces his responsibility and announces an inquiry, he can use his power under section 11A to delay those applications. He can also ensure that the Canberra Times site, instead of going back to court as could well be the case - as Mr Collaery warns - and being delayed even further, in fact what he can do instead of that is to establish this inquiry. I urge him to do so under the ordinance that I have cited during this speech.

**MR KAINÉ (Chief Minister) (4.33):** The motion put forward for today's debate as a matter of public importance again demonstrates Mr Moore's total lack of balance when it comes to considering development issues. He goes quite overboard and loses all objectivity when it comes to planning matters and the interests of the community simply go right out of the window.

**Mr Moore:** That is absolute rot. I have been fighting for the interests of the community for years.

**MR SPEAKER:** Order!

**MR KAINÉ:** I do not want to be uncharitable, Mr Speaker, but it seems to me that - - -

**Mr Moore:** Now, go on, present the developers' point of view only. Let us see what balance is.

**MR SPEAKER:** Order!

**Mr Jensen:** You had your go, Michael.

**Mr Moore:** I did not attack.

**MR KAINÉ:** It seems to me that Mr Moore is not only lacking in objectivity but as well is totally inconsistent on this issue. I will explain that by analysing some of his recent statements on development matters in Civic, with a view to examining their consistency or lack of it.

**Mr Moore:** I am the one calling for an inquiry to come out with a balanced view, instead of just going ahead without it.

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

**MR KAINÉ:** First, following the Federal Court decision last week on the Canberra Times site, Mr Moore expressed a strong view that the Government should not take any action in

20 March 1990

relation to the site on the grounds that any such action would insult the prerogatives of the court. While this view is obviously based on a misunderstanding of what the court's decision actually means, I just want to record Mr Moore's firm view at that time. (Quorum formed) I have stated Mr Moore's strong view after the court decision.

**Mr Moore:** Where did you get that from? Where are you quoting from?

**MR KAINE:** Only a couple of days later, Mr Moore wrote to me concerning five current applications to the Supreme Court for changes of purpose under leases in Civic - within two days. Mr Moore asked me in that letter to exercise my right of veto - not delay as he put forward a minute ago, my right of veto - on the five applications before they were considered by the court. This action would have had the effect of rejecting the applications before they were even heard by the court. On the one hand he is upholding the integrity of the court; on the other hand he is saying, "Don't let it even go to the court"; he wants me to exercise my power of veto.

**Mr Moore:** What nonsense. Do you not understand the legislation?

**MR KAINE:** That is exactly what you are asking me to do.

**MR SPEAKER:** Order!

**Mr Moore:** What nonsense. You do not understand the legislation. How pathetic.

**MR KAINE:** Mr Speaker, I am not talking about legislation. I am merely telling you what Mr Moore's actions over the last week have been. On the one hand he says, "The court is paramount and we must not interfere, or insult the prerogatives of the court". On the other hand, he is asking me to intervene so that it does not even go to the court. He cannot have it both ways.

**Mr Moore:** Yes, I can.

**MR KAINE:** No, you cannot.

**Mr Moore:** Yes, I can.

**MR KAINE:** I am telling you, you cannot.

**MR SPEAKER:** Who can sing loudest? Order!

**MR KAINE:** Now today, and only a matter of days after he asked me to exercise my power of veto, he wants an inquiry by a person with the same powers as a Supreme Court judge. From one day to the next he moves from the Supreme Court, if not the Supreme Court, then to someone with the same powers of a Supreme Court. He takes the position - - -

**Mr Moore:** You delay it. You do not understand what veto means; you do not even understand how to use your own veto.

**MR SPEAKER:** Order!

**MR KAINE:** Mr Speaker, in the space of two or three days Mr Moore goes from a position of upholding the sanctity of the Supreme Court process in relation to one case, to a position where he sought my aid to circumvent that same process in five other cases. Now he wants an officer with the same powers as an officer of the Supreme Court to take over the whole lot.

In adopting these divergent approaches, Mr Moore demonstrates his fundamental lack of balance on this issue. In effect, he wishes to seize on any mechanism available to him to prevent development - any mechanism. His views do not operate from the context of any considered theoretical framework; it is opportunism on a day-to-day basis - what is best for Michael Moore?

**Mr Moore:** They are based on what is best in the Metropolitan Policy Plan. I work everything from the Metropolitan Policy Plan; it is totally consistent.

**MR SPEAKER:** Order! Order!

**MR KAINE:** It is a very easy stance to take if you are in a position like that of Mr Moore - - -

**Mr Moore:** Debate the topic, not attack the person.

**MR KAINE:** You know that you will never be faced with the responsibility of government, and nor will you be expected to bear the cost of developments which are held up by your actions.

**Mr Moore:** That is all right, you will not be again either. You have got to wear the cost of allowing them to go ahead.

**MR SPEAKER:** Order! Order! Mr Moore, please.

**MR KAINE:** The Alliance Government has developed a balanced approach to encouraging but controlling development. We approach decisions on these matters from a particular framework of balancing a range of interests. It will be instructive to outline our approach in the context of examining Mr Moore's motion. Put simply, Mr Moore's position, this week, is to blow the whistle, stop all development in Civic and have an inquiry - have another inquiry. This would hold up developments in Civic which have already been planned which involve a total investment of well in excess of \$100m. This suggestion totally ignores the planning and development framework within which we operate and would totally pre-empt the process for the development of the national capital and Territory plans. We are to just set that all aside while we engage in an inquiry which would take at least two years to satisfy Mr Moore's conditions.

20 March 1990

Mr Moore totally overlooks the fact that current planning processes already provide for the kind of assessments which he recommends. The Government takes the view that the public interest is best served by ensuring that responsible development conforms to the National Capital Plan, the forthcoming Territory plan and the former NCDC policies. The preparation of the Territory plan will involve exactly the kind of processes recommended in Mr Moore's motion.

