



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

6 June 1990

Wednesday, 6 June 1990

Ainslie Transfer Station Bill 1990	2131
Royal Canberra Hospital Bill 1990	2136
Griffin Centre site	2143
Absence of members	2169
Questions without notice:	
School consolidations	2169
Hang-gliding	2171
School consolidations	2171
Hospitals	2172
Juvenile crime	2173
Magistrates' salaries	2174
China support group	2174
Oil and chemical spillages	2176
School consolidations	2176
Planning and land use legislation	2178
Recruitment of doctors	2179
"Sick building" syndrome	2179
Class sizes	2180
School consolidations	2181
Personal explanation	2182
Priorities Review Board	2183
Draft Land Use (Approvals and Orders) Bill 1990 (Suspension of standing and temporary orders)	2188
Draft Land Use (Approvals and Orders) Bill 1990 (Ministerial statement)	2192
Tenancy of Commercial Premises - select committee	2196
School closures	2199
Scrutiny of Bills and Subordinate Legislation - standing committee	2200
Tobacco (Amendment) Bill 1990	2200
Stamp Duties and Taxes (Amendment) Bill 1990	2205
Registration of Interests in Goods Bill 1990	2220
Registration of Interests in Goods (Consequential Amendments) Bill 1990	2220
Water Supply (Chemical Treatment) (Amendment) Bill 1990	2226
Adjournment: D-Day anniversary	2232
Answers to questions:	
Consultants (Question No 81)	2235
Canberra Development Board - Consultancies (Question No 105)	2240
Ainslie transfer station (Question No 138)	2243
Ainslie transfer station (Question No 139)	2244
Consultants (Question No 147)	2245

Wednesday, 6 June 1990

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

AINSLIE TRANSFER STATION BILL 1990

MS FOLLETT (Leader of the Opposition) (10.31): Mr Speaker, I present the Ainslie Transfer Station Bill 1990.

Mr Collaery: Mr Speaker, on a point of order; I draw your attention to the standing orders, in particular to standing order 200, which states:

An enactment, vote, resolution or question, the object or effect of which is to dispose of or charge any public money of the Territory, shall not be proposed in the Assembly except by a Minister. Money proposals may be introduced by a Minister without notice.

I further draw your attention, Mr Speaker, to section 65 of the ACT (Self-Government) Act 1988. It says in subsection (1):

An enactment, vote, resolution or question (any of which is in this section called a "proposal") the object or effect of which is to dispose of or charge any public money of the Territory shall not be proposed in the Assembly except by a Minister.

Mr Speaker, it is very clear to me - - -

MR SPEAKER: Thank you for that point of order, Mr Collaery. I will take that on notice. I will allow Ms Follett to proceed with the presentation of her Bill. Once I have the Bill before the house I will examine the content thereof and report back to the Assembly with a ruling on that objection. Please proceed, Ms Follett.

MS FOLLETT: Mr Speaker, I move:

That this Bill be agreed to in principle.

The Ainslie Transfer Station Bill is a Bill which is designed to force this Government to accept its environmental and community responsibilities. It is a Bill which will again test the Residents Rally members of this Alliance. Will they yet again fail their one-time supporters? I remind Dr Kinloch in particular that actions speak louder than words and the community is watching on this issue which it regards as very important.

6 June 1990

The closure of the Ainslie Transfer Station is the starkest example yet of the way in which this Government operates. We have seen a total lack of consultation, little regard for the needs of the community, and an incapacity to provide a coherent overall approach to policy making. The Government must learn to understand that policy cannot be made while a vacuum of community support exists. Governments of all persuasions have an obligation to meet their constituents' needs.

Mr Speaker, nobody could have expected the Government to close the Ainslie Transfer Station. After all, Government members were a majority on the Assembly committee which recommended an expansion of the facilities at the transfer station. It is right there in this report in black-and-white. It says "investigate the possibility of establishing oil collection points at the Ainslie transfer station". Then again it says "investigate the possibility of a special collection bin at the Ainslie transfer station for organic wastes". On Mr DUBY's own answer to my question on notice, organic waste comprised the majority of the waste at that transfer station.

Finally, Mr Speaker, we have the most damning recommendation of all in the Assembly's own report and the one that I believe Dr Kinloch in particular has to stick by, that "recycling facilities at both landfill sites and Ainslie Transfer Station be upgraded and access improved".

Until its closure, the Ainslie Transfer Station was used extensively by the residents of the entire north Canberra area. I have information from Mr DUBY which indicates that 125,000 trips were made to the Ainslie Transfer Station annually and the waste collected was some 12,500 tonnes in the last year. It is not as if it was an underused facility. But, like all the other decisions of this Government, there was no real consideration of the facts of the case, including the facts that they have presented to me. Mr DUBY's answers to questions without notice exposed the fact that the decision was taken by him in complete ignorance of the level of use of that station. The Government showed that it had no idea of the recycling level or of its impact on the community, and no plans for the Mitchell facility have been forthcoming either. Pie in the sky!

This is the same off-the-cuff, on-the-run decision making process which we have also seen in Mr HUMPHRIES' administration of health and education. As has been shown over the past few weeks, Mr HUMPHRIES has no idea about the financial issues of school closures, let alone the social issues. Likewise, Mr DUBY obviously did not examine in any way the impact of his decision to close the Ainslie Transfer Station. Again we see government on the run and, in my view and in the view of many people in the ACT, totally irresponsible government. The arrogance of the members of the Government knows no bounds. We heard the

Chief Minister in his usual uninformed and blustering way say that there would be no detriment to anybody by closing down the transfer station. He went on to say that every minor administrative decision is not referred to the public.

Mr Jensen: Where is the quote from, Rosemary?

MS FOLLETT: It is from the Hansard.

The Chief Minister also seemed to think that his decision affected only the people of Ainslie. In response to questions he said, "If you do not happen to live in Ainslie you put your rubbish in your car or your trailer and you deliver it out there". By "out there", of course, he meant that people should go to west Belconnen or Mugga Lane. And he went on:

I do not expect that asking the residents of Ainslie to do the same thing puts them at any disadvantage and they are therefore in any different position to people who live anywhere else in the Territory.

Well, he is wrong about that, as he is about so many other things.

Mr Speaker, thousands of Canberra residents have signed petitions calling for the retention of the transfer station. To say that there is no detriment completely ignores the views of those people and it ignores the views of people who are still writing to me. I have just received a letter from one correspondent this morning. I will quote from her letter because it is a very good letter. She says:

It is such a terrible thing that this Government has done. I am still very angry and there is a lot of other people very angry too. I am very concerned about our Ainslie tip.

She goes on to ask me to do something about it, which is what I am doing. Mr Speaker, the decision that has been made on this matter - - -

Members interjected.

MS FOLLETT: Mr Speaker, please!

MR SPEAKER: Order!

MS FOLLETT: The decision made here completely ignores the fact that residents will now be faced with up to a 40-kilometre round trip to another tip. It completely ignores the needs of the substantial number of elderly people in the north Canberra community. Quite simply, the tips at Belconnen and Mugga Lane are closer to every other part of Canberra than to north Canberra.

6 June 1990

We on this side are also very concerned about the effect on the environment and in particular on recycling. The ACT Government Service and recycling groups have put considerable effort into encouraging people to recycle glass and paper. Everybody here knows that it is very easy for householders simply to throw out their bottles, their paper and so on with the rest of their garbage. We are concerned that the closure of the transfer station will be a significant setback for the cause of recycling in this Territory. North Canberra residents became accustomed to the idea of taking their bottles and wastepaper to the transfer station and separating them for recycling. On the day after World Environment Day, I believe the Government now has the chance to rethink Mr Duby's hasty decision and to support the community.

No matter how much Mr Duby pretends, he cannot hide the fact that the Government has substantially failed to provide alternative recycling facilities. A couple of miserable sets of bottle banks will not cater for north Canberra. It is clear that any thoughts about recycling came to Mr Duby only after people made a fuss. The bottle bank system, I repeat, is not good enough on its own. We still also need paper recycling facilities and, if we are to be in any way serious about recycling, we need to explore the potential for the recycling of plastics, oils, garden waste and so on.

Mr Speaker, everybody knows how easy it is to miss the once a month wastepaper collection from the kerbside. Just as with domestic garbage, there does need to be a convenient location where people can take wastepaper when they have accumulated too much or have missed the collection. That is all a part of the community education process which the Chief Minister spoke about yesterday in his environment strategy, but this decision flies completely in the face of it.

Then we come to the Government's defence of this decision as necessary on budgetary grounds. I call that "the art of the big lie". It is a speciality of this Government.

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

MR SPEAKER: Yes, I would ask you to withdraw that, Ms Follett.

MS FOLLETT: Withdraw which?

MR SPEAKER: You referred to the speciality of the Government as a lie.

MS FOLLETT: I referred to it as "the art of the big lie".

MR SPEAKER: That is right. I believe it is a valid point of order.

MS FOLLETT: That is getting a bit tetchy.

MR SPEAKER: It is borderline, but I would ask you to withdraw it. I think there is an imputation on all members.

MS FOLLETT: In view of their extreme sensitivities, I withdraw it.

MR SPEAKER: Thank you.

Mr Jensen: It is parliamentary practice, Ms Follett.

MS FOLLETT: Rubbish! You are not in charge.

Mr Speaker, as was well evidenced with his Priorities Review Board report, the Chief Minister completely ignores the fact that governments exist to provide services to the community. I call on the Minister, Mr DUBY, to table all documents relating to the closure of the Ainslie Transfer Station. We are yet to see any real justification of Mr DUBY's mistake. If we look at the budgetary issues it is clear that the costs of this decision could be greater than the supposed savings. Firstly, there is the cost to north Canberra residents, which I am sure Mr DUBY has not taken into account at all, of driving 40 kilometres to and from a tip or the cost of making alternative arrangements to have the rubbish collected.

Then there is the cost to the Government, because the Ainslie Transfer Station is, of course, used by this Government itself. Litter patrols and other Government services will now have to go a considerable extra distance to unload waste material. Either there will have to be more of them to do the same amount of work or the amount of work they do will have to be reduced. Either way, the community pays.

There is also the additional cost of cleaning up the garbage which some people undoubtedly will leave on the streets or in the nature reserves around north Canberra. There will also be the massive increase in garbage materials that will now not be recycled.

Mr Speaker, there is also the environmental cost. Again on the day after World Environment Day I would ask the Government to stop and think about the environmental cost. What have the effects been so far of this short-sighted decision? As a resident of the area, I am able to give you some indication of what the effects are. People who used to clean up their nature strip, sweep up the leaves and so on and take them to the Ainslie Transfer Station are now no longer able to do so. People I know who found it convenient to recycle at the Ainslie Transfer Station now find it easy to throw out all of their rubbish regardless of its recycling potential.

6 June 1990

I know a number of people in the north Canberra area who did not use the garbage service at all, who managed to recycle or compost all of their domestic waste. Of course, they are now no longer in a position to do that. What we have here is a growing disaster. Mr Duby, of course, has attempted to justify his hasty decision by claiming that there is a net budgetary saving. No evidence whatsoever of the savings has been provided.

Mr Speaker, I would like to refer to Mr Collaery's remarks which were made before I introduced this Bill about this being a money Bill. It is not. It is about the Government continuing to provide a service to the community. I say again, Mr Speaker: this is not a money Bill. The effect of it is not a money matter. It is about the Government providing a service to the community which was provided, which has been provided, and about which they have made no material whatsoever available to indicate why they are not doing it any longer.

In conclusion, I would remind the Residents Rally members in particular that this is a chance for them to regain some of the ground that they have lost. They have lost it because they have ignored the wishes of the community that they have been elected to represent. Many of these people, of course, are in the north Canberra area, and I call upon the Residents Rally members not to desert them. Mr Speaker, I commend the Bill to the Assembly.

MR DUBY: Mr Speaker, notwithstanding the objections raised by Mr Collaery to the carrying on of this debate under standing order 200, and subject to your ruling, I move that this matter be adjourned.

Debate adjourned.

ROYAL CANBERRA HOSPITAL BILL 1990

MS FOLLETT (Leader of the Opposition) (10.46): Mr Speaker, I present the Royal Canberra Hospital Bill 1990. I move:

That this Bill be agreed to in principle.

The Bill is designed to ensure that the present Royal Canberra Hospital continues in operation on its current site.

Mr Collaery: On a point of order, Mr Speaker; I make the same point that I made with the previous Bill that the Leader of the Opposition introduced. In our view, this Bill clearly places a charge on public moneys. Mr Speaker, it is standing order 200, and I draw your further attention to section 65 of the ACT (Self-government) Act.

MR SPEAKER: I will analyse the Bill with legal opinion and report back to the Assembly on the validity of this Bill under the standing orders proposed.

Mr Connolly: I raise a point of order related to the point of order raised by Mr Collaery. I welcome your decision that you will take it under advisement. Could I just suggest, Mr Speaker, that your decision on this will be of fundamental importance to private members - - -

MR SPEAKER: Order! Mr Connolly, to make a speech like this you must seek leave of the Assembly. A point of order is a point of order per se. If you wish to seek leave to make a statement you are free to do so, but otherwise it is just a straight point of order from the book. What we have requested members to do is to identify the standing order and use some words only from that standing order as printed.

Mr Connolly: I was seeking to identify the standing order and make a suggestion as to the procedure to be followed. I will seek leave at a later stage to make a statement.

MS FOLLETT: Mr Speaker, this Bill represents more than just the question of whether the Royal Canberra Hospital survives or not. In a very real sense, it encapsulates everything that is wrong with this Assembly and the dishonest approach that has been taken by the members of the Government.

I said earlier that the Ainslie Transfer Station Bill gave the Residents Rally members one last chance to stand up for their principles. This Bill also gives them a chance to show the people of Canberra whether they stand by the promises they made at the election and whether their pious statements made in this Assembly last year on this same subject meant anything at all. In short, the Residents Rally members have a chance to show that they are not hypocrites and that they have not been deceived by the panic and the terror tactics which the Liberals have used on the ACT budget.

This Bill is yet another demonstration of the fact that the Labor Party sticks by the promises it made to the Canberra community at the election last year. We stuck to our promises about retaining the neighbourhood school system and holding down rates when we brought down our budget last year. We announced a plan for the refurbishment and continuation of the Royal Canberra Hospital. All of this was affordable and it was included in a budget strategy which began the task of adjustment to State-type funding for the ACT. But, one by one, on these very same issues the Residents Rally policies and promises have fallen as they have proved themselves to be mere lap-dogs of the Liberal attack on the public sector.

There are many reasons why the Royal Canberra Hospital should be retained, just as there are many reasons why the hospital can be afforded by our community. Many members of the public have observed that the unique location of Royal Canberra Hospital contributes to its value as a health

6 June 1990

facility. The peaceful atmosphere and superb views would soothe even the most savage Residents Rally breast.

Mr Collaery: You really hate the Rally, don't you, because we took 60 per cent off Labor.

MR SPEAKER: Order!

Mr Collaery: You can't take it. You are going to get rolled in 1992.

MR SPEAKER: Mr Collaery, please!

MS FOLLETT: I think you should name him, Mr Speaker. I have suffered continued interjections.

MR SPEAKER: Order! Please proceed.

MS FOLLETT: The location of the hospital is important in servicing the people of north Canberra and Belconnen. Quite clearly, as the new suburbs are opened in west Belconnen and when we eventually see the development of Gungahlin, there will be an even greater need for a north side public hospital. The Liberals have said nothing about the extra travelling time for north Canberra people who require emergency treatment. I would ask: how does the Liberals' accountant approach cost the lives which will be lost in ambulances going the extra distance to Woden?

Another major reason for the closure can be found in the fact that the Liberals will establish a new private hospital on the north side to partly replace Royal Canberra's facilities. It is quite clear what their agenda involves. Public health, medical services and hospitals with equal access for every member of the community play second place to their commitment to private profit. They would much prefer to see private hospitals where somebody who is already wealthy makes yet more money out of other people's health problems.

Mr Kaine: It is a good line but it is not true. It is good stuff for a Labor left, but nobody else takes any notice of it.

MR SPEAKER: Order!

MS FOLLETT: Mr Speaker, I have suffered from continued interjections, particularly from the Chief Minister. I really feel that he has continued to disobey your instructions.

Contrary to the propaganda from the Liberals - and we are hearing more of it all the time - propaganda which the Residents Rally seems to have swallowed whole, the ACT budget can afford the Royal Canberra Hospital. The real cost of the Liberals' planned closure of Royal Canberra Hospital and development of one principal hospital at Woden Valley is around \$195m. It is very little less than the

plan which the Labor Government outlined last year to retain Royal Canberra at a cost of \$200m to \$210m. And, of course, nobody has any idea what the cost of transferring the Queen Elizabeth II Home and the Jindalee Nursing Home will be, let alone the cost of establishing a new hospice or birthing centre on the site. It is not improbable that implementing the Liberals' overall plan will, in fact, cost more than retaining Royal Canberra Hospital. We have not seen the figures.

Mr Collaery: On a point of order, Mr Speaker; I raised this point of order at the beginning when I said that neither of these Bills fits any description of Bills that can be introduced by the Opposition. They put a charge on the public purse and they are completely out of order. I am quite confident, subject to your ruling, that they will not proceed. The Leader of the Opposition is using this supposed introduction of a Bill as a vehicle for total misrepresentation, for fantasies that are conjured up on the first floor corner - - -

MR SPEAKER: Order!

Dr Kinloch: On a point of order, Mr Speaker; I refer the house to standing order 61. I am fed up with people yelling across this house. I am not going to put up with it any more. If it happens again, I am going to get up every time and quote standing order 61.

MR SPEAKER: Order! I would put it to the Government to take a lead on this matter.

Dr Kinloch: Mr Speaker, on a point of order - - -

MR SPEAKER: Dr Kinloch, please do not speak over me. Resume your seat. I am trying to make an observation.

Dr Kinloch: I am trying to take a point of order.

MR SPEAKER: Resume your seat until I have finished speaking, for goodness' sake. I appeal to the Government to take a lead. It is very difficult for me to pull up the Opposition if Ministers in particular are talking across the floor.

Mr Moore: The Chief Minister in particular.

MR SPEAKER: Please, Mr Moore; you have nothing to say in this matter. Dr Kinloch, I will hear your point of order.

Dr Kinloch: Having made the point of order concerning standing order 61, I was then immediately interrupted, and I object. I now warn everybody in this house that, every time anyone yells something across the house, I will be up, taking a point of order on standing order 61.

MR SPEAKER: Thank you, Dr Kinloch; your point is quite valid. It does get out of hand at times. Ms Follett, in

6 June 1990

the circumstance of doubt about the validity of the Bills, I would ask you to speak to the motion rather than to attack the procedures of this house. What I am asking is that you do not take the advantage of having the only opportunity to speak, because if I do not allow the Bill then the others cannot retaliate against what you have said. I am asking for fair play under the ruling that I have presented.

MS FOLLETT: With all due respect, Mr Speaker, I expect the Government to take full advantage of what they see as a technical problem with the Bill and I will speak as strongly as I possibly can in favour of the Bill.

Mr Speaker, it is not improbable that implementing the Liberals' overall plan will, in fact, cost more than retaining Royal Canberra Hospital. It is completely outrageous that this Government has been unable to cost its proposals for the convalescent home, the birth centre, the hospice and the 24-hour mental health crisis centre which it intends to establish on the Royal Canberra Hospital site. There has been not a word about what they will cost.