The 1989 Civic Centre Policy Plan already expressly states, on page 39 - if he cares to look at it - that there is room for resolution of conflicting environmental, social and economic concerns within the overall objectives of the plan. In fact, he probably took his words from that paragraph without reading it to understand what it meant. The proposed new planning and leasing legislation also provides for a range of assessments and appeals processes. The question to be asked is why we should act in an ad hoc fashion and establish a special inquiry when all the existing and proposed planning and development processes can provide a response to the problem?

It is simply not good enough for Mr Moore to come in to this chamber and seek to give the impression that he and he alone has thought about these issues. It simply is not so and nobody here is impressed and neither is anybody out there in his electorate. This Government intends to act on behalf of all residents of the Territory. It intends to act on behalf of all residents of the Territory in a balanced way and not on behalf of a limited electorate to which Mr Moore seems to think he appeals.

In relation to the Canberra Times site, I have already announced that the Government supports development of that site and that I have sought advice on the legal, planning and leasing issues related to it. In considering how to advance the matter we will have full regard to the recommendations of the Assembly committee which examined the matter last year and which also recommended that the development proceed subject to certain conditions. Those conditions related to the need for parking restrictions in adjacent suburbs and assessments of traffic, transport, and pollution problems. Work on these matters is currently proceeding and should be available to the Government and to the Assembly in a matter of days. Once again, it is worth emphasising that in this specific case the work involved in the inquiry and assessment process recommended by Mr Moore has already been initiated by the Government.

The Government will soon announce a specific decision on that site. We will announce a decision made after careful consideration of all of the circumstances and having regard to the interests of the community. We will do so on the basis that a further inquiry would simply cover the same ground as the original planning process, the Supreme Court decision, the Federal Court appeal hearing, the Legislative Assembly inquiry, and the further studies which are already



flowing from all of those things. To comply with Mr Moore's proposal would be to ignore everything that has been and is being done on the matter of planning in the ACT. It would put everything on hold for another two years while nothing happens. There is simply no need whatsoever for a moratorium of the kind that Mr Moore is proposing. Unlike Mr Moore, we the Government must make decisions rather than hide behind further inquiries and we will do just that.

**MR COLLAERY** (Attorney-General) (4.42): Mr Speaker, I have got some points to make and I am very pleased to have the opportunity. Firstly, Mr Moore stood up and quoted additional comments that I made as chairman of the select committee of this Assembly that looked into the redevelopment of the Canberra Times site. He quoted specifically from some preconditions that I indicated and he quoted specifically from the unanimous view of the Assembly that there would have to be further work done before there could be any further development.

Although he is content today to make those quotations, he did not do me justice in relation to the Canberra Times on 5 November 1989. In a letter signed by Mr Moore, he said:

The former Canberra Times site -

this is last November, and I ask members whether it has proceeded -

has now been given the go-ahead for development by the Assembly's Planning, Development and Infrastructure Committee without a murmur of dissent from the chairman of the committee and Rally leader, Bernard Collaery.

I further refer the house to statements Mr Moore made which were reported in the Canberra Times of 2 November 1989 when he said that the committee's report had told the ACT Government exactly what it wanted to hear. Members will recall that he was admonished for that statement by this Assembly.

**Mr Moore:** I was not. I object, Mr Speaker, on a point of order. I certainly was not admonished; there was no admonishment of any imputations in that statement - not me at all. Mr Collaery knows that, and he put that same idea across to WIN News.

**Mr Jensen:** On a point of order, Mr Speaker; I would suggest that if the member feels that he has been misrepresented, he can take the appropriate course after the debate is concluded.

**MR COLLAERY:** Mr Speaker, I use the term admonish in the normally accepted dictionary meaning. This Assembly clearly, unanimously from my recollection - perhaps with an abstention or an absence - found Mr Moore's statements

20 March 1990

unpalatable. Mr Moore then went through the charade of resigning from the Residents Rally to which he had hitched his independent flag at the beginning and then said that the report flew in the face of Rally policy and was a sellout on sound environmental principles. Of course, I had to quietly wear that between the shoulder blades. It gives me great pleasure to stand today and to hear Mr Moore endorse not only the comments of the committee but mine in the additional comments. How is that for a balanced outlook.

**Mr Moore:** I did not endorse anything. I just quoted them.

**MR COLLAERY:** Now, Mr Speaker, if I may proceed.

**Mr Moore:** Are you endorsing my letter that you read out?

**MR SPEAKER:** Order! Mr Moore, order!

**MR COLLAERY:** There are genuine people in this town interested in the environment. I would like to read from the evidence given by Mr Tony Fleming to our select committee when he said this on 14 September 1989. He said:

I have no objection to the proposal for the redevelopment, in terms of the quality of the building and the fact that it would fit in with a city environment. It relates to the numbers of people - most of the problems relate to the numbers of people coming into town. So, certainly, if you decentralise that employment base and get some of those people out of the town, well, then, yes, you, once again, have scope for further development ...

Mr Speaker, I do not know why we are standing on an MPI. Mr Moore purports to come from the Reid area and purports to have a base. There are urgent issues to be addressed in his own area. There are concerns for the ageing. There are issues that go beyond mere grandstanding that this member could address himself to in the time he has got left in government. The motion itself is plainly absurd. The proposal to use the 1938 Enquiry Act - an anachronistic piece of legislation - to put this matter before a single judge is certainly the most extraordinary proposition I have ever heard of.

**Mr Moore:** You did not even read it. I said, "judge" or "a board". You do not even understand the Act. You could at least have read it.

**MR SPEAKER:** Order! Mr Moore.

**MR COLLAERY:** The further suggestions Mr Moore made that there should be a moratorium - that sort of emotive word that is probably designed to appeal to journalists - and that there should be a full environmental, social and economic inquiry flies in the face of the learning

developed in this town by many planners we know that has been expressed in the 1984 Metropolitan Policy Plan and the Civic Centre Policy Plan of 1989. Those documents have been examined by the court; they set up clear structures. The 1989 Civic Centre Policy Plan talks about the environmental studies and impact issues that this Government is now currently addressing.

Far from the committee giving the green light to develop Civic as was alleged by Mr Moore at the time, the fact is that from the time the Alliance Government was formed we have adopted a proper approach to the issue; firstly, to avoid impinging on the court's prerogatives - a matter we are going to look at and continue to be aware of; secondly, this Government has quietly pursued initiatives commenced by the administration to satisfy the recommendations of the select committee. What is more democratic than a select committee, an all-party committee, making recommendations to look at environmental issues, inter alia. They include such questions as the fact that this inquiry produced the surprising discovery - for some of us - that country grade petrol is being sold here with more lead content. There is a whole range of issues currently being addressed by the administration and this grandstanding stuntman puts on a discussion of a matter of public importance the need for a moratorium.

The paucity of detail that this member has presented today to justify why current environmental impact assessments and legislation cannot be used is astounding. Today, my colleague the Chief Minister tabled the new environment impact legislation. I draw Mr Moore's attention to clauses 7 and 25 of that Bill where there is a set procedure where Canberra comes of age in terms of environmental impact assessments.

**Mr Moore:** How long before that is due? We are still waiting for the rest of them. We are still waiting for the rest of the - - -

**MR SPEAKER:** Order! Mr Moore, I warn you.

**MR COLLAERY:** Mr Speaker, Mr Moore is just referring to parking. It was not Mr Moore who delivered that. It was this Government and I think the residents of Reid know that.

**Mr Kaine:** It was not his mates on the other side of the house either.

**MR COLLAERY:** Yes. The fact that this man hitched himself to the Rally without telling us about his real solidarities - which have been revealed again today - is another issue but certainly there is a body of planning, engineering and assessment skills in this town that do not need a referral to a Supreme Court judge again under the 1938 Enquiry Act. The town is proceeding, and I suggest that this matter of public importance should have been

20 March 1990

better framed if Mr Moore had wanted to comment seriously on this debate.

**MS FOLLETT** (Leader of the Opposition) (4.50): Mr Speaker, I do not think there is any doubt amongst the members of this Assembly that the current planning and development arrangements are not working effectively, and I think that it is quite clear that the events on the Canberra Times site are an illustration of the difficulties that have been faced. What has happened there is that a developer who, in good faith, wished to invest in that site, and invested some seven and a half million dollars, has not been able to proceed with the development. The work that might have been made available to building industry workers has not been made available. The situation has been dragging on for at least two years now, so I think any talk of a moratorium is a bit of a nonsense. There has been a moratorium de facto since at least June 1988 when the first objections were lodged.

I think that what we need to do now is to have a look at how those difficulties can be overcome and to acknowledge that what is required is planning legislation, a whole package of legislation, so that people, including the developers and the citizens who are concerned, know what is going on.

It has come as a great disappointment to me today, Mr Speaker, to hear from the Chief Minister and the Deputy Chief Minister not one word of constructive debate on this issue. What we heard from both of them was mere personal name calling of the member who raised this issue. That is frankly not good enough for people who purport to be a leader and deputy leader of a government. It is disgraceful.

What we have heard from the members opposite is nothing more than some sort of personal defence, and a very defensive approach it has been as well, to what they perceive as a criticism by Mr Moore. They have not addressed the substance of these issues in any way whatsoever. But contrast that with the statements of both of them over the weekend and you will understand why people are quite rightly concerned about this issue. Over the weekend we heard on the media that Mr Kaine was enthusiastic for a surrender and regrant of the lease on this site. We heard from Mr Collaery that he was relaxed about that approach.

What we did not hear, Mr Speaker, was how this Government might put right the uncertainty and the total ambiguity that currently exists about such proposals. Mr Kaine has brought forward two further pieces of draft legislation today concerning inquiries and assessments with proposed developments, and I commend him for that work. So we have at this point about half of the legislation that is required, albeit in draft form. What we do not have is the legislation that is absolutely crucial to resolving this

issue and of course that is the approvals and orders legislation.

Mr Speaker, I had in my office last week one Mr Bob Winnell - a member of the Liberal Party, I am led to believe - who was asking me about what kind of approvals and objections legislation I thought might come out of this Government. I had to tell him I had no idea.

**Mr Kaine:** Well, why does he not come and ask me?

**MS FOLLETT:** I have no idea.

**Mr Kaine:** Well, why did you not tell him to come and ask me?

**MS FOLLETT:** I have no idea, Mr Speaker, why he has not approached the Government when he claims publicly to have put that Government in place. I did suggest to him that he go and see the Government because I had to say, along with the rest of the ACT community, that at this point I have no idea what kind of orders and approvals arrangements the Government might have in mind, and that is the crucial part of the legislation that may well overcome the problems we are facing with the Canberra Times site. We have heard not a word from this so-called Government about any of that legislation, not a word. The leader is enthusiastic, the deputy leader is relaxed. Well, I am happy for them, but Canberra suffers in the meantime.

We have also heard a great deal of waffle from members opposite concerning the committee's report and, as members know, that report calls for some conditions to be met before there is any action taken on this site, and those conditions concern parking restrictions, an assessment of the impact of the redevelopment, a process for public comment and an undertaking that Administration employees be located in a manner which is consistent with the principles of the dispersed plan. We have heard not a word from the so-called Government on that either. What we have heard from Mr Collaery is that these matters are being quietly pursued behind closed doors. Where is the public consultation? Where is the process that is being followed? Where is the public knowledge of what is going on? It is being "quietly pursued", as Mr Collaery says, not in a manner that is available to the public to comment upon.