The lack of public information means that the Government is either obfuscating about the cost or it simply does not know. I suspect the latter. Making decisions and announcing plans in the complete absence of hard facts shows a reckless disregard for the public interest and reveals their ideological motivation.

The other fact which many people have yet to realise is that this Government is engaged in stealthy cuts to the public health system, even before Royal Canberra Hospital closes. For example, substantial parts of the hospital have already been closed. While the hospital has a nominal bed capacity of 443 beds - - -

Dr Kinloch: On a point of order, Mr Speaker; I heard someone interject while another member was speaking.

MR SPEAKER: Thank you for your observation. I would again point to the Minister involved. Please proceed, Ms Follett.

MS FOLLETT: While the hospital has a nominal bed capacity of 443 beds, there are currently only 277 beds in operation. Mr Speaker, the Government's decision to close the Royal Canberra Hospital is only one of many hasty and ill-informed decisions that they have made on the basis of prejudices about the cost of community services in this Territory. It is quite clear that they do not have sufficient information to make a proper decision about this matter, just as they cannot publicly provide any information to justify their decisions to close schools.

The final point that has to be made is that the Government has absolutely no regard for the views, for the needs and for the aspirations of the Canberra community. Mr

Humphries had to hastily retract his offer to reconsider this decision if more than 10 per cent of Canberra citizens signed a petition. Last week we saw petitions from 41,000 Canberra residents presented to the Assembly, and that is far more than 10 per cent of the community. I notice, Mr Speaker, that Ms Maher thinks this is enormously entertaining.

Dr Kinloch: I raise a point of order, Mr Speaker, on standing order 61. I want to make this very plain: I have been here over a year and I am fed up with the behaviour in this house. I do not want these constant interruptions. If someone gets up to speak, let him or her speak.

Mr Moore: On a point of order, Mr Speaker; can I draw your attention to House of Representatives Practice, page 175. In a maiden speech one does not get any interruptions or interjections. The clear implication from that is that at other times a certain amount of interjection is appropriate and Dr Kinloch is way off beam.

MR SPEAKER: Thank you for your observation, Mr Moore. I think you are taking an extreme circumstance again.

MS FOLLETT: Mr Speaker, the 41,000 people who signed those petitions all believe that Royal Canberra Hospital should remain open. Those 41,000 people vastly exceed the total number of people who voted for the Residents Rally and the Liberal Party at the last election.

Mr Kaine: And the Labor Party.

Dr Kinloch: Mr Speaker, I make it very clear that, under standing order 61, interruptions are not allowed. Those words are very clear: "A member may not interrupt another member whilst speaking".

MR SPEAKER: Thank you, Dr Kinloch.

Mr DUBY: On a point of order, Mr Speaker; standing order 55 says that all imputations of improper motives to members shall be considered highly disorderly. Throughout this speech we have had nothing but improper motives addressed to this Government from that member. For people to point that out to the house is not in contravention of standing order 61 whatsoever.

MR SPEAKER: Thank you for your observation, Mr DUBY.

Mr Moore: On a point of order, Mr Speaker; I would be delighted to propose - - -

MR SPEAKER: Just a moment, Mr Moore; one at a time, thank you. I agree with the totally uplifting attitude that is now presenting itself. I have been seeking such a level of debate in this house ad infinitum. The situation is that, if we become too restrictive, I am sure we will be bored silly at times. No, I withdraw that. The point is that a

6 June 1990

number of interjections in a moderate tone are normal parliamentary procedure, but I do expect the level of interjection to decrease now that the members themselves are calling for it.

Mr Moore: In fact it is only Dr Kinloch who has called for it. Page 496 of House of Representatives Practice supports what you are saying. It says:

Modern thinking is that, as the house is a place of thrust and parry, the Chair should not necessarily intervene in the ordinary course of debate ... There should only be intervention if interjections are, in the opinion of the Chair, too frequent or are such as to interrupt the flow of a member's speech, or are obviously upsetting the member who has the call.

I think the sort of approach that Dr Kinloch is putting is totally out of step with normal parliamentary practice.

MR SPEAKER: Thank you, Mr Moore.

Dr Kinloch: Mr Speaker, I am perfectly happy for someone to move - - -

MR SPEAKER: Order! Dr Kinloch, you have not got the call. Mr Moore, your point is valid and thank you for your observation.

Dr Kinloch: I raise as a point of order standing order 61, Mr Speaker. If the words there are incorrect, then by all means let us dispose of that point of order.

MR SPEAKER: Thank you for your observation, Dr Kinloch. As members will recall, I have been trying for at least six months to have submissions from all members of this chamber on amendments to the standing orders. To date, I have not received any. I think you are being a little pedantic in this case, Dr Kinloch.

Mr Jensen: On a point of order, Mr Speaker; I would like to draw your attention to standing order 275, for the benefit of members. I think this might solve some of the problems in relation to Dr Kinloch's concern.

MR SPEAKER: Thank you, Mr Jensen; we are aware of that now. Please proceed, Ms Follett.

MS FOLLETT: I think if anybody should complain about constant interruptions and interjections it should be me.

Mr Speaker, the Government has absolutely no mandate to close Royal Canberra Hospital. The decision flies in the face of their promises to the Canberra community. The Bill that I have presented today offers a last opportunity for members opposite to show that they are prepared to listen to the desires of the Canberra community and to act to

protect public health services. The Bill is about honesty in government and about government serving the needs of the community. I commend the Bill to the Assembly.

MR HUMPHRIES (Minister for Health, Education and the Arts) (11.04): Mr Speaker, I note that the point was raised earlier concerning the application of standing order 200 and the application of the self-government Act with respect to the introduction of money Bills. While reserving our - - -

Dr Kinloch: Mr Speaker, on a point of order, I heard someone interrupt Mr Humphries while he was talking. Believe me, if that is in English, it either means what it says or it does not.

MR SPEAKER: Order! Dr Kinloch, I really believe you are being pedantic to the extreme. I take your point as valid but I think we must allow some minor interjections. Mr Humphries, are you speaking to the Bill or are you wishing to - - -

MR HUMPHRIES: No, Mr Speaker; I am asking that this matter be adjourned, subject to your ruling concerning the validity of the introduction of the Bill in the first place.

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

GRIFFIN CENTRE SITE

MR BERRY (11.05): Mr Speaker, I expect that there will be some interjections from the Government members opposite in relation to the motion that I have on today's notice paper. It, too, will touch on a sensitive nerve because of the Government's behaviour in relation to the Griffin Centre. Mr Speaker, I move:

That this Assembly, in recognition of the important role that the Griffin Centre site plays in the community and cultural life of the people of the ACT, supports the granting of a long lease to ensure the continuity of the centre and to put an end to the uncertainty caused by recent announcements by the Chief Minister, Mr Kaine, and the Minister for Finance and Urban Services, Mr Duby.

I notice that the Chief Minister has left the room because this would indeed upset him. This motion is particularly relevant in the light of the statement made by Mr Kaine yesterday in relation to the redevelopment of the former Canberra Times site.

Mr Speaker, the Griffin Centre is well known. It has a central location. Having such a central location ensures

6 June 1990

that users of the facility have access to buses and that all socioeconomic levels of society have access to the centre. Its central location ensures that those who have motor cars and who wish to use the centre have access to parking close by. There are large numbers of groups who use the Griffin Centre. There are about 450 community groups and we know that the Government has not consulted with all of them. We know that it has not consulted with all of them because of the angry response that there has been to the Government's position.

Mr Speaker, 20,000 people in the community are represented by those 450 groups and have access to the centre. There are 30-odd organisations which are more or less permanent residents in the centre. A little while ago the following motion was passed at a public meeting in the Griffin Centre:

This meeting demands that the Griffin Centre be retained on the current site and that a lease of 25 years be issued forthwith to the ACT Council of Cultural Societies on behalf of all current and future community users of the centre. The said lease must assure:

- . security of tenure;
- . proper maintenance of the building;
- . all charges (including rent and rates) to be maintained at minimum levels;
- . no increases in charges beyond movements in the CPI;
- . all other terms and conditions to be conducive to the ongoing operations of the community organisations who utilise the facilities of the Griffin Centre.

That motion was carried unanimously. It is interesting that in such an important debate there are six empty chairs in the Government benches opposite; it must surely be approaching the time when there could be a quorum problem in the Assembly.

Mr Speaker, access to this centre is not limited to the people in the centre of Canberra. It is available to a wide cross-section of people from every part of Canberra. It is an important community asset. It is not a government plaything; it is a moneymaking concern for the Government in the sense that the community profits from the very important services that are delivered from the centre. They are delivered in a very economical way. If the Government were forced to deliver those services, it would cost much more and there would be a greater burden on the Territory's funds. To that extent one could argue that the Government relies very heavily on those services.

What is required for the people of the Griffin Centre is stability, not ad hoc decisions such as we have seen lately coming from different members of the Government. The ad hoc decisions and comments that have been coming from the

different members have created a lack of security. There have been three views announced by Government members.

Before I go on to that, let me say that it was very interesting to see the Residents Rally party's behaviour in relation to this matter. The Residents Rally party has a wild claim amongst its policy documents that it is in some way connected with community groups. It was born out of grassroots movements. That is what its members like to think.

Mr Moore: It was true.

MR BERRY: It has since been aborted, I would say, by those grassroots movements.

Mr Humphries: On a point of order, Mr Speaker; quite clearly Mr Berry is traversing issues other than the occupation and use of the Griffin Centre. His reference to - - -

MR SPEAKER: Yes, relevance is applicable.

MR BERRY: Indeed, Mr Speaker, relevance is extremely important. This is a community centre and part of the Government is made up of a group of people who claim to have some relationship to the community groups who might use that centre. It is entirely relevant that the Residents Rally position be mentioned in the context of this debate, and Mr Humphries knows that. It might be embarrassing for him to collocate with the Residents Rally, but he is stuck with that.

Mr Speaker, the Residents Rally has been disgraced, not only at its membership level in this Assembly but also by the performance of the party itself in relation to the Griffin Centre. It has not been game to come out and declare itself as an opponent of the Government's actions against the Griffin Centre.

In one of his meanderings that was reported in the newspaper Mr Kaine said that the Assembly should be redeveloped as part of a larger project and - - -

Mr Kaine: The Assembly should be? I did not say the Assembly should be redeveloped.

MR BERRY: In his meanderings in this Assembly he said that it should be developed as part of a larger project and that there ought to be some consultation with the community and possibly a grant or a lease for three years. Of course, this would get the monkey off his back because the community groups are a wake-up to the aspirations of the Liberal Party, certainly in respect of their need and desire to assist their big business mates. But this will not get the community off his back, neither will his outrageous comments yesterday in his statement in relation to the redevelopment of the Canberra Times site.

6 June 1990

Minister Duby, of course, said there would be no consultation, no lease and no community links. He quite clearly does not understand the role of the Griffin Centre as it represents community organisations.

Mr Duby: On a point of order, Mr Speaker; there must be some provision to prevent the people of the Opposition from telling deliberate untruths. Mr Berry is misrepresenting me.

MR SPEAKER: Order! If a member claims to have been misrepresented, he or she has the opportunity at the end of a speech to make that known to the Assembly and to have it recorded. I believe that your objection is overruled on the basis that you have a chance to speak after Mr Berry, but I would again draw attention to the fact that scurrilous and misleading statements from either side are not appropriate.

MR BERRY: I am sure that members of this house will be delighted and probably entertained by the attempts of Mr Duby to present a case that he does, in fact, understand the role of the Griffin Centre and its links to the community. I think we would be extremely delighted and it would be a matter that ought to be transcribed and sent immediately to the people he claims to understand. Of course, he will have that opportunity in due course if he so desires.

Mr Collaery, of course, has publicly supported the Friends of the Griffin Centre and has privately achieved nothing, as was evidenced by the Chief Minister's announcement yesterday. Mr Collaery and the Residents Rally are a joke in this community. This lack of action from a duplicitous Residents Rally party and an equally duplicitous Residents Rally leader does nothing - - -

MR SPEAKER: Order!

Mr Collaery: On a point of order, Mr Speaker; standing order 55 - - -

MR BERRY: I withdraw that.

Mr Collaery: I wish to speak to my point of order. He has to sit down, Mr Speaker.

MR BERRY: I withdraw that.

MR SPEAKER: Please resume your seat.

Mr Collaery: He is withdrawing quickly because he does not want me to respond. I take a point of order on standing order 55. I point out to you, Mr Speaker, that Opposition members are constantly misusing and breaching standing order 55; they are provoking the members of the Government and disrupting the proceedings of this Assembly.

MR SPEAKER: I accept your objection, Mr Collaery. We will try to lift the debate in the Assembly, Mr Berry.

MR BERRY: Indeed, Mr Speaker, but I can assure you that I will always provoke this Government because it is deserving of provocation.

The day before yesterday, Mr Collaery said he hoped the centre would be there for a long time, knowing full well that there was going to be an announcement by the Chief Minister in a very short time that the centre was doomed. You can write this down because this is what you said, Mr Collaery.

Mr Collaery: You will get yours.

MR BERRY: I will get mine at the next election. I will be miles in front.

Mr Speaker, the Government opposite has done this in relation to the Griffin Centre. It has ensured that there remains a cloud over the future of the Griffin Centre because it has said that very little will happen for three years, to get itself off the hook. It has done nothing about a long-term lease for the occupants of the Griffin Centre. It has said that there will be a grant of a further occupation licence. Everybody knows this is an entirely different matter; there is a great void between a licence and a lease.

The whingeing members opposite despise being poked with a pointed stick or having the blowtorch put on their bellies, but they are the Government after all, and they are the ones responsible for the deceit.

Mr Jensen: On a point of order, Mr Speaker; once again there is an imputation on the whole Government, clearly in contravention of parliamentary convention. I request that the member withdraw that imputation.

MR SPEAKER: I think, as a generalisation, it is not desirable but still acceptable.

Mr Jensen: On a point of order, Mr Speaker; I think you will find that House of Representatives Practice clearly indicates that any reference to a government in that way should be withdrawn in accordance with parliamentary practice.

MR SPEAKER: Thank you, Mr Jensen, I will take advice on that matter.

I support your objection, Mr Jensen. It has been ruled in past proceedings that, if a statement accusing the Government of an action was not in permissible parliamentary language that could be levelled without challenge against an individual member, then it could not be levelled against the Government as a whole because the

6 June 1990

inference then is that each member of the Government must stand one at a time to defend his or her position. I would ask you to withdraw that imputation.

MR BERRY: I withdraw that. (Extension of time granted)

Mr Speaker, I go back to the motion that was moved by the occupants of the Griffin Centre. This demonstrates where the Government has fallen down in relation to the adequacy of their response to the users' needs. The meeting that I referred to earlier demanded that the Griffin Centre be retained on the current site. Their concerns in relation to that matter were that they would be moved into a new building and then they would be frozen out because of high rents and high charges. There was no guarantee in the Chief Minister's statement yesterday that that will not occur. In fact, it ensured that the occupants of the Griffin Centre and the users of the Griffin Centre would remain powerless in the determination of the future of that site.

I heard an interjection a little while ago. Whilst it is not my practice to worry about them too much, there was some talk about Labor's position in relation to the Griffin Centre. I can say to you, Mr Speaker, and to the members opposite, that Labor was snowy-white on this issue; it was spot-on, because the future of the Griffin Centre was never in doubt. It had a long future.

Mr Collaery: You ask them that.

Mr Moore: He did, at a public meeting.

MR BERRY: I did. I told them and they believed me.

Mr Collaery: When you were in government?

MR BERRY: When we were in government the future of the Griffin Centre was secure.

Mr Jensen: You offered them a lease, did you?

MR BERRY: I did not have to. They did not worry about a lease with the Labor Government because their security was not threatened as it is by the development party. They sought that a lease of 25 years be issued to ensure tenure and to give them some power in negotiations about what their future might be. What has this Government done? All it has done is extend a licence - for heaven's sake, a licence - over which I am sure it will have total control. There will not be any power to the people out at the Griffin Centre.

What they wanted to do was to ensure that their tenure was guaranteed in respect of current and future community uses at the centre. They wanted security for that tenure. They wanted proper maintenance of the building, and rent, rates and all charges maintained at minimal levels. They wanted

no increase in charges. That is not surprising, because they fear that when they are pushed into a new building the charges will be so high that they will be frozen out. They fear that the charges will be beyond movements in the CPI, because that is the nature of this Government. It is a developers' government. It will hand it over to the developers. They do not know what is going to happen in three years because this is an off-the-cuff reaction to the community which was on their back. They have not thought it through at all. All other terms would have been conducive to the ongoing operations of the community organisations who utilise the facilities of the Griffin Centre.

I support this motion because what it means is security for the Griffin Centre and for the community services it provides. This is what the Labor Party stands for. It stands for security for the users of that community centre and security for the services which those organisations will continue to provide well into the future, and - dare I say it - under a Labor administration. This flea-bitten Government opposite has been peppered by a broadside from community groups and it will remain well in focus for its activities in relation to the delivery of community services.

A three-year licence is not good enough. It does not guarantee tenure for the occupants of the Griffin Centre. There is nothing guaranteed for the occupants of that centre. In the clear light of day, I do not think that the occupants of the Griffin Centre will cop what has been delivered. They will wake up to the fact that there has been a snow job and I am sure that they will take a firm stand to ensure that those important features which were outlined in their motion are secured in the interests of community groups; not secured for or given away to property developers at some point in the future.

It is well known that the Residents Rally has watered down its stand on property development so that it can line up with the Liberal Party. Of course, there has been a very comfortable amalgamation of views there in relation to property development. It is not surprising, therefore, that such an important building as the Griffin Centre has been placed at risk and, more importantly, the services have been placed at risk by the activities of the Government opposite. This Government is not trusted by the community. It is not trusted by the community groups and it is not trusted by the Friends of the Griffin Centre. I am confident that those organisations that deliver the important services that are provided from the Griffin Centre will work hard to keep this Government opposite honest. I was just waiting for Mr Jensen to jump up and say that, by implication, that meant they were dishonest, but he was a bit slow off the mark this time.

They will work hard to keep the Government honest. They will need to work hard, because this Government is about

6 June 1990

selling off and hiving off those important public places in the interests of developers. The Residents Rally will not be here to defend the case in future, if they think they are doing it now. They are finished. This Government is about putting the pressure on these community organisations. It is not about giving them a fair deal of power in the context of a conservative, developer based government.

MR DUBY (Minister for Finance and Urban Services) (11.28): If there is one thing that has come out of the presentation of this motion this morning, it is that the Labor Party has been desperately caught short with the announcement yesterday by the Chief Minister and the Government of the proposals that are in frame and in place for the continuation of the community services and the community groups in the centre of the city and the proposed redevelopment of that city area. I could not believe that people would be so naive as to bring this motion on today after the excellent plans and proposals which were announced yesterday by the Chief Minister. It indicates to me, Mr Speaker, that they have been caught short. They have not got speeches prepared for other items and they need time to prepare speeches for other items. There are some quite voluminous items here in private members' business that I am sure they could address, but of course they are probably not ready for those speeches. They have not had their helpers prepare the notes for them and they could not possibly speak off the cuff on items.

In talking about the Griffin Centre, Mr Speaker, it may well be appropriate to look at what exactly the Griffin Centre is. According to the way it has been described by Mr Berry you would think it was the Taj Mahal of community services. The simple fact is that the Griffin Centre was never designed as a community centre, as a community services area. There is a preoccupation in the motion with the Griffin Centre being retained for a period, I believe, of 25 years - which just goes to show you the mentality over there. This is clearly ludicrous.