**Mr Collaery:** Because there was a court hearing on until 13 March.

**Mr Kaine:** She has not heard that though, she has been in cloud-cuckoo-land.

**MR SPEAKER:** Order!

**MS FOLLETT:** Thank you, Mr Speaker. I do object to the manner in which the Government carries on its business - making known its intentions through the media and then

20 March 1990

attempting to defend them and say that everybody's objections are being addressed and quietly pursued behind closed doors, well out of the light of public scrutiny. What we have heard from the Government members today, as I have said, has in no way addressed the substance of the issue that Mr Moore has raised.

We have still to see the draft legislation that Mr Kaine keeps assuring us is on its way and that legislation is, of course, absolutely crucial to resolving this issue. We have also heard that the development of the new territorial plan will involve the kind of assessment that is being called for here, and I believe that that probably is the case, but again we do not know the proposal for a public process on the development of that plan. We have not heard of a timetable.

We know of the legislative requirement on the plan, but we have not heard one word from this Government about how the Canberra community might be involved in that, or about how developers such as the developer in this case who has apparently done his money, \$7.5m, might be able to have a say on it. I really think that it is time that this Government actually got on with some of the work. It is claiming to have broken new ground and made tremendous strides in relation to planning legislation. In fact, it has still not released all of the legislation, and you might notice that it seems to me quite an unusual kind of coincidence that the draft that is being released today should coincide with Mr Moore's matter of public importance. If it takes a matter of public importance to spur this lazy, inept Government into something approaching action, then I fully support Mr Moore in having brought forward this matter, and I do not know what it might take to bring forward the rest of the legislation that is so crucial.

I hope that Mr Moore is at this moment drafting a matter of public importance that might somehow spur this so-called Government into action on the approvals and orders legislation. It seems to me that the Government only acts when it feels that it absolutely has to, and only behind closed doors. It has not addressed the substance of the committee's report, it has not addressed the substance of the MPI, and it has yet to produce the full range of legislation that is necessary to overcome the situation that we currently find ourselves in.

**MR JENSEN (5.00):** If the issue before us today were not so important to the Canberra community, the sorts of ravings of the Leader of the Opposition today would be absolutely tragic, quite frankly. They really are a joke. The Leader of the Opposition has the gall to get up in this Assembly today and say that because Mr Moore had put on an MPI, we manufactured this piece of paper here in two hours during lunch time. What a lot of codswallop! Goodness me, that really takes the cake! That is absolutely incredible.

The Opposition members now sit on the opposition benches, and one of the reasons for that is that they had a period of seven months to provide for the people of the ACT, who were crying out for legislation. The people of the ACT needed planning legislation, but nothing came forward. It was only after some prising, cajoling and pushing on the part of the Rally at the time that the then Government even decided to give drafting instructions.

What we have done, Mr Speaker, is to take it one step forward. This Government has provided three pieces of draft legislation - not drafting instructions, but draft legislation. That is a damn sight more than the Opposition provided during its time in government. If it were not so tragic, it would be absolutely laughable. But I digress, Mr Speaker. I am afraid I had to say that, because the sort of issues that were coming across were incredible.

As a member who has been concerned with the need for balance and the ongoing need to maintain the environment and accept reasonable and responsible development that takes account of the environment, I have always been concerned about the issues that have been raised today. The matter of public importance raised by Mr Moore lacks that sort of balance and objectivity. Mr Moore proposes that a moratorium be introduced to prevent any work on office development in Civic proceeding until after a full environmental, social and economic inquiry has been carried out into the effects of development in Civic. But we have this document here which resulted from an inquiry. I am referring to the report of the Standing Committee on Planning, Development and Infrastructure of October 1989 on the redevelopment of the former Canberra Times site. We have also had the Metropolitan Canberra Plan report of the Joint Committee of Federal Parliament on the Australian Capital Territory, dated March 1987. That covers at least two of those issues and my colleagues Mr Kaine and Mr Collaery have both indicated that the issues raised in the report on the redevelopment of the former Canberra Times site by the Assembly committee are in the process of being addressed and that information will be put before the Cabinet in due course.

The sort of inquiry that Mr Moore is talking about would be wide ranging, and would be likely to be completed only after extensive public consultation and debate. The inquiry would also involve a wide analysis of very detailed data on environmental, social and economic issues. The whole process that an inquiry proposed by Mr Moore would entail is the same process as that involved in the development of the town plan. It also picks up many of the matters that have been raised in the Assembly standing committee on this important issue as well as concerns expressed by the Joint Parliamentary Committee on Metropolitan Canberra and the recently certified National Capital Plan. The procedure is very similar to the process which has been partially concluded by the certification of the draft National Capital Plan. It is the very process,

20 March 1990

Mr Speaker, through which the Territory plan would progress for acceptance of that plan by this house of assembly.

I noticed also that during his speech and his interjections across the table, Mr Moore referred to the fact that the Chief Minister takes everything from the Metropolitan Policy Plan 1984. In some respects the Metropolitan Plan 1984, as it relates to the development of Civic has been superseded by the Civic Centre Policy Plan of 1986. That 1984 plan is inappropriate for Civic. The Civic Centre Policy Plan has replaced it.

**Mr Moore:** Come on, Norm, you know better than that. It did not replace it.

**MR JENSEN:** It did; in exactly the same way as what is included in the document that has been put out by the National Capital Planning Authority with its comments in relation to the development of Civic will also, in some respects, supersede previous policies that have been taken. Therefore, for Mr Moore to say that he only takes his ideas from the Metropolitan Policy Plan is just drawing a very long bow. I think he has to look a little bit further.

Mr Speaker, I wish to raise one other point in rebutting the comments made by Mr Moore. The Chief Minister does not have power to delay an application under section 11A of the City Area Leases Ordinance.

**Mr Moore:** He certainly does.

**MR JENSEN:** No, he does not.

**Mr Moore:** He vetoes it and then lets him put in the application again.

**MR SPEAKER:** Order!

**MR JENSEN:** He either issues a certificate to say that an application is not consistent with the National Capital Plan or the Territory plan or an NCDC policy plan, or he does not. That is not necessarily a vetoing of that particular certificate or that plan. So the recent tabling of draft planning legislation, as my colleague the Chief Minister has already indicated, clearly shows the commitment on the part of this Government to the public consultation process which would be involved in Mr Moore's inquiry. The legislation will require the development of a plan not only for Civic but for the whole of the Territory which takes into account the planning, social, environmental, economic and infrastructure issues.

This legislation provides in the ultimate for the plan to be tabled in the Assembly to be subject to scrutiny by the members. This is legislation which, I reiterate, was not brought forward by the previous Government. Mr Moore knows that full well and he knows that we argued long and hard for the Government to do that. It is a pity that during



his comments today he did not give the current Government some credit for at least getting this sort of legislation that we are talking about on the table in a form and not just for drafting instructions. I would suggest that that is a much better sort of operation than the sort of drafting instructions that we received which, incidentally, did not even include some of the most important aspects relating to appeals, which we have picked up.

We have made those decisions - the hard decisions. One of the reasons why this did not come from the other side of the chamber was that members opposite could not make those hard decisions on matters such as appeals, betterment and so on. There is therefore a clear commitment to carry out the sort of investigative inquiry that Mr Moore seeks in the development of the Territory plan.

The Government is mindful of the potential for concern about Civic redevelopment. We have listened very carefully to the views that have been put forward this afternoon, and they have been pretty basic, I might add. There has been a lot of waffle, but not much real substance. I have no doubt that they will be considered by my colleagues in the Alliance Government's Cabinet when they look at this issue.

Discussion concluded.

### **ADJOURNMENT**

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

That the Assembly do now adjourn.

### **Assembly Business**

**MR WOOD** (5.10): I wish to speak to the adjournment motion because we still have matters outstanding on the business paper. I put some time into preparing a couple of speeches and I want the opportunity to make them. But there are more important issues even than that. I do not know why the house should adjourn at 5.10 pm when there are still matters on the paper, and when we are accustomed to sitting on Tuesday nights. I understand that it is proposed that we do not sit tonight.

**Mr Kaine:** That is the reason for the adjournment motion, yes. It is pretty explicit. Your party consented to it.

**MR WOOD:** It had the consent of our party?

**Mr Jensen:** Yes. Your party was told last Friday.

**MR WOOD:** There seems to be a difference of opinion here. We have had a clear statement from Mr Jensen that we were

20 March 1990

told. That is the consultation process. We were told last Friday that the house would not sit tonight. Now, I do not know what sort of consultative process that is.

**Mr Jensen:** You were advised.

**MR WOOD:** Oh, well, you have changed your word again. You have now advised us, not told us. Your advice means telling people. This is not the way the Follett Government used to run things. When Rosemary Follett was Chief Minister there was genuine consultation on what would happen. We had established the principle that Tuesday night was a sitting night. It was not a time that we could dispense with lightly. We understand that two Executive Deputies have important business tonight. Well, I want to make the claim that the business of this Assembly is more important than the business of two Executive Deputies. Our business takes priority.

If this principle is established, is it likely that we will turn up tomorrow to be told, "We're not going to sit on Thursday. Someone wants to go for a picnic down the road somewhere". That is a logical consequence of what you are saying. You make these decisions off the top of your head, and the whole business of the Assembly, whether it is Government business, Assembly business, or private members' business, loses its priority.

Today we wrote a letter to the Speaker. I assume he received it, though the Assembly - and this party in particular has not had the courtesy of a reply from the Speaker. The Leader of the Opposition tells me that there was a reply to her, whereas I certainly expected one to the house in general. But I do protest at the notion that we do away with our Tuesday night sitting. It is the only time that the working people in the ACT can come here and hear what is being done. It is a time we should not cede lightly. I certainly hope that this is no precedent for what may happen in the future.

**MR KAINE** (Chief Minister) (5.13): Mr Speaker, I do not often get up to debate the adjournment motion, but I feel that Mr Wood's remarks warrant some response. I would have felt more comfortable with Mr Wood's approach were it not for a couple of circumstances, of which I am sure he is well aware.

The first is that this is not the first time that this Assembly has not met on a Tuesday night. When the Follett-Whalan Government was in place there were occasions when the Assembly did not meet on the Tuesday night because it was convenient to the Government not to meet. Since we do not have a pairing arrangement, if that occurs the only course of action open to the Government is to adjourn the Assembly. This is not a precedent, it was done before under the Follett-Whalan Government. So what is fair for one Government is presumably fair for the other.

The other point is that Mr Wood asserts that somehow we have sprung this on Opposition members. Mr Wood may not be aware of this, but it is a fact that we attempted to discuss this with his manager of business last Thursday. But his manager of business was not available. He was out conducting Jim Snow's election campaign, which is far more important than what goes on here. When we went to discuss it with him, he was not available and neither was the Leader of the Opposition. On Friday we again attempted to discuss the matter with Labor's manager of business, and again neither he nor the Leader of the Opposition were available.

The matter was discussed in their absence on two days in a row with the only member of the Labor Party who was available, Mr Berry. He knows that the matter was put to him, in the absence of both his party leader and his party's business manager. If Labor people are not going to be in attendance, if they find that their commitments to the Eden-Monaro electorate are more important than their commitment to this Assembly, and if it is impossible to discuss with them the matter of the business of the Assembly, what do they expect us to do? Perhaps Mr Wood would care to answer that question, it is not a hypothetical one.