The Griffin Centre originally was built and designed as a government services building. I believe that for many years it operated as a part of the Government Printing Office and various other service units within the ACT Government Service - then the Commonwealth Public Service. Over the years, as community service groups and general community interest groups required a meeting place that was convenient to the centre of the city and that had ready access to transport and other services required for organisations of that nature, slowly but surely the Government moved out of what then became the Griffin Centre and it was converted into a makeshift, temporary community centre.

As a matter of fact, it is my understanding that over the years the Council of Cultural Societies, which is the head tenant of the Griffin Centre, has asked for a lease on the

centre. I note that the only time, I believe, that such a proposal was made prior to self-government was in 1986. The council came to the Government with a proposal that a long-term lease on the site be granted, on the basis that a redevelopment of the whole area be undertaken along the lines, surprisingly, of the very redevelopment that was announced yesterday by the Chief Minister. In other words, the Council of Cultural Societies organisation has always wanted something along the lines of what the Government is now proposing to provide for it. This is something it has always asked for and required.

As I said yesterday when the Chief Minister announced in the Assembly that the Government had given in principle support for the construction of a community centre in the vicinity of the existing Griffin Centre, I think that was endorsed wholeheartedly. My understanding is that in the various media outlets throughout the city both last night and today the Friends of the Griffin Centre have confirmed that they are very pleased with the Government's announcement and they look forward to being involved in the design and future ongoing maintenance arrangements of the community centre.

Indeed, right now I guess the Council of Cultural Societies is very afraid that the Labor Opposition has come out and has tried to condemn it to the further use for many years of what I have described in the past as a decrepit, inadequate building. That is exactly what this motion is attempting to do. It is trying to condemn community groups to using outdated, outmoded and totally inadequate accommodation, something which they do not want to do. I know perfectly well what the Council of Cultural Societies and the current users of the Griffin Centre think of this motion which has been put forward by Mr Berry and the "pie in the sky" Opposition. They dread the thought of its being successful. To that end they would be supporting the Government completely in the stance that it is adopting.

I guess this needs to be said again for Mr Berry's benefit, because it is clear that he does not listen to what people say; he does not listen to what the Government announces, and I guess he just does not want to listen. The simple fact is that there will be extensive consultation with all the community groups involved in the Griffin Centre to ensure that the new facility which this Government will be providing will reflect community needs and ensure a vibrant community precinct in this city. This is something which does not exist at the moment. This Government will be providing it, not the Labor Opposition - not the former Labor Government. They had no moves to provide anything for the community service groups. The Griffin Centre is regarded as second-class accommodation.

Mrs Grassby: Mr Jensen tells fibs like that. Don't you, Mr Jensen?

6 June 1990

MR SPEAKER: Mrs Grassby, I would ask you to withdraw that comment.

Mrs Grassby: He told me that I told fibs, Mr Speaker.

MR SPEAKER: Order! Mrs Grassby, I ask you to withdraw that statement.

Mrs Grassby: You did not ask him to withdraw the one before, Mr Speaker.

MR SPEAKER: I did not hear him before, Mrs Grassby.

Mrs Grassby: You look up Hansard; you will find that he said I tell fibs.

MR SPEAKER: In that case both of you should withdraw. Please withdraw, Mrs Grassby.

Mrs Grassby: Right. Well, ask Mr Jensen to withdraw too and I will withdraw.

Mr Jensen: I withdraw, Mr Speaker.

Mrs Grassby: I withdraw, Mr Speaker.

MR DUBY: Mr Speaker, I cannot determine whether the behaviour of the members opposite is kindergarten or preschool standard, but it is about that level.

As I have said, the Government will be involved with community groups and it will ensure a vibrant community precinct in the city. We are not afraid to give a commitment about a time frame either. It is expected that that facility will be constructed within the next three years. In three years we will have a new community centre facility here in the heart of the city. By the very terms of this motion, the Labor Opposition is attempting to oppose that. I think this should be pointed out very strongly to those organisations who have, I believe, traditionally looked to the Labor side of politics for support.

We have given an assurance to the people of Canberra that the Griffin Centre community groups will continue to serve the people of Canberra. It is very important that this be done in the heart of town. These proposals, I believe, go straight to the heart of this issue. I met with representatives of the Council of Cultural Societies which manages the centre. Some month or so ago I told them that no long-term commitment could be given on the Griffin Centre until the Canberra Times site was resolved, until that whole issue of development in that sector of the heart of town could be finalised. I think any reasonable person would see that that was a reasonable line of action for the Government to take. They accepted that and were happy with the whole concept of a precinct development being brought forward. We have announced our decision on the Canberra

Times site - and a very good decision it is, too - and we have given an undertaking to ensure continued community involvement in the area by the announcement of this plan that I allude to. This is in the record, is it not?

Mr Humphries: It has been tabled.

MR DUBY: It has been tabled. These development plans for the Griffin Centre and that whole precinct have been tabled and they will be here for people who take note of these things to avail themselves of them.

The other thing that we have come out on and made quite clear is that in the interim the Griffin Centre will continue to operate on its current basis. We have given an absolute guarantee on that basis. For the Labor Opposition to suggest that somehow we are planning to renege on that commitment is clearly ludicrous. There is one thing I know that the record will show and that is that when this Government gives a commitment it keeps it; it sticks to it. We will enter into a written agreement with the Griffin Centre management to set these interim management arrangements into a licence agreement. That licence agreement will be in place until the longer-term arrangements we have been discussing - namely, the community uses of the new Civic community centre - have been developed; until these longer-term arrangements have been entered into in relation to those facilities.

Another thing that needs to be pointed out, Mr Speaker, is that the actual bricks and mortar of the Griffin Centre have reached the end of their economic life. The building is clearly inadequate for the uses to which it needs to be put. You only have to speak to the current users of that building to be told of that situation. I have inspected this site, which I think is probably more than some people in the Opposition have done, and there are people working out of offices of totally inadequate size. The heating arrangements are totally inadequate. The general facilities for good office accommodation and good meeting areas are totally inadequate. The building was never originally designed to meet community needs, and it does require - - -

Ms Follett: On a point of order, Mr Speaker; I was going to draw your attention to the state of the house but Mr Humphries has returned.

MR DUBY: It was never designed originally to meet community needs, and it requires extensive repairs and maintenance. It would be worth while to point out to those who are adamant that people should be locked into using the Griffin Centre for a further 25 years that the external repairs alone that are currently required to that building have been estimated at over \$300,000. Lord knows what the internal refurbishment of the accommodation and facilities that are provided there would cost.

6 June 1990

Clearly, the building is at the end of its economic life and, in so recognising that, the Government did something which the current Opposition showed they were incapable of doing when they were in government. The Government took a decision. It has decided that it would be far more cost-effective to provide a new purpose built facility in Civic for the needs of these community groups.

All in all, I think this motion is clearly inadequate. It does not reflect the state of play and, as a matter of fact, it never has. To that end I give notice that one of the following Government speakers will be moving a motion to reflect the true state of affairs of the Griffin Centre and not the "pie in the sky", the big lie arguments that we heard so much about earlier.

Ms Follett: I must object, Mr Speaker; I would ask him to withdraw that.

MR SPEAKER: I think that was withdrawn previously, Mr DUBY.

MR DUBY: I am sorry, Mr Speaker. I thought that was overruled. In that case, I withdraw it. It does not reflect the Goebbels arguments that the Opposition have come up with all the time in relation to a whole range of other issues.

Ms Follett: On a point of order, Mr Speaker; I believe that comparing our speakers with Goebbels is offensive and unparliamentary and I would ask that that be withdrawn.

MR SPEAKER: I do not believe that is unparliamentary, Ms Follett.

MR DUBY: Mr Speaker, let me clarify that. The reference to Goebbels is a reference to the type of argument put.

Mr Kaine: Propaganda; are you happy with that?

MR DUBY: It is a reference to the Goebbels propaganda that these people put up continually. It is certainly not an unparliamentary term.

MR SPEAKER: I have ruled so, Mr DUBY. Have you finished?

MR DUBY: As I have said, the simple state of play is that the Opposition, once again, has been caught short. I think that the motion, as it will be amended by the Government, will reflect the true state of affairs pertaining to the Griffin Centre and the usage of that area by the community groups in the heart of the city.

MR STEVENSON (11.44): Mr Speaker, I believe all members here would agree that the majority of Canberrans think that the Griffin Centre, or a similar facility, should be retained. Indeed, the location is ideal. The parking is excellent of a daytime and superb of an evening or weekend.

That is an important factor. It is well serviced by public transport. People know where it is. I do not doubt that many thousands of people, including myself, have done courses and seminars there and a great many more have attended meetings or availed themselves of the services of organisations that are within the Griffin Centre.

So, simply put, everybody in this Assembly says it is a good idea to retain a facility like that. The majority of people, no doubt, would agree. The Alliance Government's proposal is, on the face of it, in line with what everybody would say. Provided that we can have confidence that that will proceed, I am sure all will be fine and Canberrans will have their community facility.

MR CONNOLLY (11.45): Mr Speaker, the Opposition placed this motion on the notice paper some time ago when the community groups that use the Griffin Centre were most concerned about their long-term future. A speaker from the Government side, Mr Duby, has put the proposition that our motion is now outdated and that yesterday's statement has changed the situation. He says that in place of the Griffin Centre a bright, shiny, new, modern, purpose built community centre will be established; and the existing Griffin Centre tenants will continue to occupy the old building until the new centre is opened. The new centre will be opened, tenants will move in, and the old and outdated Griffin Centre will be replaced with a more appropriate use.

Now, if that were the case, the Opposition and the community would all be very happy. It is a very superficially attractive proposition that the Government has put, and if we were satisfied with that proposition we would be congratulating the Government. This is not an opposition that insists on taking a negative point of view. This is an opposition which later this afternoon on some Bills moved by the Attorney-General will be congratulating the Attorney on good legislation. If this were a good decision we would be the first to congratulate the Government, and we would expect those responsible members on the other side to take the same view when we return to government.

Mr Speaker, there is only one thing necessary from the Government to allow us to congratulate it on this decision, one simple statement, and that is a guarantee on the financial arrangements, the basis of tenure and the basis of rent in the new community centre. We would endorse and agree with Mr Duby's comments about the state of the bricks and mortar in the existing Griffin Centre. Sure, it is not a purpose built community centre. Sure, it is old. Sure, there are problems with the facilities. But it is there, it is central and it is cheap, and that is the crucial factor. It is acceptable and cheap. It is like an old VW; it might not get you there very fast but it is reliable and economical and you stick with it because it does the job appropriately. What the Government is proposing in place

6 June 1990

is the new-look Rolls Royce version community centre. Sure, anyone using the VW community centre will be attracted by this new Rolls Royce model until the time comes to pay the price.

If the Government can offer the community a new community facility and can guarantee that the rents the community groups now pay for the Griffin Centre will not significantly increase but only at CPI rates of increase, we would be very happy with the proposal that has been announced. I am sure that that can be done. But the Government has been noticeably silent on giving any assurances about the basis of tenure in the new community centre. Mr Duby said that the Griffin Centre is no Taj Mahal. Perhaps he sees that this new centre will be a Taj Mahal, but that is of no use to the community groups. Although it may look terrific on the plans and everyone would like bigger offices and newer facilities and flash designs, it is of no use to the community groups unless the rental basis of the new building is comparable to the rental basis of the old and somewhat run-down Griffin Centre. Community groups more than anything else need a central city location that is cheap and that is within the means of these groups, which are essentially voluntary and self-funding or dependent on small government grants.

If the Government can guarantee this, we will be the first to congratulate the Government on a good decision. If the Government can guarantee appropriate levels of rent that the community groups are satisfied with, you will hear no carping criticism from this Opposition. We will say, "A good and sensible decision well taken". As a government you have had the opportunity today in this debate to justify this decision and criticise our attack, and you have been noticeably silent on this crucial point. Unless the Canberra community can be assured that this new community centre will be available to community groups on a basis that they can afford, it is no advance at all - indeed, it is a regressive step - because when this new Taj Mahal, this new Rolls Royce community centre, opens its doors, unless the existing Griffin Centre tenants can afford to move in, it will remain empty. The Government will say, "Well, community groups do not want it. We will put it out for other uses". The Griffin Centre will be bulldozed for commercial development and the existing community groups will have nowhere to go. It is not the bricks and mortar that are so crucial to the community groups; it is the affordable central city space.

The announcement that was made yesterday concerning a new, redeveloped community centre opposite the Griffin Centre which would be equally conveniently located, equally accessible, equally close to parking, would be most acceptable provided some guarantees were given on the costs and the affordability of the new community centre. Unless you can do that, you will not have the support of the community groups and you will not have the support of the Opposition, and we will continue to oppose this move. If

you can guarantee the affordability of the new centre, then the community groups, the Opposition and the entire Canberra community may find it acceptable.

MR HUMPHRIES (Minister for Health, Education and the Arts) (11.51): I think we ought to take stock of some of the things that have happened in respect of the Griffin Centre over the last few weeks and see just how much foundation the Opposition has for this kind of motion. It is obvious that the motion was put on the notice paper some time before yesterday's announcement. Notwithstanding what Mr Connolly has said about being prepared to acknowledge the good deeds of the Government in that respect, it is not true that the Opposition has generally appreciated how significant the decision announced by the Government yesterday really was. It is obvious that Mr Berry in particular and the Opposition in general have been gazumped by the actions of the Government yesterday. The reassurance we have been able to offer to the community in general and to the users of the Griffin Centre in particular has been well received. (Quorum formed)

It is obvious that those opposite really do not want to hear this debate go through. They are more interested in scoring a few quick, cheap points and then getting onto some other bit of damage and havoc. I think they must be severely embarrassed at the moment, particularly given our very strong and positive position on the Griffin Centre as a result of yesterday's announcement.

It is obvious that the Opposition Labor Party runs on fear at the moment. It draws its strength from the fear and anxiety it generates in the community concerning the sorts of things that it has been saying about the Government's actions. It is prepared to characterise every change in the ACT's position as some downgrading of this or threat to that or destruction of this or whatever. We need to be asking ourselves at what point an opposition ceases to be responsible in these circumstances. My view is that they ceased being responsible quite some while ago. I think the community well and truly accepts that the Griffin Centre is, in its present form, an inferior vehicle for offering services to a whole range of important community groups.

I myself have often used the Griffin Centre both to meet with organisations and groups housed there and to hold meetings and functions with people in that centre or to attend other activities there. It is quite plain to me that the centre is pretty decrepit. It is not a high-quality centre. It has a severe shortage of space. Its facilities are run-down. I do not think anybody could gain particular pleasure from being cooped up in the tiny, ill-lit, ill-ventilated spaces that pass for community accommodation in the Griffin Centre. I think it is very responsible of the Government to be talking about upgrading and improving the quality of the accommodation being offered in that centre; that is exactly what the Government is doing. What do we get from the Opposition? Criticism.

6 June 1990

They say we have not gone far enough. The motion makes no reference - - -

Mr Berry: You have not done anything yet.

Dr Kinloch: Mr Speaker, I refer to standing order 61. Mr Berry interrupted the speaker.

MR SPEAKER: Thank you, Dr Kinloch. Please proceed, Mr Humphries.

MR HUMPHRIES: Mr Speaker, the motion does not make any reference at all to the Government's announcement yesterday. It makes no reference to the achievements of the Government in settling the uncertainty to which the motion actually refers, if anything. The motion directly refers to uncertainty caused by recent announcements. Given the very solid nature of what was said yesterday - the very reassuring nature of what was said yesterday - it is incumbent on the Opposition to have the manliness to come back to this place and amend their motion to acknowledge that the Government has substantially dispelled uncertainty about the future of the Griffin Centre. Incidentally, the uncertainty was generated largely by the Opposition. The Government has largely dispelled that uncertainty, and the Opposition ought now to be acknowledging in a forthright and gracious manner the fact that that has occurred.

But they are not prepared to do that. They are running on fear. They are more anxious to make people worried and concerned about what is happening in the Territory, to play on fear, than they are to actually make any positive contribution. I think the occasions when this Opposition has come back and actually said anything at all positive about this Government are extremely few and far between. You could probably count the occasions on the fingers of one hand, and even then with three of the five fingers tucked down. I think that we ought to be wondering whether this Opposition is very responsible at all.

I have not followed the issues surrounding the backwards and forwards debate about the Griffin Centre very closely, but I recall turning on my television last night and seeing representatives of the Griffin Centre congratulating the Government on its stand. Where does the Opposition stand on that particular issue? Are they saying that those Friends of the Griffin Centre are wrong?

Members interjected.

Dr Kinloch: Mr Speaker, I raise standing order 61.

MR SPEAKER: Order! Thank you, Dr Kinloch.

Mr Moore: On a point of order, Mr Speaker; I ask that Dr Kinloch be drawn to order under standing order 202(e). You have made a ruling on this and he is ignoring it.

MR SPEAKER: Thank you, Mr Moore. Your position is upheld. Dr Kinloch, I feel for your point of view, but I think you are being pedantic on the issue.

Dr Kinloch: Mr Speaker, could I very gently say that I am drawing up a most careful letter to you to ask that this matter be taken up with the appropriate committee. I do ask that the words - - -

MR SPEAKER: Order! Dr Kinloch, you do not have permission to speak. You must seek the leave of the Assembly to do so.

Dr Kinloch: I accept that. I apologise, Mr Speaker.

MR SPEAKER: You are overstepping your position. Please proceed, Mr Humphries.

MR HUMPHRIES: Mr Speaker, Mr Connolly made reference to the cheapness of the Griffin Centre. The Government acknowledges that the tenants of the Griffin Centre are not wealthy. To suggest that we are going to create a brand-new Rolls Royce Griffin Centre which is so wonderfully well equipped and appointed that we price ourselves out of the market which the Griffin Centre was obviously designed to meet is just too stupid for words. To suggest that that would be the object of the exercise, quite frankly, denotes a complete ignorance of the way in which the Griffin Centre provides services to the people of Canberra - and none of the people on this side of the house are ignorant of that having been, in many cases, heavy users of those facilities. It therefore follows that the Opposition is merely trying to, again, excite alarm and concern in a population as they have had some success with that through the experiences of the last few months.

The Government appreciates that the low-cost accommodation and many facilities in the centre are extremely important to the efficient operation of a wide range of cultural, welfare, environmental and public interest groups in the ACT. That statement is on the record. It is a perfectly obvious assertion. It is impossible to do without the very important work of these community groups. These community groups supplement, support and complement the work done by government in many respects. In other respects they provide an alternative to the work done by government. (Extension of time granted)

Not only do we acknowledge the vital importance of these facilities but we also acknowledge that their location in the centre of the Civic area is extremely important. They have to be at that location because that is where a large number of people find them accessible. There is no question that they would not be provided for at that central location.

6 June 1990

The importance of the facility is reflected by the large membership of the ACT Council of Cultural Societies that has been in the centre since 1966. It has a membership of approximately 20,000; that includes the members of the 70 or so societies that make up the council. We recognise that the centre provides support to a broad spectrum of the Canberra population including disadvantaged groups such as the aged, migrants, females, unemployed youths and the handicapped. Nothing that has occurred in the life of this Government in any way detracts from the support given to these groups.

It is extremely easy for throwaway lines to be hurled around this chamber, saying that because of some perceived lack of directness or some perceived period of uncertainty - generated largely by the Opposition - the Government suddenly has no interest in these people; it wants to destroy the viability of these groups; the Government is no longer concerned about providing services such as the Griffin Centre's services. These statements, which my colleague Mr Duby described as Goebbels statements, really have no place in this Assembly. They have no place in a community which is anxious about changes being brought into this community as a result of the onset of self-government.