**Mr Wood:** I will answer it then. Thank you for the invitation.

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

**Mr Wood:** Are you saying that we have to be here all the time?

**MR SPEAKER:** Order, Mr Wood. Please desist, or I am warning you, you will be named.

**MR KAINE:** The point is, Mr Speaker, that the Government is attempting to get on with the business of government. We attempted to discuss this matter with the Leader of the Opposition or her manager of business. We do not mind who we discuss these matters with; we are pretty open-minded about these things. If on two consecutive days it is not possible to discuss it with them, we have to go ahead and make a decision. I can only assume that in their absence, Mr Berry made the information known to the rest of the members of the Labor Party, since he had to be acting as their agent, that this was what the Government was proposing. So I do not believe that the Government has acted in any way irresponsibly. I believe that we attempted to do the right thing by the Opposition, but in the event it simply was not possible for us to do that. In line with the previous Government's policy that from time to time it was necessary for the Assembly to adjourn early, this Government is following the same procedure. I do not believe there is any cause for complaint from the Opposition on that point.

20 March 1990

**MR BERRY** (5.18): No wonder the Government members opposite are getting a bit touchy about this issue, because the lazy Government opposite has been flushed out again. That is what it is all about. And they talk about consultation. Mr Jensen brings down the edicts issued on high, as they have always been issued to us opposite. They are issued in the form of a position from the Government. There is no consultation, there never has been, and it has been like that from day one. It is all about informing us what the Government will do, their executive decisions and that is the end of it. Norm has never presented it in any other way. He knew very well that when he spoke to both myself and Mr Moore on Friday the Labor Party's position would be established after the meeting.

The Labor Party's position is now becoming clear, much to the disquiet of the members opposite. We are strongly opposed to cutting out that important part of this Assembly's business to which members of the public can come. Of course, the Government is not in the least bit sorrowful about that because, after all, two of its Ministers are going to a function tonight, and it could not possibly operate without those two there. The two who are going would not be able to trust the mob left behind to carry out the business in their absence. They are either watching each other, holding each other's hands or holding the shield over their backs all the time.

This is an issue about a lazy Government which wants to have the night off, and which has never liked the night-time sittings of this Assembly. It has so often been put to the Labor team that Government members wish to get away from these sittings which they find quite boring. There is no doubt that there have been occasions in the past where, by agreement, the night-time sittings have been suspended but that decision has never been imposed on this Assembly before. That is what has been done by the lazy members opposite who do not trust each other.

One of the most interesting things about the behaviour of this Government has been the way in which it deals with members' business. I must say that I have some sympathy with Mr Whalan in dealing with the Government on this issue because of the arrogant way that the Executive's decisions in relation to the business of this house are relayed to the Opposition. At 5 o'clock on Friday the law is laid down and there is not much chance of reordering business. It was made very clear that this was an executive decision, and I am sure Mr Whalan will make it clear later on that that is the way that it has been put to him in the past.

Mr Speaker, it is unacceptable that this Assembly should rise before this evening's sitting and it is unacceptable that that should occur in this way. But it is most important that the matter is brought to the attention of those members who are in the gallery at the moment and the reasons for it are brought to their attention. On this side of the house, we know that it is not going to make

much difference what we say about it, but it is nice once again to have flushed out the lazy Government members opposite.

**MR WHALAN** (5.22): The person I feel sorry for is Robyn Nolan because Mrs Nolan has got the job of trying to be the whip for a government that does not want to do anything. When it does decide to try to do something, it stuffs it up and then, at the last minute, changes its mind. Whenever Robyn comes down to talk to us about the program of business, she says, "Well, look, to be quite honest, I'm not quite sure what they're going to say about this". So we have to go through a process of talking about it again and again and again because - - -

**Mr Kaine:** That is when she can find you there to talk to.

**MR WHALAN:** Well, last Thursday, when I offered to meet with Robyn she said, "Don't make it Thursday. It has to be Friday because I haven't been told what they've decided". We tried to make a meeting on Thursday and she said she would not be available. Friday morning she would not be available; she was not going to be told until Friday afternoon. I feel sorry for Robyn in those circumstances. It makes her job very difficult because there are no clear guidelines, those that there are are likely to change at any time and the divisions within the Government will have an impact on the order of business as it comes up.

I think that Mr Wood made a very good point when he said that this question of the divisions means that no-one will leave for fear of what the others will say while he or she is absent. So they all have got to be there, looking over each others' shoulders all the time to make sure they get it clear. If you look at the statements in relation to the point raised by Mr Moore, the classic contradictions between Trevor Kaine and Bernard Collaery in relation to that particular matter, there is manifest evidence - - -

**Mr Collaery:** I raise a point of order. This member is not addressing the subject at hand. This member opposite did not attend the matter of public importance on the Canberra - - -

**MR SPEAKER:** Order, Mr Collaery. A point of order addresses the standing order number and a few words taken from the text.

**Mr Collaery:** Mr Speaker, I would draw your attention to the standing orders relating to relevance in the matters before the Assembly.

**MR SPEAKER:** Thank you, Mr Collaery. Your point of order is overruled. Please proceed, Mr Whalan.

**MR WHALAN:** Mr Speaker, Mr Kaine mentioned something about the Federal election and I regard the Federal election as being of fundamental importance to the future of Australia,

20 March 1990

this Assembly and this Territory. The greatest tragedy that could happen to the ACT would be for there to be a change of government and for the coalition - this funny coalition, which we see here - to be replicated in the Commonwealth Parliament. This is the sort of thing that we have got to guard against and every person worth his or her salt should be out there working, working to ensure that the Hawke Labor Government is returned in the Commonwealth Parliament. I must say that I am proud to have been invited to be associated with and to help in the campaign. I refer not only to the campaign for Jim Snow, but I have also helped in the campaign in relation to Ros Kelly's electorate of Canberra, John Langmore's electorate of Fraser, and also the Senate. On one of those occasions when I was so helping, I happened to bump into a Liberal candidate, and I said to this Liberal candidate - - -

**MR SPEAKER:** Order, Mr Whalan, relevance, please.

**MR WHALAN:** Read your standing orders.

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

**MR WHALAN:** I said to one of the Liberal candidates, "I haven't seen Trevor much in the campaign". This Liberal candidate replied, "We want to win. We're not bringing Trevor into the campaign". So that is the reason why we have not seen Trevor in the Federal campaign. One would have thought that they would have taken the opportunity to troop out the Chief Minister, to have him out there campaigning for them. One would have thought that this would have been a great opportunity. But tonight, the night when members of the public have the opportunity to come into this chamber out of hours, because two members of the Cabinet had to go to a grog show the Government decided to cancel the sitting. I think that it was probably wise to do so because the last time we had a night sitting, I remember the behaviour of one particular Minister quite well. When he came back into the chamber, having clearly been out for dinner, his behaviour reflected the fact that he had had a pretty good dinner.

**MR SPEAKER:** Order! I ask you to withdraw that comment, Mr Whalan, it is imputing the behaviour of the members.

**MR WHALAN:** Mr Speaker, there is nothing wrong with somebody having a pretty good dinner. I am not passing judgment. I wish to state quite categorically that I admire people who enjoy their meals.

**MR SPEAKER:** Please withdraw the statement. I rule that there was an imputation in your statement.

**MR WHALAN:** I withdraw, Mr Speaker.

**MR SPEAKER:** Thank you, Mr Whalan. Whilst we are on points of order, Mr Whalan, as you are regularly drawing my attention to standing orders, I draw your attention to

standing order 155. At the vote on Mr Berry's motion to suspend standing orders earlier this afternoon, you, having called for the vote, left the chamber and therefore breached standing order 155. In fact, you did not return to participate in the vote. I regard such action as being highly disorderly and I therefore call on you to apologise unequivocally to the Assembly for your conduct on this occasion.

**MR WHALAN:** Mr Speaker, can I draw your attention to the fact that earlier today, after a vote had been called for a division within this chamber, that you yourself left this chamber. On behalf of yourself and myself, I apologise to the chamber.

**MR SPEAKER:** I will take that as an offence again, Mr Whalan. You are stepping over the line totally. If you would read your standing orders, as you claim to do regularly, you would see that under standing order 161, I was entitled to leave and remain out of the chamber. Read 161, I advise you.

**MR WHALAN:** Can you just give me a moment to read it?

**MR SPEAKER:** Well, do so. You are out of order once again.

**MR DUBY** (Minister for Finance and Urban Services) (5.29): This has turned into a very interesting adjournment debate, and I think that the heat of the argument that is coming from the other side is indicative of the fact that, once again, Opposition members have been sprung. It appears that nobody was around these lovely precincts of the Assembly, which they love to define, on Thursday and Friday of last week - nobody, of course, except the hardworking member, Mr Berry. It has been stated on a number of occasions, and no-one has denied it, that people attempted to consult with members of the Opposition on Thursday and again on Friday.

We now find that, in their pathetic attempts to make out that no consultation has occurred, members of this Opposition have been out campaigning in the Federal election in areas that do not even come within the borders of the ACT. They were in Eden-Monaro, down the coast; everyone went surfing. I think that it is an outrageous admission on the part of members on the other side of the house that they are out campaigning on matters which frankly do not concern them. They are paid to represent the interests of the people of the ACT, not to be fiddling around down in Eden-Monaro, not to be trying to help out various candidates. I noticed with some pleasure, Mr Kaine, that it came from the lips of the great deceiver himself that he had asked where Trevor was and the answer was, "We haven't seen Trevor". The reason is, of course, that Mr Kaine - - -

**Mr Whalan:** I raise a point of order, Mr Speaker. I find that quite offensive. I thought that Mr Duby was referring

20 March 1990

to Mr Kaine as being the great deceiver, but it is clear from his subsequent remarks that he was referring to me. I know that you are evenhanded, Mr Speaker, so would you mind asking him to withdraw that terribly offensive remark?

**MR SPEAKER:** Order! Thank you, Mr Whalan. I would request Mr Duby to clarify the point. I thought he was speaking of the person whom you met on the hustings somewhere. If Mr Duby was referring to Mr Whalan, I ask him to please withdraw it.

**MR DUBY:** I can assure you that I was referring to Mr Whalan. There is no question about that.

**MR SPEAKER:** Would you please withdraw that comment then, Mr Duby.

**MR DUBY:** I withdraw it, I am sorry. Given the various things that we hear from Mr Whalan, I thought he would delight in that title. But, as I said, it was very reassuring to see that Mr Kaine knows his responsibilities; he knows where his duties lie. He has been working hard for the members of the Canberra electorate, not fiddling around assisting people in other electorates. He is doing what he gets paid for, he is doing what he is supposed to be doing. He is working hard for the people of Canberra, unlike this motley rag-tag crew on the other side who apparently do not bother coming to work unless the house is sitting.

**MS FOLLETT** (Leader of the Opposition) (5.33): I have to correct the statements made by Mr Duby and Mr Kaine. The fact of the matter is that I was in my office on the first floor of this building for the full day on Thursday and for the full day on Friday, and I have to inform the Assembly that I am not aware of any approach whatsoever from any member of the Government to see me on either of those days. So the statements that have been repeatedly made by members opposite are absolutely and categorically untrue.

Mr Speaker, what did happen, was that Mr Berry was assigned the duty of consulting with the members of the Government on the order of business that was proposed for this week, and the only information that Mr Berry was able to elicit from the Government members, was exactly as has been stated by Mr Berry and Mr Wood. It was a statement of what they proposed and there was at no time any debate on those matters. In fact, when we queried one or two of the items that were proposed, we did not elicit any further information whatsoever. That is the fact. We were told what would be undertaken.

Mr Speaker, you will also be aware that I wrote to you this morning concerning the matter of the Assembly not sitting this evening. As you know, I regard it as a very important time for the Assembly to sit because it affords most working people their only opportunity of actually visiting this Assembly and seeing it in operation.