It might be easy and satisfying in a short-term sense for people to make these kinds of statements and to have people reacting in a way to these statements which please the short-term political gains of particular parties in this Assembly, but ultimately this reflects on self-government. It reflects on the prestige with which democracy, as it has manifested itself in the ACT, proceeds in this Territory.

Mr Moore: From you and your group?

MR HUMPHRIES: Mr Moore, I am very pleased to be criticised for things that we do wrong - I have no doubt about that - but I expect some support for things we do right. What we are doing about the Griffin Centre is right. It is a major settling of uncertainty about the future of that centre, and I think we deserve to be congratulated, not condemned, for this particular course of action.

Our commitment is quite evident in what the Chief Minister said yesterday. I think the Opposition would do well to get behind the Government and support the proposals announced by the Chief Minister and ensure that the future of the centre is not further destabilised by the sorts of comments and remarks made in this place.

MR MOORE (12.04): Mr Speaker, it would be wonderful for me to be able to get behind this announcement by the Chief Minister and say what a good job it is. It appears to be a successful start, but that will change. It is an insidious attempt by this Government to use the community centre as a way of further developing Civic and to do so in a manner that is inconsistent with the Metropolitan Policy Plan of

1984, still the governing planning document for the ACT, and inconsistent with the Civic Centre Policy Plan of January 1989, which is still current.

In the 1989 Civic Centre Policy Plan the area that is identified in yellow as 10B is set aside for social, community and educational uses, and quite specifically as community areas. The piddling little sketch drawing that the Chief Minister handed down with his statement could have been done in about 15 minutes. It is entirely inadequate. It clearly identifies that area for future redevelopment. It is identified in the Civic Centre Policy Plan as an area for community use. The area where he proposes to make this community development is across an area that is identified for car parking. What we have is a situation where people are taking the plans and readjusting the plans. Of course, we have methods for doing that, and they will be changed.

The ramifications of the suggested development across the yellow area are an increase in the potential office space in Civic of, by my calculations, up to about 3,500 more workers than we have at the moment. Putting in an extra number of workers like that has tremendous implications for recurrent costs. If you look at it in terms of just the number of people that must go on public transport, the cost of a bus per year is about \$100,000 in recurrent costs including drivers' costs and so forth. You put between 40 and 60 people on a bus like that - call it 50. You realise that by putting in 3,500 people there are extra recurrent costs on this community over and above what it would cost for the redevelopment that is proposed in this issue.

This is what this is about. It is not about the redevelopment of the Griffin Centre; it is about the redevelopment of the site for office blocks. This suggestion will mean an incredible increase in the amount of recurrent costs to this Government, this Government that goes on and on ad nauseam, and incorrectly, about the problems we have got with the budget. This Government is then prepared to propose a redevelopment of the site in this way that is so much more expensive.

This is the thing that surprises me most. I actually got to my feet first to give Mr Jensen a chance to respond to this. I will hear Mr Jensen shortly. I cannot understand why he would now support this motion when, in fact, what we will have is an increase of numbers of office spaces in Civic which clearly belong in Tuggeranong. He has argued for this and in effect he was elected on the ground that this would be the case.

Mr Jensen: On a point of order, Mr Speaker; is this relevant?

MR SPEAKER: Yes, I was about to draw that to your attention, Mr Moore.

6 June 1990

MR MOORE: It is totally relevant, Mr Speaker, and I shall point it out for your benefit as I speak to the motion. The motion clearly has to deal with the paper that the Chief Minister tabled yesterday, which is a response on not only the - - -

Mr Collaery: No, it was put on the notice paper before.

MR MOORE: Mr Speaker, the point is that almost every speaker has referred to the paper because the two must be taken in conjunction. It is totally relevant to talk about the Griffin Centre in conjunction with it. The point that I am trying to make is that in an insidious way the community groups are being used. They are being given a promise of something in order to allow a redevelopment to go ahead and they are not going to have the wool pulled over their eyes in that way. It is the same thing that happened with the Uniting Church site, which I have heard Mr Collaery speak about so often. It is exactly the same sort of thing. The community members become the winners in the sense that they get a new community site, which is expensive, luxurious and fits in all these categories, and we still have not heard a guarantee such as Mr Connolly called for. How can you get an airtight guarantee from this Government anyway? But we have not even heard a guarantee that there will be no rises in the rents at the Griffin Centre for the tenants.

It is so easy for a government that wishes to, to take somebody who has not got any guarantees in these ways and just push the rents up until community groups cannot afford it. The developers can then put their beady eyes on what is now a lovely building which can easily be converted into something else. A government that is looking for extra funds can find a method of doing it that way.

What we have is a situation where a proposed community development is inconsistent with our planning policies. We have a situation where the planning becomes developer driven instead of planning driven, and it has been proposed by the Chief Minister, who is also Minister for planning. It is a very ironic situation. I do not know whether he just does not understand the ramifications or whether he does not understand the extra recurrent costs that will come about. But they are significant. They are excessive. They are a major cost to our community, as indeed will be the 700 extra office spaces that he approved on the Canberra Times site yesterday. And that is before you start looking at environmental factors.

It seems that the Chief Minister places most importance on budgetary concerns and costs, and that is why I use this argument to point out to him the extra costs that will be involved in this particular area. The extra development that will go on top of where the Griffin Centre is will require not only public transport but also car parking, and we will have had a removal of further car parking sites. There is a car park that is currently set aside for people

who bring a carload in - and a positive thing that is, too - rather than coming in as single occupants. That is a positive thing and I make that quite clear. I have no doubt that that can be moved over. I am not being so pedantic as that.

I would like to draw this to the Government's attention. I have not lambasted this. What I have done is said that there are specific concerns in the community about what the Government is doing. Nobody would debate that, if we have found a way to provide a new community centre for people, then it could be of benefit, but we will have to balance that benefit with the fact that they already have a community centre and perhaps that money could be better spent. Perhaps that money could be given a better priority in retaining schools. Perhaps that money could be better spent in a series of other ways. It is no good just to say, "Well, that comes out of my budget", as Mr Collaery indicated before.

It could well be that, if Mr Collaery has that extra money to come out of his budget, then the whole Government's priorities are up the pole and we should be cutting some more money and moving that money to a different budget. I am not suggesting that we need to cut community services. I am suggesting that the Government needs to look at its own priorities, and those priorities do not start at economics; those priorities start at social goals and social concerns. This is what this Government has failed to do. That is what makes this Government totally inadequate. That is their major failure. With this particular issue, it is also a significant failure for them not to have at least dealt with why they are moving away from the Metropolitan Policy Plan; why they are moving away from the 1989 Civic Centre Policy Plan; why they are inconsistent; why this proposal is inconsistent.

Mr Jensen: On what basis do you say that? It is rubbish.

MR MOORE: Mr Jensen, I carefully explained to you that it is inconsistent. Were you not listening? I will explain it again, since I now have a minute. The reason it is inconsistent with the plan is that the area set aside is on 10B which is set aside for community and educational purposes and which you are proposing to redevelop. The part where you are going to put the centre is set aside for parking. That is quite clearly set out in the coloured map preceding page 64 of the centre policy plan.

MR COLLAERY (Minister for Housing and Community Services) (12.14): Mr Speaker, I move the following amendment:

That all words after "ACT" be omitted and the following words substituted: "deplores the failure of the Follett/Whalan Government to take any steps to protect the tenants of the Griffin Centre; deplores the divisive and incorrect statements of Mr Berry in introducing a motion

6 June 1990

concerning the Griffin Centre; applauds the efforts of the Alliance Government in giving 'in principle' approval for the construction of a much-needed community centre adjacent to the current Griffin Centre; acknowledges that existing tenants at the Griffin Centre will be guaranteed security of tenure on no greater financial cost than the present token rent for at least three years; acknowledges the applicability of accepted practice of Government in the provision of low-cost community centres".

Mr Speaker, the motion before us is dated, because the Alliance Government has attended to these concerns comprehensively and has received the endorsement of the Griffin Centre users. What we are really seeing is a party that does not even have the good grace to join with community groups and give merited thanks where they are due. Mr Wood thinks naively that somehow the divisive and scaremongering tactics that have been employed in this have driven us to this outcome. I can assure you, Mr Wood, that the construction of a community centre in Canberra city has long been on my personal agenda.

You well know, Mr Speaker, as do other members here, that the Canberra city centre lacks a community centre. There is a youth centre, there is the Griffin Centre, but those of you in this house who are familiar with community centres, who have been to Belconnen or have been to the Woden Town Centre community centre and other community centres in the ACT, know that the Canberra city area is sadly lacking in a decent sized meeting hall.

In an attempt to alleviate that on a short-term basis, I recently approved the expenditure of \$135,000 to refurbish the old dining hall at Havelock House so that by invitation - due to some fire restrictions and problems about residences above the hall - that marvellous Havelock House committee can at least get a good flow through. Community groups can use it to have meetings larger than those that are capable of being held in the ballet room and other rooms in the Griffin Centre. We all know the Griffin Centre, or many of us do, but I doubt from some of the conversations that the Opposition is fully aware of the current structural problems with the Griffin Centre and other matters. It is a great pleasure for me to be part of a government that delivers a community centre in Canberra. I trust it will be built before the next Assembly elections and will be mute evidence that this Government will deliver.

Speaking to my motion, Mr Speaker, you will note that we deplore the failure of the previous Government in the ACT, the Follett-Whalan Government, to take any steps to protect the tenants of the Griffin Centre. Mr Berry very lamely said, "We were not aware of any concerns because they did not have any concerns". Mr Berry knows nothing about community grouping because during the election campaign

those of us who use the Griffin Centre and know the groups at the Griffin Centre and know them very well were constantly being asked about their tenure there. That is a fatuous remark and I trust that in his usual style Mr Berry will forward this page of Hansard, along with his own vacuous comments, to any friends he has in that area.

Mr Speaker, we also deplore the divisive and incorrect statements of Mr Berry in introducing this motion this morning. It seems to me that this Opposition simply creates fanciful notions and spreads them in the community. By 1992 it will be discredited. Witness Mrs Grassby's statements about Northbourne Flats and some high-flying statements from Mr Moore which I will come to. Here we have a former Minister for housing who did not even read her own files.

We have also in this motion the merited approval or the in principle approval for the construction of our community centre adjacent to the Griffin Centre. You well know, all you members here, that this is a long-heralded event. Those readers of the budget and the capital works program - - -

Mr Berry: You cannot even write an amendment properly. You cannot even turn it round in an amendment.

MR COLLAERY: Mr Speaker, I heard Mr Berry in relative silence. I do not mind a few interjections, but he groans on while I am speaking.

Mr Berry: I know, it was an impressive speech.

MR SPEAKER: Mr Berry, I warn you.

MR COLLAERY: Mr Speaker, Mr Berry achieves his object. He deliberately throws us off all the time on this side of the floor.

Mr Speaker, we have also acknowledged that existing tenants will be guaranteed security of tenure at no greater financial cost than the present token rent for at least three years. We all know that, if we increase the rent at the Griffin Centre, then the budget in my community facilities program and other community grants programs will be expanded anyway. So much for the great myth of this outrageous imputation that we heard from Mr Connolly as well as on ABC radio this morning, that we were going to somehow do a rip-off in our ideological capitalistic way. This is rather juvenile paranoia that sweeps the Opposition at the moment when the fact of the matter is that, if we increase rents there, most of the groups will give me a bigger bill. That is the fact of the matter, Mr Connolly. You do not know anything about community funding in the ACT. What you said on ABC radio this morning, Mr Connolly, was unworthy.

6 June 1990

Mr Speaker, there is an accepted practice of governments in the ACT to provide low-cost community centres. They are not centres for making money by rental schemes. Witness how the centres work in Belconnen, Woden, Tuggeranong and other places. We have heard the most extraordinary suggestion from two members opposite that somehow there was a secret rent-landlord scheme lurking around. Again, Mr Speaker, it is paranoia.

Mr Speaker, they might be on a little bit of a roll because their propaganda has served them well in recent weeks, but I believe that we have a very informed, intelligent community in Canberra and it will only be a few more months before they see through it. Certainly Mrs Grassby is relatively quiet now. She really got burnt on the Northbourne paranoia.

Mrs Grassby: You are joking. You are the one that got burnt. You could not sell them.

MR COLLAERY: Quite frankly, Mr Speaker, all of these outrageous comments will boomerang. They are to the benefit of the Government because the goods are being delivered.

The new community precinct will have a community walkway; there will be a focus for community footpath activities, a thing that has been reflected in meetings at Gorman House and around the ROCKS area on weekends. Let us have a permanent community focus in that area that is landscaped and treed with some green space in and around a community centre where we can have outdoor activities and those excellent functions that other major metropolitan cities now offer to their residents.

There was not a word of applause from Mr Moore - just sour grapes. He could not even contemplate how much work is involved in giving effect to some of these community based aims. He will never be in government so he could never understand the complexities of government and the need to give effect to the wishes of all Canberra people.

As for his comments about the Canberra Times site, I will be reserving my comments for another occasion, but let me say in the minute left to me after all the interruptions that here is an approval that follows the requirements set by a select committee. It follows a comprehensive set of environmental and other assessments such as infrastructure assessments, and it follows what governments do to their sincere best. It follows a seven-month delay. There has been no indecent haste or rush about it. I clearly remember sitting in the Rally offices with my colleagues, when Mr Moore was one of us, when he said to Concrete Constructions, "Well, if it's only for commercial tenancy then I don't object, but you're not allowing public servants in there". I cannot see how Mr Moore can now go on with his holier-than-thou approach when he said that in front of the three of us.

Mr Moore: That is a lie.

MR SPEAKER: Order! I ask you to withdraw that, please, Mr Moore.

Mr Moore: I will make a personal explanation shortly, Mr Speaker.

MR SPEAKER: You will withdraw that first.

Mr Moore: I will withdraw it in the meantime.

MR COLLAERY: Mr Speaker, there are no qualifications that can be put on that. There was a clear endorsement, a clear understanding from the word go - and I hope I am excused by this comment - that public service occupancy of buildings is denser than that of commercial occupancy. A number of reasons were discussed that mean that there has been no desertion of any policies on this issue, none whatsoever. For those of you who are familiar with the transcript of the select committee hearing, I refer you to Tony Fleming's statement. It is clearly in the transcript that there were no objections to the design and siting of the building.

Mr Moore: Mr Speaker, I claim to have been misrepresented.

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

MR SPEAKER: Just a moment, Mr Humphries. Would you make your personal explanation at the end of the debate, please, Mr Moore.

Mr Moore: On a point of order, Mr Speaker; I refer to standing order 141. I consider that the amendment moved by Mr Collaery is inconsistent with the - - -

MR SPEAKER: You are speaking of standing order 141; wait till I pick that up.

Mr Moore: I withdraw that, Mr Speaker.

Mr Humphries: My point of order has been covered, Mr Speaker.

MR JENSEN (12.25): I see we have only a short period of time, so I will try to be as brief as possible. One of the first things that I want to do in this debate this morning is to put to rest very quickly one of the points raised by Mr Moore in his speech. I am not quite sure whether it was a deliberate attempt by him to tell only part of the story, but Mr Moore said that the land use purpose out of the Civic Centre Policy Plan dated January 1989 is for car parks. However, Mr Speaker, Mr Moore clearly did not read further down that particular page because other land uses are permitted. I refer to page 70 of that document. I will go right down to the bottom where it says "cultural facility; social, community facility". That is exactly the

6 June 1990

same sort of land use purpose that is currently being applied to the area where the Griffin Centre is and also to the ROCKS area.

Let us just get that clearly on the record, Mr Speaker. This is another attempt by the Opposition over there - I now count Mr Moore as part of the Opposition - to mislead in relation to what can go onto that site. It is a clear attempt; otherwise, Mr Speaker, why did he use it this way? Mr Moore is well known for his use of this document and his knowledge of the document. Why would someone with his knowledge, or so-called knowledge, of the document seek to tell only half the story? One has to wonder about the motives of Mr Moore in this particular case. It is most disgraceful, Mr Speaker.

In case Mr Moore is wondering whether it should be major or minor, Mr Speaker, there are no problems about that. It is quite clear what can be put on that particular site that Mr Moore is referring to, which is included on this diagram that the Chief Minister tabled yesterday as part of his statement on the Canberra Times site. This is clearly the area that Mr Moore is referring to. Mr Moore may be able to refer to the diagram in the front, Mr Speaker, but it is the policy plan further on in the document that sets the scene for that particular question.

It is unfortunate that Mr Moore has taken to doing this. One must in the future question his ability to understand these sorts of planning documents when he seeks to quote from them in the house. One will have to look very carefully at the sort of information that Mr Moore seeks to use from these documents when he is referring to this issue in the house. I will be very careful in this area.

Now that I have finished that particular destruction of Mr Moore's argument in that area, let me move on to the issue of the Griffin Centre. It is an important place for the people of Canberra, particularly those who currently use this facility for community purposes. This motion that has been put forward today is just another instance of attempts by the Opposition to strike fear into the minds of the Canberra community by telling half-truths or seeking to misrepresent issues like this.

A prime example is one that my colleague Mr Collaery has already referred to with regard to Mrs Grassby - the Northbourne Flats. I think that was quite clearly put to rest very quickly. However, the sort of concern that Mrs Grassby caused to the residents of those flats is most unfortunate and despicable. It is the sort of thing that we would expect to come from an opposition that is devoid of any real arguments or concerns.

In relation to mixed uses within the precinct of the new centre that we are talking about, it would be appropriate to consider options such as combining elements of government and community services in the precinct. This

would facilitate the community's access to both community based services and government based services in a one-stop precinct. This is what this proposal is all about.

Clearly, one only has to attend meetings on issues like the Griffin Centre to see how the members opposite seek to manipulate the community on these issues by misquoting the facts, or at least telling only part of the truth. There is an old adage that says, "Never let the facts stand in the way of a good story", or, "News today, fish and chips tomorrow". These are the sorts of cheap headlines that we are seeing from the members opposite. I suggest it will not be long, Mr Speaker - - -

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

Sitting suspended from 12.30 to 2.30 pm

ABSENCE OF MEMBERS

MR COLLAERY: Mr Speaker, I wish to inform the house that the Chief Minister is absent from the house at a funeral and I expect he will return shortly.

MR BERRY: I would like to inform the house that the Leader of the Opposition is also absent, attending the same funeral.

QUESTIONS WITHOUT NOTICE

School Consolidations

MR BERRY: My question is directed to the Minister for Education. I refer him to this morning's Canberra Times article concerning the need for the Education Department to compile a comprehensive demographic study before school closures are considered. Has the department compiled such a study? If so, will it be released? If not, why not?

MR HUMPHRIES: There are professional demographers within the ACT Education Department and it is their job to do the necessary homework on the school closure program that I have announced. That means that we will have to sit down and do detailed work on the demographic changes that arise in the ACT as a result of any school closures.

It seems to me that that kind of work is most appropriately concluded and laid on the table at the point when we actually decide which schools should close. There are criteria which clearly set out the basis for that change. I think that the change is appropriately handled within the

6 June 1990

context of those criteria already released, and the work that we do in respect of school closures will also have to be justified in terms of the demographic impact on the ACT.

That is work, I suspect, that has been done in respect of every school closure for a number of years, particularly those that occurred at the end of 1988, and this case will not be an exception. In other words, demographic work will be done. It will be appropriately produced for the benefit of Mr Berry and others in the community who want it. But I cannot say when it will be produced; I do not know what kind of work is involved.

In response to the suggestion that emerged from today's Canberra Times, I certainly can say that I do not believe it is appropriate that we need a period of two years - or whatever extended period was referred to by the Canberra Times article - to conduct that kind of demographic study. I believe it can be done in a shorter time frame than that, and of course we will be looking to that in the context of these closures.

MR BERRY: I ask a supplementary question. Does that mean that the means will be planned after the end is reached? It is a question of means and ends, and it seems to me that we will have a planning exercise that is done after the event, and therefore you will justify the means after you already have the end.

MR HUMPHRIES: I do not think Mr Berry fully understands the process that the Government has initiated here. We have released draft criteria which indicate the way in which we propose to close schools - in other words, the basis on which we propose to identify and then close particular schools. The demography of the ACT is not one of the criteria that are being used.

Whether that is appropriate or not, I would not wish to say at this point, since I have asked the community to respond on that. I fully expect that in the course of the next few days, when the submissions to the Government on that question close, a number of suggestions will come forward on a number of matters. For example, it is quite conceivable that the social impact - and that, I suppose, is partly embraced in the term "demography" - should be measured as one of the indicia that the Government has to look at to establish whether a school should stay open or should close.

If that is one of the criteria, that means we have to sit down and look at that factor. But we cannot look at that in isolation from the other criteria. That means that we have to look only at those things which are criteria and not other issues. If Mr Berry suggests that demographic features ought to be part of the criteria, he should suggest that to the Government and ensure that it is included in the amended criteria when they are released.

Hang-Gliding

MR STEVENSON: I have received a letter from a constituent concerning hang-gliding and I would ask the Minister for Finance and Urban Services whether there are hang-gliding areas in the ACT? Could such facilities be a possible tourist benefit and also of value to the community in the ACT?

MR DUBY: I thank Mr Stevenson for the question. There is an area in Lawson on the north side of Canberra, adjacent to the Belconnen Naval Radio Station, currently used for stock agistment, that has been identified as a training site for members of the ACT Hang-gliding Association. A deed of licence has been drawn up by the ACT Government Solicitor and it is yet to be signed by that Hang-gliding Association, allowing the association to use that area for training purposes.

I think it is worth while to point out that the ACT Electricity and Water authority has raised concerns about the closeness of powerlines in that area, and these and other matters have been addressed in the deed of licence. Apart from that training site, there are no other sites specifically designed or designated in the ACT for the sport of hang-gliding, and most activities occur in areas outside of the Australian Capital Territory. Given that difficulty and the fact that there is this slight problem of powerlines within the area, it is not envisaged at this stage that that area be used either as a tourist attraction per se or to instruct people who are unfamiliar with the sport.

School Consolidations

MRS GRASSBY: My question is also to the Minister for Education. Given that 15 to 25 schools may close, what is the estimated flow-on cost to the welfare budget to allow for more parents needing bus passes and assistance in purchasing new uniforms for children attending new schools?

MR HUMPHRIES: Mrs Grassby has asked me a hypothetical question. It is impossible to answer questions of that kind until such time as information is available on which schools will close. To suggest that we are going to have all sorts of costs flowing on is really no more than an attempt to alarm people about the way in which these things are occurring.

Mrs Grassby: So obviously you do not know.

MR HUMPHRIES: It is obvious that nobody can know, Mrs Grassby, until such time as we name the schools which are going to close.

6 June 1990

Mrs Grassby: You have done no survey?

MR HUMPHRIES: How can you possibly survey the ACT to find out what parents will require? It is quite impossible to expect people to make those kinds of assumptions and work out those sorts of projections in the absence of the vital piece of information about which schools will close. It is obvious that members opposite are intent on ensuring that people are as alarmed as possible as quickly as possible about this process, and in particular they want the Government to name as soon as possible which schools it wants to close. That is the object of the exercise. Obviously, they also seek to prevent the period of community consultation that the Government has made quite clear it is anxious to provide.

Mrs Grassby: Mr Speaker, I raise a point of order. All I did was ask for an answer; I did not want a ministerial statement.

MR HUMPHRIES: Well, you are getting one.

MR SPEAKER: Order!

MR HUMPHRIES: I withdraw that.

Mr Berry: I raise a point of order. I think the Minister needs to be reminded of the need for brevity. On his own admission, he said there was a ministerial statement involved in this.

MR SPEAKER: Thank you. Mr Humphries, please be brief.

MR HUMPHRIES: I will make one last point in response to Mrs Grassby's question. Children moving to a new school do not necessarily have to change their uniforms, particularly where that occurs as a result of a school amalgamation. In previous rounds of closures, children from the old school were allowed to wear their uniforms until they grew out of them or wore them out. Those kinds of transition problems are not really as nasty as Mrs Grassby perhaps imagines they could be.

Hospitals

MR JENSEN: My question is directed to Mr Humphries in his capacity as Minister for Health. Can the Minister assure the Assembly that the current closure of hospital beds at Royal Canberra Hospital, which is said to be due to fire penetration works, is not part of a plan to reduce the overall number of hospital beds available in the ACT?

MR HUMPHRIES: Yes, I can assure the Assembly that the current building work at Royal Canberra Hospital, which has necessitated the closure of beds and operating theatres, is

unrelated to the hospital redevelopment program and is not part of the strategy to reduce the number of public hospital beds normally in use in the ACT. It is essential that necessary fire safety standards are maintained, irrespective of the use to be made of existing hospital buildings at Royal Canberra. The work has inevitably led to inconvenience for both the staff and clients of the hospital over a short period. I regret this, but it is unavoidable.

There have been several alarmist comments about the availability of public hospital beds at present. This issue is complicated by the use of different terms - for example, the number of beds approved, those which are staffed or available to be used and those which are actually in use. Royal Canberra Hospital has not operated at around 440 beds since 1985. In other words, that was also the case during Mr Berry's tenure. Over recent years, on average 383 beds have been available in that hospital.

Since February, around 60 beds have been temporarily closed due to fire penetration work. Twenty-five of those beds reopened on Monday of this week. The average occupancy of available beds over the past three years has been 303, about 80 beds below capacity. Even with 60 beds temporarily closed, there is still some capacity to meet the needs of additional patients. The current 35-bed shortfall will be restored as quickly as possible once fire safety works are completed.

Mr Speaker, the statement by Ms Follett this morning that there were only 277 beds in the hospital at the present time is, therefore, simply and utterly untrue. I would appeal to members of the medical profession and Mr Berry not to cause undue alarm to staff by making incorrect public statements about the availability of beds in Canberra. Such statements can only have an adverse effect on the ability of hospitals to recruit staff and therefore provide a full service to ACT residents.

Juvenile Crime

MR CONNOLLY: Mr Speaker, my question is also directed to Mr Humphries, as Minister for Education. I draw Mr Humphries' attention to the comments of Dr Paul Wilson of the Australian Institute of Criminology, reported in this morning's Canberra Times, that crime and delinquency rates would increase as a consequence of large numbers of school closures. Does Mr Humphries have any comment on these allegations?

MR HUMPHRIES: Mr Speaker, I disagree with Dr Wilson. I do not see any evidence of that. I see no evidence of that having occurred as a result of the Labor Party's closures at the end of 1988 and I see no reason why it should occur necessarily as a result of the closures being brought about by the Alliance Government in 1990.

Magistrates' Salaries

DR KINLOCH: Mr Speaker, just over a week ago there were announcements about very considerable salary rises for some politicians in some parts of the Australian political system, and also for some judges and people in the public service. One group that seems not to have received that pay rise is the ACT magistrates. Could the Attorney-General, to whom I address this question, explain the situation to us? What might the consequences be?

MR COLLAERY: I thank Dr Kinloch for the question. This is probably the first "dorothy duck" that has ever been asked. My response is that the Federal Minister for Industrial Relations, Senator Cook, made a submission and prepared a Bill for Parliament last week which, in effect, overruled the recommendations of the Remuneration Tribunal with respect to magistrates' salaries. The tribunal itself had accepted arguments put forward and supported by this Government which would have given the Chief Magistrate 80 per cent of the salary of the Chief Justice and the other magistrates 75 per cent of the judges' salaries. That attempt to link the two was a natural progression from policies that the tribunal has endorsed quite often in other contexts.

The decision by the Federal Government to simply overturn the recommendations of the Remuneration Tribunal must cause the tribunal itself some concern, although I do not wish to comment upon the likely reaction of the chairman, Mr Justice Mahoney. Clearly, that was a slap in the face to the tribunal by the Federal Government, which legislated out the expected pay rise for our magistrates.

Since the Federal Government had given some guarantees for continued funding in relation to salary levels for the magistrates, we are yet to determine - and I have yet to meet with the relevant Federal Ministers, the Attorney-General and the Minister for Industrial Relations - whether the Bill that was introduced to the Federal Parliament was really meant to stop the ACT getting that additional funding base before we take over the magistrates court on 1 July 1990. It is a matter of concern and I am grateful that Dr Kinloch raised the question today.

China Support Group

MR MOORE: My question is actually directed to Mr Collaery in his capacity, at this stage, of Acting Chief Minister. Last night, after the power failure, he called on the Federal Labor Government to take action and show some concern for Chinese students in Australia. I think it is reasonable to say that he was quite harsh in his judgment of the Federal Labor Government and how it responded.

MR SPEAKER: Order! Mr Moore, please get to your question.

MR MOORE: Yes, I am coming to the question, Mr Speaker. Considering the Chief Minister has not indicated any action by this Government in response to my question without notice of 26 April about a call from Professor Jenner for a plaque to be raised in Canberra, will Mr Collaery tell us whether he is prepared to do that or to continue with his hypocrisy of calling on the Federal Government for action while not taking any action himself?

MR COLLAERY: I thank Mr Moore for the question and I am delighted to respond to it in my own capacity. There are two issues at stake here: one is whether this Government can properly approve a monument. There is Federal legislation concerning the dedication of monuments on which the Chief Minister has been briefed that would, at this stage, require us to examine our legal right to set up any monument, bearing in mind the provisions of the National Capital Planning Authority Act and so on. This matter is before the Government at present. I am aware that the people of Adelaide have got ahead of us in that respect, but particular planning and leasing implications in the ACT are such that this Government does not, as far as I am aware, have the power freely to erect monuments in national precincts.

The second part of Mr Moore's question was whether this was evidence of hypocrisy by the Government. I think that all of us in this chamber have already endorsed - some of us did so when we were in opposition - the need for action to be taken in relation to the condition of certain temporary residents of the ACT, namely Chinese students. We have endorsed that in the past. We have been very up-front as a parliamentary assembly on these issues.

I do not believe that the China Support Group, through Professor Jenner at the Australian National University, will see that we are in any way equivocating as a government or as an assembly on the issue. I understand that there has been correspondence between the Chief Minister and at least one member of the Alliance ministry on that subject, and I believe matters are being clarified in relation to the building and approving of monuments by a Territory government in the national capital.

MR MOORE: I ask a supplementary question. At the time of my previous question on 26 April, I asked the Chief Minister whether he would keep us briefed. He replied, "No, not necessarily". I now ask Mr Collaery to keep this side of the Assembly briefed on a matter of concern to us all.

MR COLLAERY: I am sure that the Chief Minister made those comments in jest when he looked fondly across towards Mr Moore, as he usually does. But certainly you will be briefed on the matter. If I can locate the relevant

6 June 1990

correspondence, I will be quite happy for you to see it and to take part in any general proposal, which I imagine would come from this Assembly rather than just the Government.

Oil and Chemical Spillages

MS MAHER: My question to the Minister for Finance and Urban Services relates to the report yesterday of a diesel oil spillage at Fyshwick. Can the Minister say what measures are in place to protect Lake Burley Griffin from regular spillage of chemicals in the Fyshwick area?

MR DUBY: I thank Ms Maher for the question. I am aware of the media report on the spillage yesterday of diesel fuel oil in Fyshwick. I am very pleased to say that this is a very good demonstration of the effectiveness of the response procedures in place. Under the ACT disaster plan, the ACT Emergency Service has prepared a subplan for dealing with hazardous material spillages.

The ACT Fire Brigade is the prime agency for response, but it is assisted primarily by the police and also by the large range of ACT Government services available to respond to these accidents. The Environment Protection Service is one of those agencies, and it provides assistance with identification of materials and mop-up procedures before environmental clearance is given to the site.

This disaster plan has been used many times, and in all cases has been most successful in reducing a local hazard and containing potential pollution. Ms Maher may be aware that the Government is most concerned about the potential effect of the chemicals used in Fyshwick. As part of the Eastern Parkway project, an oil separating gross pollutant trap has been constructed as a last line of defence. It is proving to be very effective. I am also pleased to inform the house that the local oil industry has established an emergency response group which will operate in the region.

Mr Berry: Will you cut the fire service back?

MR DUBY: We will certainly look at all options, Mr Berry.

School Consolidations

MR WOOD: I direct a question to the Minister for Education. So that Mr Humphries may know the effects of his actions, does he now recognise that it is necessary, ahead of any decisions, to provide accurate and comprehensive accounts of savings, costs or other factors when proposing school closures?

MR HUMPHRIES: First of all, as Minister for Education, I formally acknowledge and welcome in the gallery of the

Assembly chamber today children from St Bede's School in Red Hill. I live in Red Hill and it is a great pleasure to have the very well behaved children from that suburb here today in the gallery. I welcome them on behalf of members of the Assembly.

I answer Mr Wood's question by saying that I acknowledge, and I have acknowledged from the outset, that the Government needs to justify the savings it proposes to make from any school closures.

Mr Wood: Yes, but before, not after.

MR HUMPHRIES: Certainly it is true that the Government needs to produce as accurate figures as possible on the sorts of savings it can expect to make from the closure of schools. In fact, I indicated yesterday to members of the media that I was at present preparing figures on the sorts of savings one would generally make from school closures.

Obviously, those figures are very loose. They are not accurate figures because you cannot produce accurate figures until you have details of particular schools, particular configurations. However, that information will be made available, and it will be made available to members of the Opposition.

It is also true that detailed work will have to be done on particular projections of savings once actual schools are named and a plan for closure is established. I think it is unhelpful to think in terms of what we can lay on the table at this point about how much money will flow from particular decisions. It does not advance the argument, but at the same time it does not mean that the Government is not doing or is not prepared to do the necessary groundwork to ensure that the figures on which it proceeds are entirely accurate.

MR WOOD: I ask a supplementary question. I thank the Minister because at last we have some acknowledgement of what we have been asking for some time now - that is, the necessity to provide these figures. I am very grateful for Mr Humphries' indication. Will he confirm that, following the examination of material provided by Dr Perkins, he is reviewing his opinion and his figures on costs?

MR HUMPHRIES: "Review" is probably a rather ambiguous word to use in this context. We are certainly - - -

Mr Wood: You just changed your mind?

MR HUMPHRIES: No, we are not changing our minds. We are scrutinising the assumptions on which the Education Department has proceeded to date. I know that process has involved, and I am sure will continue to involve, Dr Perkins and the academics from the Australian National University whom she has enlisted in that process.

6 June 1990

I can indicate a progress report on that. The figures that the Education Department has proceeded on to date to establish the savings it made at the end of 1988 and the sorts of savings it can expect to make again as a result of these consolidations are figures that have been laid before the ACT Treasury at the request of the parties involved in that process to establish some common ground. The ACT Treasury has substantially - in fact, in all material respects - endorsed the approach taken by the Education Department to date. In other words, the Treasury has substantiated the basis on which the Treasury figures were established and to that extent repudiated those on which Dr Perkins' figures were predicated.

That is not to say that there is not still some work to be done in respect of Dr Perkins' figures, and I intend to ensure, notwithstanding whatever might be said in the media, that we continue to work with Dr Perkins to establish common ground, common assumptions and common methodology to work out the extent of savings. That must be done and it will be done in this context particularly. I can assure members that we will not proceed on the basis of saying to the community that these figures are half-baked or inaccurate or not properly thought through.

Planning and Land Use Legislation

MRS NOLAN: My question, which is addressed to Mr Collaery as Acting Chief Minister, relates to the planning and land use legislation. When will the Government table the remainder of the planning and land use legislation, and when will that legislation be formally introduced?

MR COLLAERY: I thank Mrs Nolan for the question. The Government has already tabled three major Bills in its package of comprehensive planning and land use legislation. The Planning and Heritage Bills were tabled in February and the Environmental Assessments and Inquiries Bill was tabled in March.

The draft regulations, which provide for the conduct of environmental impact statements and other forms of environmental assessments, were tabled on Wednesday, 30 May. By leave, the Government will table the next element of this comprehensive legislative package, a draft approvals and orders Bill, in the Assembly today.

As well, Mr Speaker, I am pleased to inform the house that the final part of the legislation, which is a draft Land (Leases and Management) Bill 1990, will be available for tabling tomorrow. That will complete our commitment. I remind members of the house that Ms Follett said, I believe, yesterday that these Bills had been essentially prepared while the Labor Government was in office. Nothing could be further from the truth. There were some discussion papers or white papers, but, if Ms Follett could

speak to the Legislative Counsel and understand what was really involved in preparing that package, she would realise why there has been some short slippage in preparing this monumental set of laws that other States and Territories have taken years to produce.

The release of these two Bills today and tomorrow will allow the public to see the Government's proposals in their full context. Comment on the legislation will be sought from all interested groups. Naturally the timing of the formal introduction of the Bills will depend upon the full completion of the processes of public consultation, including those involving Assembly committees and the extent to which one can foreshadow necessary amendments to the draft Bills.

I think it should be said for the record that Ms Follett wrote to the Chief Minister on 5 February 1990 advocating the desirability of open consultation with interested citizens and groups prior to the introduction of the legislation. Clearly, we agree with the Leader of the Opposition on that point. That has always been our intention. Mr Speaker, you can be assured that, without pre-empting any of those consultative processes, the Government will make every effort both to incorporate the views of all those people and to get the final package before this Assembly as soon as possible.

Recruitment of Doctors

MS FOLLETT: My question is to Mr Humphries as Minister for Health. The Canberra Doctor of 24 May 1990 outlines future problems in recruitment of intern and resident staff in the years 1991 and 1992 due to the reversion to a six-year medical degree course at Sydney and New South Wales Universities. What action has Mr Humphries' Government taken to address that problem?

MR HUMPHRIES: I am not aware of any particular action that we have taken. I am not aware that the problem had arisen. However, I will undertake to take the question on notice. It may well be that action is being pursued in that respect, and if it is I will inform Ms Follett. If it is not, I will undertake to explore whether action ought to be taken.

"Sick Building" Syndrome

MR STEFANIAK: My question is also to Mr Humphries in his role as Minister for Health. I refer to reports in the Canberra Times of the "sick building" syndrome. One British survey found that 80 per cent of office workers suffered sickness related to the buildings in which they worked. Is the ACT Government taking any action on the so-called sick building syndrome?

6 June 1990

MR HUMPHRIES: I thank Mr Stefaniak. Yes, I am aware of the sick building syndrome. I think that this building was a bit sick last night. I assure members of the Assembly that we are actively endeavouring to alleviate some of the basic conditions that tend to create these problems. Basically, the problem is due to the design of sealed buildings and refers to the range of symptoms that people experience only during their times within the sealed environment.