**Ms Maher:** No-one was here last Tuesday we sat.

**Mr Collaery:** Yes, Rosemary was here for 28 minutes.

**Ms Maher:** No, no-one was in the gallery.

**MR SPEAKER:** Order!

**Mr Kaine:** Well, Rosemary would not know as she was not here most of the time.

**MS FOLLETT:** Mr Speaker, I wish you would bring them to order.

**MR SPEAKER:** Please proceed, Ms Follett.

**MS FOLLETT:** I do not believe that at any time the members on this side of the Assembly have agreed to there not being an Assembly sitting this evening. I am aware, Mr Speaker, that you did reply to my letter. You said to me that you believed that the question of whether the Assembly sat tonight or not was a matter for this Assembly, rather than a matter for the Government or for you to make a statement upon.

I hope, Mr Speaker, that you will bear in mind this evening that there are quite clearly members in the Assembly who wish the Assembly to sit this evening and who are aware that there is business on the paper that could well be got on with this evening. There is no reason why it could not. I hope that you will bear that in mind when you vote on the matter. There is important business before the Assembly that could be debated this evening, and I think it really is a tragedy when members of the Assembly put their own personal commitments before the business that is before this Assembly. That appears to me to be the case this evening, but the only explanation we were given of why the Government did not wish the Assembly to sit tonight was because two of its members had other engagements. I just do not think that is good enough.

I have no doubt that the Government is about to use its numbers to adjourn this Assembly, but it does not need every last one of its people present to deal with the matters that are before the Assembly for this evening. So I would repeat that the consultation process was totally inadequate and has been misrepresented by most of the members of the Government who have spoken on this issue. I really think that while there are members of the Assembly who wish to observe the normal sitting pattern of the Assembly and continue with business tonight, then that should be the view of this Assembly.

**MR MOORE (5.36):** I was at the particular meeting with Mr Berry and Mr Jensen towards the end of Friday afternoon. I was in a position not to have to go back and consult my party, so I was able to listen to Mr Jensen and I did not

20 March 1990

actually indicate whether I would be interested or not. Mr Jensen could have expected an immediate objection from me should I have wished to raise it. I did not. But it was clear that Mr Berry had to take the matter away.

One of the things that is even more interesting to me is that Mr Jensen basically gave us a set of instructions and read them as he might orders on a battlefield to his subordinates. That is how he did it. On a couple of questions he smiled a supercilious smile and gave us a little bit of further information, little tidbits for those who might be interested in what was going on. At no stage was there an open debate, the sort of debate that we used to have around the oval table up in the Cabinet room on a Monday evening prior to sittings, because there is a different methodology.

The Government, as Mr Kaine said a short while ago, is just interested in using its numbers. It will be very interesting tomorrow in private members' business to see whether the Government uses its numbers again on the Administration and Procedures Committee as Mr Jensen suggested it might, in order to interfere with private members' business and what should come on tomorrow as part of it. Then we get Mr Duby talking about "the great deceiver"! He stood for no self-government and here he is a Minister!

**MR SPEAKER:** Order! Mr Moore, please debate the issue.

**MR MOORE:** Thank you, Mr Speaker. This is an adjournment debate, for heaven's sake, a free debate. I can say what I like.

**Mr Whalan:** It is an adjournment debate. Read the standing orders.

**Mr Kaine:** He can say what he likes, no matter how scandalous, Mr Speaker?

**MR MOORE:** Precisely. The great deceiver is now using the term "Independents Group", which he knows is not registered to him at the Electoral Commission. We have a situation where we have a government of people who went into government on the notion of having open government, of being able to let people see things. Yet every single step of the way we see it closing things down, using its numbers to ensure lack of access and inability of people to know what the hell is going on. That is what this Government has offered us as part of its promises of open government. I would like to have you reflect on the notion of "the great deceiver".

**MR JENSEN (5.39):** Mr Speaker, I will be brief because I do not think I need to say too much. The first point I need to remind the members opposite is, who is paying your salary? The second thing is that on Tuesday, 23 May, we rose at 4.41; on Tuesday, 30 May, we rose at 4.59; on

Tuesday, 22 August we rose at 5.57; on Tuesday, 17 October, we rose at 5.01; on Tuesday, 14 November, we rose at 5.18.

**Mrs Grassby:** By agreement.

**MR JENSEN:** By agreement, Mr Speaker, yes, because when those issues were raised with us at the time we agreed that it was appropriate - - -

**MR SPEAKER:** Order! Your time is up, Mr Jensen. The time allotted for the debate has now expired.

**MR WOOD,** by leave: Under standing order 47 I rise to claim that I have been misrepresented. During the debate a good deal was said about me in company with my colleagues who may not have been here on Thursday or Friday. Mr Speaker, I take some pride in the fact that I am persistently contacted by electors and a great deal of my work is done outside this chamber. You can be sure that on any occasion when I am not here, at whatever hour, I am busily occupied with electors. Members might find that strange because they do not have that experience.

**MR SPEAKER:** Order! I also seek the indulgence of the house to make a small statement. I claim to have been misrepresented by Mr Wood. I take umbrage at the point raised by Mr Wood that I have not done my duty. I have done my duty. The Leader of the Opposition wrote to me and I replied to her. For Mr Wood to then tell me that it is my duty to raise this issue with the house is, I believe, offside.

**Mr Wood:** I made that comment as I went along - I was caught out.

**MR SPEAKER:** Well, I believe you should check your facts. This is something that I would ask all members to do before they continually attack me. I am in a position where I am not really able to comment from this chair. I do not wish to do that; I am doing it now because things have got out of hand.

Question put:

That the Assembly do now adjourn.

20 March 1990

The Assembly voted -

AYES, 12

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

NOES, 5

Mr Berry  
Ms Follett  
Mrs Grassby  
Mr Whalan  
Mr Wood

Question resolved in the affirmative.

**Assembly adjourned at 5.47 pm**