As a public service centre with a large number of office workers, Canberra is particularly prone to this problem. Also, air in Canberra is relatively dry and is drier still when heated during the winter months. This air has the capacity to dry out the human body's natural defence mechanisms making the person more susceptible to illness or discomfort. Investigations have revealed that Canberra does not have a problem with moulds or fungi growing in air-conditioning duct work, as has been reported overseas, and in the majority of cases air-conditioning plants have been well maintained.

Currently my departmental surveyors are using monitoring equipment to measure various indoor climatic factors. The government analyst and his staff are also part of the public health team. The Chief Health Officer, Dr Bob Scott, is a member of the national inter-government task group which is looking into these issues as they relate to problems with the internal environment of government accommodation.

I understand that the occupational health and safety section of the Chief Minister's Department is investigating the possibility of linking personnel absentee records and complaint records to try to identify sick buildings. We will continue to monitor and, if possible, rectify the situation.

Class Sizes

MR BERRY: I direct my question to the Minister for Education, Mr Humphries. Is the Minister aware that class sizes in the ACT are bigger than elsewhere in Australia? Does the Minister propose measures to reduce the size of classes?

MR HUMPHRIES: I think that Mr Berry's assertions ought to be treated with some caution. It has also been suggested that the ACT has the largest average school size in Australia when, in fact, that comparison is with rural schools. Such comparisons really should not be made. I will take on notice the question of whether ACT school class sizes are larger than average. I would rather conduct a comparison between ACT schools and other urban schools throughout Australia. I suspect that the position

of the ACT's class sizes may not be so damaging in those circumstances.

I was also asked whether we were doing anything about reducing class sizes. It is obvious that that would require resources. The Government, as Mr Berry is well aware, is involved in the process of channelling resources away from wasteful things, such as unnecessary infrastructure and maintaining and servicing unnecessary and unused school places, into more productive things, such as direct services to school age populations and particularly to maintaining the conditions of teachers and other things directly beneficial to education. Therefore, we will be attempting to provide as many resources as possible in areas such as reducing class sizes, but we acknowledge that that is a long-term aim rather than a short-term one.

MR COLLAERY: Mr Speaker, I ask that further questions be placed on the notice paper.

School Consolidations

MR HUMPHRIES: Yesterday, Mr Wood asked me a question about the lease of space in schools by community and other groups. He asked: What happens to a lessee if the school in which space is leased is closed? Where does the rent go? Is it a net drain or surplus?

My response to the question is as follows: Some 20 tenants currently lease space in ACT government schools. These include, for example, the Department of Health, the Australian Electoral Commission, Stagecoach Theatre, the French-Australian Preschool and the Parents and Citizens Council.

If a school is closed, such tenants may be relocated in another school. Priority will usually be given to tenants with education related roles to lease such space.

Tenants may also be located in some of the closed schools which would be used as community centres under the auspices of another department. It is not a normal function of the Department of Education to administer accommodation for community groups.

The rent is paid to the Department of Education and is offset against such direct costs as electricity and cleaning. The Department of Education leases space on a non-commercial basis involving varying degrees of subsidy. The criteria for subsidy are capacity to pay, relationship to the education system and degree of community service. The Government will continue to subsidise appropriate community groups.

PERSONAL EXPLANATION

MR MOORE: Mr Speaker, I have two personal explanations to make. Firstly, Mr Collaery suggested that at a meeting with Concrete Constructions I said that I accepted totally that an office block development would be fine, provided that it did not have any government occupants. In fact, what I said was that I would consider that matter. I did consider it. I spoke to my advisers and decided that the chances of actually being able to achieve that were not realistic at all. Therefore I have not considered that as an acceptable approach.

Secondly, Mr Jensen suggested that I misled the Assembly in terms of referring to the Civic Centre Policy Plan, page 70. In fact, part of the difficulty there was that I have a very early version of the document - what is described as "an interim photocopied publication of the final policy plan for the Civic Centre, Canberra". The wording in the interim document is the same as in the final published document but the page numbers are different. When I was referring to page 70, I was actually referring to a coloured map, setting out the uses. As we worked out later, page 70 of the version that Mr Jensen has is equivalent to my page 104. He said that, if I had read further, I would have seen that things were different and hence I had, in effect, attempted to mislead the Assembly. That is not so at all.

I draw Mr Jensen's attention to the fact that those other land uses are ancillary land uses. The Macquarie dictionary defines the word "ancillary" as "an accessory or auxiliary use". For me to argue that the area was set aside specifically for a social, community or cultural facility or a health centre use - I did not mention health centre although it is here - is perfectly reasonable. An ancillary use means that it is dependent upon that. Therefore, my presentation about the Griffin Centre site was perfectly reasonable. The little drawing that the Chief Minister presented yesterday is inconsistent with the Civic Centre Policy Plan, as indeed it is with the Metropolitan Policy Plan.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

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

That so much of standing and temporary orders be suspended as would prevent Executive business, order of the day No. 1, being called on forthwith.

**PRIORITIES REVIEW BOARD
Ministerial Statement and Papers**

Debate resumed from 29 May 1990, on motion by **Mr Kaine**:

That the Assembly takes note of the following papers:

Priorities Review Board -

Ministerial statement, 29 May 1990.

Priorities for improved public sector management -

Consultants report to the board.

Report, dated May 1990.

MS FOLLETT (Leader of the Opposition) (3.10): Mr Speaker, we are all aware of the fact that the Commonwealth Grants Commission in successive reports found that the ACT was overfunded in comparison with the other States. It is true that the latest Grants Commission review found that the ACT was overfunded to the extent of some \$76m. What that figure is now is open to debate. To some extent these financial realities are the reason the ACT was given self-government. We are also all aware that overfunding to the extent that it exists will be removed by the Commonwealth.

These are not the issues over which the financial debate in the ACT is occurring. There are two fundamental points of disagreement between the Labor Party, along with most of the ACT community, and the Alliance Government. These are the speed of the transition process and actions that are taken to bring about the transition. These are not necessarily arguments about facts; they are more arguments about what we believe in.

Recent statements by the Chief Minister make it quite clear that the Alliance Government supports a short transition period. Mr Kaine continually uses scare tactics, suggesting that the Commonwealth funding tap will be completely turned off after 1990-91. He wants the people of Canberra to believe that he is being forced by the Commonwealth to make major cuts in the ACT budget over the next two years and there is nothing he can do about it.

This is not fact. It is simply the Chief Minister's way of implementing his social agenda for Canberra. His agenda, like that of all Liberal governments, is one of smaller government producing fewer services. It is one where most people buy education and health services from the private sector in the open market.

The facts are that the transition period need not be as short as Mr Kaine suggests. The letter to Mr Kaine from the Prime Minister, which he held up as showing that the Commonwealth funding would end in 1991, in fact makes this clear. It states that, following the end of the real terms guarantee in 1990-91, the Commonwealth and the ACT will negotiate on transitional funding for 1991-92 and 1992-93. Quite properly, the Prime Minister suggests that the basis

6 June 1990

of these negotiations should be the findings of the Grants Commission's current review.

The Prime Minister goes on to state that whether the ACT would continue to require special revenue assistance after its inclusion in the general revenue pool in 1993-94 "would need to be assessed at that time". Like the Chief Minister, I am disappointed that he could not negotiate an additional year of the real terms guarantee. That certainly would have been useful. However, the Prime Minister's letter makes it quite clear that the transitional funding arrangements can be negotiated.

Given that the Northern Territory has been able to negotiate additional assistance since it entered the general revenue pool, then it should be possible for an effective ACT government to do likewise, if that is necessary. Thus the transitional funding period can be expected to extend to at least 1992-93. Even without negotiating with the Commonwealth, however, the ACT has the financial resources to extend the transition period itself. I am opposed to rapid change for the sake of it. I believe that change should be managed and smooth. Rapid change is bad for both the community and the economy.

As a member of the Labor Party, I also disagree with the Liberal obsession with small government and private markets. I believe that the public sector legitimately exists to provide services to the community. I know that the Alliance position, as expressed in the Priorities Review Board report, disagrees with that view. What I wish to stress is that it is not a matter of fact but rather a matter of opinion.

Not only do we disagree with the Government over the timing of the transition process but we also disagree over how the transition will be achieved. This is no more obvious than in the recommendations of the Priorities Review Board. The Government keeps saying that these are only recommendations and people should not be concerned as there is no Government decision on them yet.

I would like to make two points about that. First, the Chief Minister hand-picked the Priorities Review Board. He knew the views of its members and knew what to expect from them. It is quite obvious that the CARD view of the world has had a decent run in the Priorities Review Board report. We have known that position for some time.

Secondly, the Government has already begun the implementation of a number of its proposals, particularly those in the education and health areas. We also have the most senior ACT public servant reported on the front page of the Canberra Times as saying that the report will be and is being implemented. I think it is quite clear that the views of the Priorities Review Board and those of the Government do coincide. Canberrans who oppose those views need to speak out now, before they are implemented. It was

that voice of disapproval that we began to hear yesterday in Civic Square.

So what are the recommendations of the Priorities Review Board? I believe that they can be summarised into four - the privatisation of ACT services; the contracting out of public sector activity; severe cuts to public expenditure and services; and the fire sale of ACT Government real estate. By the privatisation of ACT Government services, I do not simply mean the selling off of public enterprises. While I am sure this is on the hidden agenda of corporatisation, what I am also concerned about is something that I believe is far more insidious.

The Government is setting out with a secret agenda of privatising public services such as health and education. They will not say this publicly as they know that it will not be accepted by the people of Canberra. The closure of schools and the closure of Royal Canberra Hospital have much in common. They will both have the same outcome. We are already seeing the impact of the Alliance Government's hospital restructuring proposal - longer waiting lists and the transfer of beds from the public to the private sector. This policy is simply designed to force individuals into private insurance and out of public hospitals. Who will be the losers? Those least well off, stuck with a public health system which under this Government will become increasingly second-rate.

The same applies to the Alliance agenda for public education: starve it of funds, decrease the quality, and force people into private education. The losers will be those who cannot afford private education. The Labor Party supports public education and public health provided equally to all. We do not support the elitist approach of this Government.

Turning to the more general privatisation theme of the report, I would like to make a number of points. It has been proven from Australian and international experience that privatisation in no way assists the recurrent budget. The history of privatisation also brings into doubt claims that it improves efficiency. It certainly has been proven to increase prices and reduce service quality.

I would like to make some comments about the first plank of the Priorities Review Board's privatisation agenda, and that is corporatisation. It is based on the analysis that the private sector is better, therefore the way the private sector does things is better also. This is far too simplistic. It ignores completely the different role of the public sector. Certainly some form of corporate model is appropriate for purely commercial public sector operations like ACTEW. But to corporatise GALA, a regulatory revenue raising body, or ACTION, with its significant public interest activities, must be questioned.

6 June 1990

A large part of the Priorities Review Board report deals with the supposed advantages of contracting out of the provision of public services. In fact it recommends that more than 30 services should be contracted out. No specific arguments are given as to why particular services should be contracted out. There is only one reason: contracting out allows you to get around public sector award payments. It allows the Government the opportunity to participate in the exploitation of poorly organised elements of the private sector labour force.

We have come to expect this approach from Liberal governments. The Labor Party is opposed to such blatant exploitation. The disappointing thing is that the Priorities Review Board did not even attempt to do a financial analysis of contracting out. They blandly stated that a saving of 20 per cent could be achieved. However, this unsupported number was not simply pulled from the air. No, it came from a previously discredited CARD report.

The simple fact of the matter is that the most recent evidence casts significant doubt upon the cost-effectiveness of contracting out. It casts even greater doubt on the impact it has on both quality of service and accountability. So we have a very patchy analysis.

The major focus of the Priorities Review Board report appears to be the sell-off of ACT real estate. The report is a property developer's dream. Let me make it clear from the outset that I am not opposed to a government adjusting its property assets. There is no reason for a government to hold onto land it does not require. That is, indeed, a waste of resources. The Priorities Review Board report, however, reads more like a fire sale than anything else. It quite clearly sets out the property it believes should be sold. Included in the list are school sites, both those currently closed and those to be closed; community facilities; community health centres; the Queen Elizabeth II Home; child health centres; and specific areas within our pine forests.

The rationale offered for these sales is that they are either "underutilised" or "not being utilised in their highest use". Both of these rationales appear to be euphemisms for not earning a high enough financial rate of return. But what about the social rate of return? I would like to say that many of the properties flagged for sale by the Priorities Review Board do serve the people of Canberra well and they are well utilised.

Our position on school closures is quite clear. We believe that the neighbourhood school system serves the people of Canberra well. It should be retained and schools should not be sold off to property developers. I believe also that our public health system is a tremendous community asset. It should be retained and protected by any government interested in social justice.

I am also concerned about reports that some of the ACT's pine plantations may be sold off for alternative uses. I do not believe that the pine forests are sacrosanct but I do believe that we need to be cautious of the environmental impact of such decisions. In particular, we have a responsibility to protect the Molonglo River from urban run-off and pollution. This responsibility is not confined to the ACT but involves Australia's crucial Murray-Darling river system.

I would like to stress that I am not opposed to improving the efficiency of the public sector. In this regard there are some recommendations in the report which do seem sensible. The establishment of an ACT Government Service office to undertake common service functions is sensible. There are certainly efficiencies to be gained from the central coordination of property and purchasing. There are other specific proposals in the report dealing with improving the effectiveness of public sector operations which could be implemented. Others, such as the increased use of interagency charging, must be seen to be of limited benefit to an administration of this size.

What the Labor Party opposes most in the recommendations of the board is their predictable stance that the private sector is good and the public sector is bad. This is why they suggest that privatisation, contracting out, corporatisation and expenditure cuts are appropriate. They shift service provision from the public sector to the private sector. No evidence is provided to sustain this belief, and that is simply because there is no evidence; it is simply the belief of the Priorities Review Board and of the Liberal Party.

My own experience in the public sector does not allow me to support this view. I also believe that there is no need for it. The adjustment required to the ACT budget can occur without an all-out attack on the quality and quantity of public services.

The consideration given by the Priorities Review Board to revenue raising is also interesting. The bias in the board's comments is quite clear. Again the CARD line is followed. Business taxes should be reduced and individual taxes increased. The board argue for the removal of payroll tax yet again, even though they recognise that it is the single largest revenue earner for all States, including the ACT. The board argue that public services should be slashed so payroll tax can be cut.

On the other hand, the board argue that municipal rates, which predominantly impact on individuals, should be increased by up to 10 per cent. They also argue that bus fares be increased significantly on so-called efficiency grounds, completely neglecting the environmental and social consequences of this. Again it is quite clear from the actions of the Government that they are already implementing the Priorities Review Board's agenda. (Extension of time granted)

6 June 1990

We have seen over the last few weeks what this Government's approach to revenue raising will be. That is to tax the battler and give subsidies to the privileged, just as the Priorities Review Board recommended. We have seen rates increased by 10 per cent in real terms. We have seen parking charges, bus fares and registration charges increasing faster than inflation. So it is the battling, ordinary Canberrans who are being slugged. On the other hand, we see the Government giving a \$1m tax handout to the business community.

Mr Duby: Where?

MS FOLLETT: This Government has changed my proposals to bring ACT stamp duties into line with the States, along the lines the Grants Commission suggested, Mr Duby. Pay attention! They just could not help themselves. They had to reduce the tax rate to less than half that applying elsewhere. I would remind the Assembly that, according to Minister Humphries' own figures - no matter how dodgy they are - this Government would have to close five primary schools to fund their decision to provide a stamp duty subsidy to business.

Mr Speaker, quite clearly, from what I have said here today we can see that the Priorities Review Board's report is not simply a set of recommendations which the Government is considering. It is, in fact, an agenda that the Government is implementing. It is an agenda that will be opposed by the ACT community and it is an agenda that I reject.

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

DRAFT LAND USE (APPROVALS AND ORDERS) BILL 1990

MR KAINE (Chief Minister): Mr Speaker, I seek leave to - - -

Mr Moore: I raise a point of order, Mr Speaker. I draw your attention to the fact that on a number of occasions you have pointed out that you call one speaker from one side of the house then one speaker from the other side of the house. I ask you to do that now.

MR SPEAKER: That is within one debate, Mr Moore. I call the Chief Minister.

MR KAINE: Mr Speaker, I seek leave of the Assembly to make a ministerial statement in connection with the draft Land Use (Approvals and Orders) Bill 1990.

Leave not granted.

Suspension of Standing and Temporary Orders

MR KAINE (Chief Minister) (3.27): I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Kaine making a ministerial statement on the draft Land Use (Approvals and Orders) Bill 1990.

Mr Speaker, I must say that I am getting heartily sick of the hypocrisy of this Opposition which talks about courtesy and yet every time I, as Chief Minister, seek to make a ministerial statement - and this one happens to be about our land management package - I am refused leave. I know of no other parliament in the Westminster system where the Prime Minister, the Premier, or the Chief Minister, seeking leave from the house to make a statement, is ever refused. I again seek leave to make the statement.

Mr Berry: In other parliaments they always give notice.

MR KAINE: You never gave us notice. I submit that, when these people have the hypocrisy to talk about courtesy, they should look at their own performance and nobody else's.

MR BERRY (3.29): The Chief Minister does not understand the rules. It is most inappropriate to seek leave to do something in the course of debate. Mr Speaker, the last time we spoke on the same subject, I made it very clear that the Labor Opposition is quite happy to grant leave for Ministers to make ministerial statements provided that the Government observes parliamentary practice as it occurs in other places and gives at least two hours' notice in order to give the Opposition a chance, if it so wishes, to respond immediately to any motions that are put, arising from ministerial statements. I asked the manager of Government business this morning to find out the subject matter of ministerial statements for today, and she said she would try to do so. Mrs Nolan came to me five or 10 minutes before the Chief Minister sought leave and advised me that the statement was in relation to planning - no more than that.

I make it clear again to the Chief Minister that it is not good enough just to pay lip-service to giving notice to the Opposition. We are serious about this matter. We intend to pursue it, in order to get common courtesy from the Government. If the present Government was too slow to pick up on this issue when it was in opposition, that is just too bad for it. We know that it was a bit hopeless and it needed featherbedding quite often. But now there is a real Opposition and we expect the common courtesy that applies in other parliamentary places.

If the Government cannot live up to the ordinarily accepted standards and the common decencies of other places - I know it might be difficult for the Chief Minister - then it will

6 June 1990

be exposed every time. As much as that may disturb members opposite, the fact is that the Opposition will pursue this matter every time the option presents itself.

The issue of ministerial statements has been used by this Government as a filibuster to fill up the business paper. They are used by other governments as well for the same reasons. But the fact of the matter is that the issue of common courtesy comes into play. All that is required is that the Government just give us a couple of hours' notice so that we can respond, if we so desire, immediately after any motions are moved in relation to ministerial statements.

Mr Kaine: The Leader of the Opposition will not be given the courtesy next time.

MR BERRY: Mr Speaker, that is fine; we will argue it the same way.

Mr Kaine: He talks about common courtesy. We will not even give her an extension of time.

MR SPEAKER: Order! Please proceed, Mr Berry.

MR BERRY: Where is Dr Kinloch? Dr Kinloch, the great anti-interjectionist has gone, not a sign of him all of a sudden. He should be here pulling some of the parliamentary vandals opposite into gear. Anyway that is the issue. I think it is pretty clear. If the Government is prepared to give us the usual notice on these matters the Opposition is prepared to grant leave, otherwise this debate will happen again and again.

MR MOORE (3.33): Mr Speaker, yesterday when a similar motion was put to the house I voted with the Government. This is a normal courtesy to extend to the Chief Minister to enable him to make statements and, in fact, I will vote that way again today. But the reality of the situation is still that it is appropriate in a new house like ours for the Government to give notice of what it intends to do. The Opposition is requesting two hours, and I think that that could have been organised between yesterday and today. I hope that from now on the Chief Minister will note that the right thing to do is to give us some notice in case we intend to respond.

With reference to hypocrisy and common courtesy, I find it very interesting that the Chief Minister, who just a very short while ago denied me the opportunity to present a prepared speech on the Priorities Review Board, should now complain.

Mr Kaine: The matter was not on the agenda for debate, Mr Moore. It was an extension of courtesy to the Leader of the Opposition - courtesy, you understand.

MR MOORE: Since the Chief Minister is now talking about common courtesy, I point out that I sought to make a prepared speech - one of the few speeches that I had actually typed - - -

Mr Kaine: You will get a chance to deliver it when it is on the agenda for discussion.

MR MOORE: It was on the agenda. Notice was given to me by the whip and I had prepared a speech. The Chief Minister's response, in claiming that there is hypocrisy on this side of the house, is ironic, especially when he also talks about common courtesy. He has shown no common courtesy whatsoever; he does not know the meaning of the words "common courtesy". As for his accusations of hypocrisy, he really ought to look in a mirror and try to determine just where those hypocrisies lie.

On the question of allowing me the opportunity to make my prepared speech, I must say that I even went to the trouble of pointing out that I was prepared to let it go if I had an assurance that I could speak on the Priorities Review Board report tomorrow. I am sure the whip will confirm that. This is clearly a case where the Government was not prepared to extend that common courtesy to another member of the house. That was particularly important in this case because our two months' recess is coming up and the Priorities Review Board report is really not going to have very much meaning when we start bringing down the budget and so forth. We might refer to it, but the chance to make a major statement on it will, in effect, be lost. Therefore, there is some reason to wish to do it at this particular time.

So for the Chief Minister to talk about common courtesy is really ironic, and for him to talk about hypocrisy is also ironic. He referred to members on this side of the house as hypocrites, but the fact that he has still not called on Mr Duby to resign, for example, is of course hypocritical on his part.

With reference to the suspension of the standing orders to enable the Chief Minister to present his paper, on this occasion I will once again support the Government. But, as far as the common courtesy that the Chief Minister keeps talking about is concerned, I would certainly appreciate it if he would extend that courtesy, at least to me and perhaps to Mr Stevenson. He is waiting to speak, so I will shut up. If he would also extend that courtesy to the Opposition that would be fine, but in this case I am more concerned with myself. I would greatly appreciate such courtesy.

MR STEVENSON (3.37): Ministerial statements are important. We certainly should allow Ministers the right to make them, and I would rather that was done at any time other than during questions without notice. I am loath to suggest that Ministers do not make them, and I think they should be

6 June 1990

allowed the opportunity to speak. In fact, I do not think there would be a valid reason for preventing anybody from speaking, provided that person had a reasonable reason to do so and was not simply using a disruptive mechanism.

I turn to the matter of whether or not we receive notice. Because ministerial statements are important, and indeed it could be important for Opposition members to be able to respond, I think that two hours' notice, or a reasonable time, would be useful for us in representing constituents in Canberra. So I would ask the Chief Minister, regardless of what anybody else may have done or may do in this house, to give serious consideration, along with members of the Alliance, to allowing us the opportunity for a couple of hours' notice of ministerial statements.

Question resolved in the affirmative.

Ministerial Statement and Papers

MR KAINE (Chief Minister): Mr Speaker, today I table the draft Land Use (Approvals and Orders) Bill 1990, together with an explanatory statement concerning the Bill. The tabling of this Bill marks a further stage in the progressive release of the Government's draft planning and land use legislation. This process commenced with the tabling of the draft Planning and Heritage Bills and continued with the release of the draft Environmental Assessments and Inquiries Bill and regulations.

When finalised, this package of legislation will establish an integrated planning and land management system for the ACT - a system that is designed to promote the economic growth of Canberra while also addressing environmental concerns and meeting community expectations, especially through its emphasis on public involvement in the planning process.

The Land Use (Approvals and Orders) Bill provides the procedural framework for the operation of the administrative levels of the land planning system. It forms one of the backbones of the system, in that it holds all the other parts together and ensures that they work in a coordinated way.

The Bill sets in place common mechanisms for the control of a range of land use activities. It does this by establishing standardised procedures for reaching decisions in relation to these activities; by specifying the circumstances in which orders can be issued to stop or control an activity; and by providing for the appeal rights which apply throughout the land planning system. The Bill is therefore an essential element in achieving two key objectives of the land planning system: that of establishing certain, consistent procedures; and that of providing appropriate avenues for appeals against the exercise of administrative discretion.

Mr Speaker, I now turn to a brief explanation of what the Bill will cover and how the procedures it describes will operate. The provisions of the Bill will control the various land use activities within the land planning regime. These controlled activities include the design and siting of buildings; activities which affect the requirements for the conservation of the heritage of places on the heritage places register; the demolition of buildings; the subdivision or consolidation of blocks; the use of residential land for business purposes, outside any parameters provided for under the Territory Plan; the display of signs or advertising material, outside any parameters provided for under the Territory Plan; variations to existing leases; and any activities for which a lease or the Territory Plan require that approval be granted.

Under this legislation, a person seeking to conduct a controlled activity would submit an application to an approval authority. While the draft Bill provides that the responsible Minister is the approval authority, in practice these powers would be delegated to various existing positions or authorities within the ACT Government Service. Their identity and organisational location would depend upon the manner in which the development approval system was organised at the time.

A single application could be made and considered in relation to a number of different controlled activities. For example, an applicant could seek design and siting approval at the same time as seeking approval for a lease variation. In considering the application, the approval authority would be required to consult other agencies and authorities to ensure that all relevant factors are taken into account. In this context the Bill provides for two categories of consultation.

Where a concurring authority is specified, that authority's agreement is needed before an application can be approved. Concurring authorities are specified in the schedule to the Bill; for example, before granting an approval for a lease variation, the approval authority would need the concurrence of the planning authority.

The approval authority may also need to seek the views of one or more commenting authorities in considering the application. Commenting authorities would vary according to the subject matter of the application and therefore, with one exception, are not specified in the legislation. The exception involves the Heritage Council, whose comments will be sought on all applications which relate to the requirements for the conservation of places in the heritage register.

In deciding to grant an approval, the approval authority will have to include any conditions required by the Territory Plan or by a concurring authority, and may also

6 June 1990

specify various other conditions; for example, a condition that the activity be carried out to a certain standard.

The Bill provides that time limits for all stages of the approval process may be determined by regulation. It will be an offence for a controlled activity to be conducted without an approval or outside the terms of the approval. Where this occurs, an order could be issued. It could require a person to refrain from a controlled activity, to meet the conditions of an approval, or to make good any work carried out without approval.

The Bill also specifies appeal rights under the land planning regime. In tabling the draft Planning and Heritage Bills, I announced the key features of appeal provisions in the land planning system. In view of the particular public interest in this part of the package, I would now like to recap on those provisions.

The Bill specifies the circumstances in which those who apply to carry out a controlled activity may appeal to the Administrative Appeals Tribunal. For example, an applicant may appeal against the refusal by the approval authority to grant an approval, or against the conditions of an approval.

With certain exceptions, rights of standing to appeal on the merits will extend to third parties. No right of appeal will exist against decisions subject to disallowance in the Assembly, such as variations to the Territory Plan itself. Where it has been certified that an inquiry or an environmental impact statement has examined all the relevant matters in relation to an application, the decision on the application would not be appealable by third parties.

Importantly, the Territory Plan itself will also define the circumstances or areas in which such standing may not apply. This approach will allow any exceptions to the provision of third party standing rights to be identified against the backdrop of the plan, the proposals it contains for land use and the standards and policies applicable to development. Any such exceptions will therefore be first subject to community consideration as a part of the process of consultation on the plan.

In order to be able to exercise their right of appeal, it is essential that third parties receive notice that an application has been made to conduct a controlled activity. The Bill therefore addresses in detail the means by which applications which are subject to third party appeal are to be notified to interested parties, especially adjoining lessees.

In relation to such applications, any person will be able to register an objection. The approval authority will have to consider all objections before reaching a decision. Once the decision is made and notified, any person who

objected to the application will have the right to appeal against the decision to the Administrative Appeals Tribunal.

Mr Speaker, having looked at how the approvals and orders system will operate, I would like to turn to examining the key features of this system. By establishing standardised procedures it will introduce a greater level of certainty and consistency into decision making on land use matters. Applicants will know the procedures, the criteria and the time limits which will apply to their application. Furthermore, the Bill creates a statutory framework which will accommodate and encourage administrative reform of approval procedures, so that the process can be simplified and streamlined.

The procedures specified in the Bill are also designed to improve the quality of decision making. In particular, two features of the system will lead to this: the approvals system will ensure that all interested agencies are consulted when an application is being considered and thus ensure that all relevant factors are taken into account by notifying interested parties of an application and allowing objections to be made to that application; and any objections will be considered before decisions are made, thus ensuring that decision making is better informed.

Finally, an integral component of the Land Use (Approvals and Orders) Bill is the mechanism it creates to achieve an appropriate balance between the powers of the executive arm of government and the creation of opportunities for appeal against the exercise of those powers.

By employing the Territory Plan to define the areas or circumstances in which third party appeals will not be available, a framework has been created which will allow decisions which involve the exercise of wide administrative discretion to be appealable. At the same time, decisions which give effect to specific standards or criteria specified in the plan may not be subject to appeal. Thus, both the proponents and the public generally will, through the Territory Plan, enjoy reasonable certainty about what kinds of decisions will or will not be subject to review on their merits before the Administrative Appeals Tribunal.

Clearly there will be some administrative resources involved in the administration of these arrangements. The extent of these costs will depend substantially on a number of factors including the final form of the Territory Plan itself and the matters it excludes from being subject to third party appeal and therefore not requiring extensive notification processes; the extent to which proponents choose to apply to conduct activities which exceed the clearly stated thresholds in the plan or are in specified areas and therefore become subject to third party appeal; and the frequency with which the public chooses to appeal against such development decisions.

6 June 1990

With these qualifications in mind, it is likely that the public notification and appeals provisions of the draft Bill could result in an additional call on public sector resources of in excess of \$1m a year. While this is a significant sum, it should be kept in mind that one cannot provide a system which provides legitimate opportunities for review of the merits of development proposals without some additional expenditure.

It should also be kept in mind that up to now Canberra's development system has provided no third party appeal opportunities at all and therefore the commencement of such a system is initially a resource intensive exercise. Against this background, the Government looks forward to hearing the public's views on the relative costs and benefits of these aspects of its proposal.

Mr Deputy Speaker, I have outlined in simple terms what is necessarily a detailed piece of legislation because of the complex nature of its subject matter. For this reason, I particularly urge Assembly members and all interested persons to give the draft Bill detailed consideration. I commend the Bill to the Assembly on the basis of its being a discussion paper - the same terms and conditions under which earlier draft Bills on the planning system have been put forward. I welcome any comments that members may wish to make on it. I present the following papers:

Draft Land Use (Approvals and Orders) Bill 1990 -
Ministerial statement, dated 6 June 1990.
Draft Bill and explanatory statement.

I move:

That the Assembly takes note of the papers.

Question resolved in the affirmative.

TENANCY OF COMMERCIAL PREMISES - SELECT COMMITTEE Report

Debate resumed from 20 February 1990, on motion by **Mrs Nolan**:

That the recommendations be agreed to.

MR KAINE (Chief Minister) (3.51): Members will be aware that the Select Committee on the Tenancy of Commercial Premises presented its report to the Assembly on 20 February 1990. In my response today I will comment on the recommendations made in that select committee's report.

Proposals to regulate the commercial tenancy relationship were mooted in 1975 but, despite subsequent reviews, nothing has yet been done. The Alliance Government believes there is need for urgent action to address the

problems encountered by commercial tenants and offer a solution to create an environment where both tenants and landlords can operate harmoniously. The Alliance Government recognises that to provide a stable and secure environment this solution should reflect the preservation of fairness and equity for both sides.

The Government is committed to responsible and sustainable economic growth by fostering private sector development and diversification. In this context, I consider the contribution that both landlords and tenants make towards the development of Canberra's economy to be equally important. In order to have a prosperous retail industry in Canberra, it is crucial that both parties cooperate towards maximising each other's returns. To achieve this goal, it is important that both parties are aware of and appreciate each other's concerns.

My response to the select committee report will reflect the Alliance Government's dual commitments to regulate the lease agreement between commercial landlords and tenants by some form of legislation; and, at the same time, to ensure that the Government's intrusion into business dealings is kept to a minimum.

The select committee was established in July 1989 to consider difficulties encountered by commercial tenants of privately subleased commercial premises. The committee was asked to consider difficulties encountered by tenants so far as they arose out of contractual difficulties and whether regulatory legislation should be introduced. The committee was also asked to consider whether a review board should be introduced along the lines of a draft 1984 ordinance.

The committee concluded that the occurrence of disputes is mainly confined to small retail tenancies in local or group centres. The disputes broadly related to two categories: namely, alleged mismanagement by landlords and inadequacies in the lease agreement resulting in unfair practices by landlords. The committee considered that only the latter category could be addressed by some form of legislation.

It also concluded that much of the information volunteered to the inquiry comprised examples of individual grievances and complaints and did not exist on a scale and intensity that necessitated legislative measures. However, to the extent that problems did occur, the committee accepted that there was a need for a dispute resolution mechanism which is best achieved by mediation and arbitration. The committee considered the best solution to the problem would be the development of a code of practice backed by fair trading legislation which would set standards of behaviour for the industry and provide for the settlement of disputes.

Based on these conclusions, the committee has made three recommendations. These are: firstly, that the relevant

6 June 1990

Minister invite the principal industry associations acting on behalf of the landlord and tenant groups to enter into negotiations to formulate a code of practice relating to tenancies, including an appropriate dispute settling mechanism; secondly, that fair trading legislation be enacted to support a code of practice; and, thirdly, that if general agreement on a code of practice cannot be reached within six months of tabling this report the Government should prepare a code for discussion within the industry.

The Government has two options available, based on experience of other States, to provide a solution which would be fair to both parties - either the enactment of specific legislation or the introduction of a code of practice backed by appropriate legislation to provide legal sanctions for non-compliance.

Both options have a very similar effect. They provide a mechanism under which the industry will operate and provide legal sanctions for breach of law. The difference between the two is that the code of practice backed by appropriate legislation provides flexibility, places emphasis on self-regulation by the industry, and provides a low-cost, fast-track dispute resolution mechanism with legal sanctions for breach of the code. On the other hand, highly prescriptive legislation covering all aspects of the problem would, without a code of practice, embody an inherent rigidity; does not accord with Government policy of minimising regulation; and is likely to be more costly.

As I said at the beginning, the Government proposes to take action to provide a suitable mechanism for regulating commercial lease tenancies. We intend, therefore, to introduce a code of practice backed by fair trading legislation. This legislation will also ensure that some unacceptable practices, such as the requirement to pay key money, are dealt with effectively. This solution will accord with the Alliance Government's policy of providing a legal mechanism for regulating the industry.

In New South Wales a code of practice to address similar problems encountered by landlords and tenants in that State has been agreed by the industry and presented to the New South Wales Government for incorporation in their fair trading Act. While the Government does not wish to pre-empt the outcome of industry negotiations on the code of practice to apply in the ACT, the Government considers that implementation of a code of practice in the ACT as far as possible should ensure comparability and compatibility within the economic region of which we are a part. As provided in the first recommendation of the select committee, I shall be asking the principal industry associations to enter into negotiations to formulate a code of practice, including an appropriate dispute settling mechanism, based on the New South Wales code.

This proposal cannot be effective unless fair trading legislation is introduced in the ACT. I take this opportunity to announce that the Attorney-General will ensure that fair trading legislation will be introduced as a matter of some urgency. The fair trading legislation will contain the necessary provisions to ensure that codes of practice can, as the ultimate sanction, be enforced.

The select committee also recommended that the industry be given six months from the tabling of its report to reach agreement on a code of practice. I have just indicated that the Government considers that the New South Wales code provides a sound basis for developing a code for the ACT. In view of this and the Government's desire to deal with this issue quickly, I shall be asking the industry to put a code to the Government at an early date. The Office of Industry and Development will facilitate these discussions.

The Government also notes that the select committee recommendations follow closely the submissions put to it by the previous Labor Government. We welcome a bipartisan approach to this issue. Not to do so would be to ignore the reality of today's situation which calls for less, not more, intrusion into business if we are to be able to get our economy onto a sounder footing.

The Government is pleased to have been able to respond positively to the committee's recommendations. I urge the principal landlord and tenant organisations to accept reform and set about achieving a mutually acceptable code without delay. I am confident that the broad range of expertise within these organisations will ensure that the issues will be addressed in a fair and unselfish manner.

I thank the select committee for its hard work and concern to ensure a fair outcome for both tenants and landlords. I extend to the landlord and tenant organisations my good wishes for an effective outcome. I commend this statement to the Assembly.

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

PAPER

MR JENSEN: I seek leave to present an out-of-order petition.

Leave granted.

MR JENSEN: I present an out-of-order petition from 256 students and residents concerning the proposed closure of schools. This petition is in the form of a letter to Mr Humphries which was presented to me by some students from Tuggeranong at a public meeting at the Isabella Plains Primary School last Monday night. I gave an undertaking to the students, and to the meeting as well, that I would present that petition to this Assembly.

6 June 1990

I would like to thank Margaret Hilton, Sarah Bartlett, Danielle Morrison and Anne Maree Pight for their efforts in collecting these signatures. I have ensured that a copy of that letter has also gone to Mr Humphries.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE Report

MS MAHER: I present report No. 9 of the Standing Committee on the Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement.

Leave granted.

MS MAHER: The report I have just tabled details the committee's comments on the Statutory Authorities (Audit Arrangements) Bill 1990. I commend the report to the Assembly and I also thank Professor Whalan for his work overnight to get the committee's response ready.

TOBACCO (AMENDMENT) BILL 1990

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.02): Mr Deputy Speaker, I present the Tobacco (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

It gives me great pleasure to table today legislation to further restrict the sale, advertising, distribution and promotion of tobacco products. Last year the Follett Government took the first steps towards introducing stronger anti-smoking legislation for the ACT and established the ACT health promotion fund using an increase in tobacco taxes. The Alliance Government has continued and built on this foundation. This demonstrates that the ill effects caused by the consumption of tobacco products are greater than any political point scoring. It demonstrates the need for a bipartisan approach to restrict the promotion and sale of these lethal products, particularly to children and young people.

Smoking is the largest single cause of preventable death and disease in the Australian community. Nationally it causes an estimated 17,800 deaths per year, more than six times the national road toll. This equates to almost 288 deaths per year in the ACT, or more than five deaths per week. To this death toll must be added the disease and illness caused by tobacco use. Smokers suffer and die from lung cancer, heart disease, bronchitis, emphysema and many other conditions. Their families suffer; the community suffers.

Estimates show that the cost of smoking to the community in Australia in 1984 was over \$2.5 billion per annum, including health care costs and absenteeism from work. While cigarette smoking is on the decline, the decline is slow and in some sectors of the community, notably amongst young women, smoking is increasing. This is the situation which no responsible government can overlook.

As I mentioned last Thursday, on World No Tobacco Day, the Alliance Government has already demonstrated its commitment to addressing the problems associated with adult smoking through its decision to expand the ACT Quits Smoking Cessation Service from a part-time to a full-time service.

The Government is also strongly committed to addressing tobacco related issues for young people, as demonstrated by the sponsorship of the 1990 Rock Eisteddfod in the ACT through the health promotion fund in conjunction with the quit for life campaign and the funding of the ACT Cancer Society to establish a quit smoking program for adolescents in secondary colleges throughout Canberra.

The Government's commitment also extends to further legislative control of tobacco and its use. The Tobacco (Amendment) Bill 1990 and the Public Health (Eating Houses) Regulations (Amendment) being tabled today will introduce further restrictions on the sale, packaging, advertising and promotion of tobacco products and ensure that no-smoking zones are available for non-smoking clients of restaurants.

There has been considerable community support for similar legislation to that restricting the sale and promotion of tobacco in other States, and the Government believes that this legislation will have the overwhelming support of the Canberra community and will significantly advance the health status of the ACT population.

I shall now outline the elements of the legislative package. Firstly, Mr Deputy Speaker, the Bill proposes further regulating the supply of tobacco to children by increasing the minimum legal age for purchasing tobacco products to 18 and by significantly increasing the penalties for supplying tobacco products to children.

Legislation to control the sale of tobacco products to minors is virtually non-existent in the ACT and what does exist dates back to the 1920s. The current fine of \$10 for supplying cigarettes to children has no real deterrent effect at all and the legislation is so worded as to make it difficult to prosecute offenders. The Bill increases the fine to a contemporary and meaningful level - \$1,000 - and will also make it illegal for an adult to purchase cigarettes for use by children. The increase in the minimum age will bring tobacco legislation into line with alcohol legislation and make it much more difficult for 12- to 15-year-olds to obtain cigarettes. This is the age group where many young people are starting to smoke.

6 June 1990

As a further deterrent to young people, the Bill also proposes restricting the location of cigarette vending machines to licensed premises. There are currently no legal restrictions on the availability of or access to cigarette vending machines in the ACT. The actions I have outlined to restrict the sale of cigarettes and other tobacco products to children cannot be effective unless there are stricter controls over the siting and usage of vending machines. Restricting them to licensed premises will enable proper control over access to tobacco products and considerably reduce their use by children under the age of 18.

The Government is particularly concerned about the prevalence of cigarette smoking by adolescents and children and is taking action to reduce the pressures on children, direct and indirect, to take up smoking. I have been surprised to see that confectionery cigarettes are still on sale in Canberra. Such sweets serve as a model for children that cigarette smoking is a "normal" activity and have the potential to influence their later decisions in life as to whether to take up smoking or not.

Just as worrying are some of the toys available in Canberra at the moment which not only would serve to normalise smoking in the minds of children but which in some cases bear messages that simply cannot be countenanced on a child's toy - for example, a water pistol in the shape of a packet of cigarettes which has printed on its side the message, "In case this trick hurts your victims, please offer them a real cigarette [to] soothe their nerves". I am sure that members of this Assembly would agree that this is totally unacceptable. The Bill proposes a ban on sweets or toys which resemble cigarettes or other tobacco products, or which advertise them.

The Bill also proposes a ban on smokeless tobacco products, such as sucking tobacco, chewing tobacco and oral snuff, which have been shown to be serious health hazards, leading to cancer of the mouth, gum and mouth disease and nicotine addiction. While the Commonwealth has banned the import or manufacture of some smokeless tobacco products, others are still able to be sold. Several States have now banned the manufacture or sale of smokeless tobacco products and this Government is determined to take similar action.

The Government believes that advertising tobacco products is a factor in recruiting and maintaining smokers. Young people are particularly susceptible to tobacco advertising, particularly if it associates smoking with social, sporting or sexual success. In recent years much cigarette advertising has been directed at young women, with - unfortunately - considerable success. The Government is particularly concerned about the impact of cigarette advertising and promotion on young people and will take action to protect children in Canberra from exposure to the advertising and the promotion of these products that can only cause them harm.

It should be remembered that cigarettes are not an unrestricted product. It is already illegal to sell cigarettes to minors, and it is therefore only appropriate that young people not be subject to the influence and pressures created by cigarette advertising. The Bill before the Assembly proposes a ban on the advertising of tobacco products in all places except the print media and at the point of sale. The Government has exempted print advertising from the proposed ban in recognition of the fact that such a ban would adversely and unfairly affect ACT publishers, such as the Canberra Times, in comparison with interstate publishers. (Quorum formed)

There are also some doubts about the Territory's constitutional power to enact such a ban. However, the Government also notes and welcomes the legislation recently passed by the Commonwealth Parliament which will eliminate print advertising of tobacco products throughout Australia from the end of this year.

As with direct advertising, the Government has decided to take action and ban sponsorship arrangements which involve the promotion of tobacco products, trademarks or trade names. Such sponsorship has been most noticeable in the past in relation to sporting, artistic and cultural activities. As I mentioned earlier, the association of smoking with social, sporting or sexual success encourages children and young people to take up smoking.

There are two points which must be strongly stressed, however. Firstly, no current recipient of tobacco sponsorship moneys will be disadvantaged by the legislation. The ACT health promotion fund, created through an increase in the tobacco licence fee, has as one of its aims the replacement of tobacco company sponsorship of sporting and other activities in the ACT. Replacement sponsorships will enable sporting teams and other groups to associate themselves with health promotion campaigns and healthy lifestyle messages instead of the messages associated with tobacco products. The ACT health promotion fund is large enough to comfortably replace all local existing tobacco sponsorship in the ACT and inject some further funding into these areas to directly support health promotion campaigns and programs.

Secondly, there will be provision made for exemptions. The Government recognises that there will be some exceptional circumstances in which a ban would unfairly affect sporting or other groups. The example which most readily comes to mind is the Canberra Raiders, where contractual obligations to the New South Wales Rugby League would make it difficult for the Raiders to continue to play in that competition if they were subject to a total ban. There may be a need to exempt a limited number of other national or international competitions held in the ACT.

6 June 1990

The legislation will allow the responsible Minister to exempt sponsorship and advertising arrangements by notice in the Gazette. The exemption certificates will be disallowable instruments and thus subject to scrutiny, and possible disallowance, by this Assembly.

At the time that I announced the Government's intention to develop new tobacco legislation for the ACT, I foreshadowed that the Government would be looking at a proposal to require all restaurants in the ACT to set aside a fixed minimum percentage of their floor space as no-smoking zones. Let me say at the outset that the Government did not propose that restaurant owners should have to erect walls or dividers or install special ventilation systems. The legislative proposal would simply require each restaurant to have a fixed minimum percentage of the dining area that is clearly signposted as a no-smoking zone.

The Government believes that this proposal would not affect a restaurant business, as more than two-thirds of the Australian population do not smoke. Concerns which have been expressed when similar requirements have been suggested in local government areas interstate, for example, that trade would transfer to restaurants not affected by the legislation, would not apply in the ACT as all restaurants would be covered.

What it would do, however, is allow the majority of Canberrans who do not smoke to be able to select areas within restaurants which will reduce their exposure to the tobacco smoke of others. Interstate surveys have indicated that up to 90 per cent of people favour the establishment of separate non-smoking areas in restaurants and that more than 60 per cent of people would prefer to sit in such areas. In fact, many smokers choose not to smoke when eating socially. In a phone-in survey in the ACT in 1987, 97 per cent of respondents favoured banning or restricting smoking in restaurants.

Since the Government signalled its intention to act in the area of smoking in restaurants, I have had a number of discussions with the Restaurant and Catering Association, at both a national and local level. The association has argued strongly against a legislative approach to this issue, believing that through voluntary regulation within the industry it will be able to achieve the Government's objective of a restaurant industry that is far more responsive than it is now to the needs of the non-smoking majority within the community. The Government would, of course, prefer not to enact legislation if an effective alternative is available, and on that basis has agreed to allow the industry a period of six months within which to achieve a satisfactory level of compliance within the industry to the provision of no-smoking areas. The level of success of the voluntary approach will also be assessed by a joint departmental-industry working group and, if a significant and satisfactory response has not been achieved after six months, the Public Health (Eating Houses)

Regulations (Amendment) tabled today will be brought into effect.

I would stress that the acceptance of a trial voluntary agreement in this particular area is quite different from the voluntary agreement approach promoted by the tobacco industry with regard to tobacco sales, advertising and promotion. In the case of the restaurant industry, the industry is supportive of the Government's objective of increasing the availability of no-smoking areas to their clients, and will be working towards this end. In the case of the tobacco industry, however, proposed voluntary agreements fall well short of the Government's objectives, which include the elimination of all forms of tobacco advertising and promotion. In the absence of any mutually agreed position, the Government must act to achieve this objective through legislation.

The package of legislation that I have tabled today will give the ACT the most comprehensive range of tobacco control measures yet to be introduced in this country. I believe that this legislation will have broad support within the ACT community and within this Assembly. I now present the explanatory memorandum for the Bill and I also table for members' information the Public Health (Eating Houses) Regulations (Amendment) and the explanatory memorandum to those regulations.

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

STAMP DUTIES AND TAXES (AMENDMENT) BILL 1990

Debate resumed from 3 May 1990, on motion by **Mr Duby**:

That this Bill be agreed to in principle.

MS FOLLETT (Leader of the Opposition) (4.18): Mr Deputy Speaker, the Stamp Duties and Taxes (Amendment) Bill is a Bill designed to improve the revenue base of the ACT. The amendments contained in the Bill are a mixture of anti-avoidance measures and new provisions. All of the amendments are designed to bring the ACT into closer line with the stamp duty provisions of other States.

On this basis, the Bill deserves support, and the Labor Party will be voting in favour of it. The proposals contained in the legislation are substantially the same as those which were outlined in my budget last year, so I am pleased to see that the current Government has decided to proceed with them.

I believe that it is important for there to be some degree of consistency across the States and Territories on the implementation of stamp duties, unlike many other taxes. The nature of the stamp duty tax base means that both avoidance and evasion are easy. Some consistency across

6 June 1990

the States and Territories lessens the likelihood of such behaviour.

A number of the measures in this Bill have been under consideration for up to a decade - they are anti-avoidance measures and tax anomalies which are easily fixed, but because of the lack of priority given to ACT related matters by Commonwealth governments this was never done.

The advent of self-government in the ACT gives us the opportunity to implement the priorities of the people of Canberra much more easily than when we were governed by the Federal Parliament. That is something we in this Assembly must all remember. We are here to implement the will of the people of Canberra. We are certainly not here to impose our will on those people.

One of the major differences between the amendments which I proposed and those in the current Bill relates to the application of stamp duties to the unearned increment in lease value which accrues as a result of a change in the terms of a lease. That is what is known in the ACT as betterment.

While I accept the Minister's statement that the Government has not proceeded with that amendment at this stage pending consideration of its proposed changes to the system of betterment tax and the planning system more generally, I would like to make one comment about it. Stamp duty is a separate tax with a separate history from betterment. The question of double taxation does not arise. The rationale for the introduction of stamp duties was both as a revenue measure and as a method of certifying a transaction. In fact, today we will be strengthening this latter role by preventing unstamped documents from being used as evidence in a court.

There is no reason why stamp duty and betterment cannot use the same base, just as payroll tax and income tax do. It does concern me that there is a \$1m discrepancy between the revenue estimate of the proposals I announced and those of the current Government. As I am sure that Mr Duby used, as I did, the best possible Treasury figures, it can only be assumed that there has been a significant change in the proposals. The betterment issue probably accounts for some \$100,000 of this. The rest appears to be even larger concessions to the business sector.

First, it appears that, rather than apply the conveyancing rate on the sale of businesses as I proposed, the Government is only using the marketable security rate. The simple reason why marketable securities are taxed at a lower rate than conveyancing is that marketable securities such as shares are a traded commodity. They are potentially traded many times a year. Businesses, on the other hand, are not traded regularly and the practice of imposing a higher duty is therefore appropriate. This is a considerable concession. Secondly, the Government has

proposed to allow liabilities transferred with a business to be deductible for stamp duty purposes, and that is another major concession.

I find it difficult to support either of these concessions to the business sector, especially given that we will be penalised in the Grants Commission for them. Could I also point out that this \$1m cash grant to the business sector will mean, on Mr Humphries' figures, that four or five schools will be closed by this Government.

As I said at the outset, even with these weaknesses, the Labor Party will be supporting the Bill. I must say that for some time I did not think that we would have that opportunity. Continued statements by the Chief Minister that he was only interested in slashing expenditure and not in addressing our revenue base difficulties led me to believe that all of my revenue proposals would be dropped. Quite clearly, the events of last week indicate that I misread to an extent what he was saying. It is not that Mr Kaine is not interested in the revenue side of the equation; it is just that his interest is selective.

We have heard much over past weeks about how the Chief Minister is so distressed that he is unable to reduce business taxes in this budget.

Mr Kaine: We all have our little weaknesses, Rosemary.

MS FOLLETT: Some of them are not that little, Trevor.

But then what does the Chief Minister announce this week but an enormous increase in the burden on the average working Canberran: 17 per cent increases in rates, 25 per cent increases in parking charges, 20 per cent increases in registration. And all this is from our Chief Minister who said last year:

The ACT Liberal Party has clearly and unequivocally stated that it will not increase taxes in the ACT and that applies equally to individuals and businesses.

I think that what we are seeing here is a total abandonment of that election platform by the current Government. As to the statement that it applies equally, I think that has also been totally abandoned.

Mr Speaker, as I said, we will be supporting the Bill, but I think it is worth noting that the Bill to an extent looks after the business sector - and that is by a Government which has made no attempt whatsoever to look after the ACT community.

MR STEFANIAK (4.25): I wish to speak in support of the Bill. The provisions of this Bill will go part way to helping the ACT address the imbalance between ACT expenditures and revenues and will also help to protect the integrity of the current stamp duty revenue base.

6 June 1990

Under existing legislation, where an interest in a business operating as a sole trader or partnership is transferred, stamp duty is payable only on the transfer of land and motor vehicles. This Bill will expand the revenue base to include as dutiable any business assets such as plant and equipment, stock in trade, business licences and goodwill. At the same time, a deduction will be allowed for ACT liabilities acquired by the new owner or partner. This was the basis on which conveyance duty of between 1.5 per cent and 5.5 per cent was to be applied under the original proposal of the Labor Government.

However, to provide a consistent approach for the transfer of business interests, either through an incorporated or an unincorporated entity, duty under the Alliance Government's Bill will be levied at the marketable security rate of 0.6 per cent on the balance of consideration or net assets after deducting the value of land and motor vehicles which will be charged duty at their respective rates.

This Bill will also enhance the protection of the revenue base by shifting the liability to tax on sales of motor vehicles by motor vehicle dealers from the purchasers to the motor vehicle dealer. This shifting of the liability will ensure that revenue is received immediately on purchase and provide a better basis on which to check the accuracy of stamp duty paid, given the comprehensive records required to be kept by motor dealers. The dealer will, of course, be able to pass on the stamp duty to the purchaser.

The legislation also clarifies liability in respect of insurance policies and ensures that all policies insuring risk located in the ACT will be liable for ACT duty. This approach brings us into line with other States and will be favourably received by the insurance industry.

The remaining provisions deal with the removal of the use of adhesive stamps, the inadmissibility of unstamped documents in a court of law and documents executed outside the ACT - some timely provisions there, indeed. These provisions will facilitate both the administration and collection of revenue by ensuring that all dutiable instruments are submitted to the revenue office for assessment. The provisions of this Bill are expected to raise an additional \$1.5m in a full year. I commend the Bill to members.

MR STEVENSON (4.27): I move:

That the debate be adjourned.

Mr Moore: Why?

MR STEVENSON: I cannot debate now but I would like an opportunity to talk on it.

MR TEMPORARY DEPUTY SPEAKER (Mr Wood): You may seek leave to make a short statement.

MR STEVENSON: I seek leave to make a two-minute statement.

Leave granted.

MR STEVENSON: Thank you. I have been contacted by a number of business organisations and have spoken to quite a few people within the business fraternity, and they are concerned that this Bill will disadvantage them. The fact that it may fall in line with other taxes within other States really does not change the situation that they will be disadvantaged further than they are already. If we are to get out of the situation of a lack of money in this Territory, we will need to do it through a very vital business community. The only way we will do that is by removing penalties on production. Unfortunately, rather than increasing the breadth of the stamp duties and taxes, we should have removed them altogether.

Question put:

That the debate be adjourned.

The Assembly voted -

AYES, 1

Mr Stevenson

NOES, 15

Mr Berry
Mr Collaery
Mr Connolly
Mr Duby
Ms Follett
Mrs Grassby
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher
Mr Moore
Mrs Nolan
Mr Stefaniak
Mr Wood

Question so resolved in the negative.

Adjournment

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

That the Assembly do now adjourn.

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

6 June 1990

Question resolved in the negative.

MR COLLAERY (Attorney-General): I was not going to speak on this matter, but I was attracted to the idea when I heard the Leader of the Opposition say or imply that somehow the Government had gone easy on business.

Mr Follett: I think I said it.

MR COLLAERY: Well, the Leader of the Opposition interjects to say that she said that we had gone easy on business in this matter. Perhaps we should put the record straight on this matter. We have never, to date, had a taxing regime for the sale of businesses in the Territory. Conveyancing solicitors working in this Territory have long noticed the anomalous situation where, if they convey a business in Queanbeyan or Yass, the yellow contract is sent to Sydney for stamping and duty is paid, but in the Territory businesses have changed hands here largely, and subject to some company taxing situations, without tax. So this is a new territory for our stamp duties area.

Given the parlous situation of a lot of small businesses at the moment in the Territory, I believe it is prudent of the Government to consider, firstly, the possible impact of a whole new regime; and, secondly, to look not so much at the avoidance mechanisms but at the manner in which the incidence of tax has been shifted by smart lawyers over the years in jurisdictions where these liabilities accrue. I am referring to people who, when about to sell an unincorporated business or partnership, incorporate it so that it is taxed at the 1.5 per cent rate, for example, here, instead of at 5.5 per cent, and so on.

I am not implying in any way in this speech that people do those things in the ACT - it has not been necessary to do it - but I would suggest to right-thinking people in the Territory that for us to use the one-stop-shop taxing system proposed by the Leader of the Opposition would give more business to lawyers and would certainly lead to more incorporations of small businesses as people move to try to lessen the incidence of tax.

So I say to the Leader of the Opposition, through you, Mr Deputy Speaker, that that thought has been quite properly in the minds of the people who instructed on the drawing of this Act. We have now a regime where, when a business sale contract is provided to the commissioner for assessment, the commissioner looks at the real estate. So if the small business person has the unlikely prospect of owning his or her lease in the Territory - not many of them do - that is assessed at the conveyancing valuation rate, and then there will be another square in which to return the assets of the business. Many of us know the very vexed issue that at that juncture goodwill is taxed. Many small business

people regard it as a double, or even triple, form of taxation, after they have built up goodwill, to have to pay tax on it. That may be an area of concern that Mr Stevenson alluded to, but I note that he has had since 3 May, when this Bill was tabled, to bring any concerns to our notice.

In that regard we are indebted to the Australian Legal Group for providing us with a comprehensive viewpoint on the legislation and for attending on us here, with the Minister for Finance and other advisers in the Assembly, for a comprehensive discussion of how we could see this legislation impacting.

This is a new ground for the Territory. I think it is prudent to go this way at this stage. Obviously there will be a lessened impact in the third category, which I have not got to yet - the conveyancing category; the business goodwill, vehicles and stock category; and then the marketable securities category, which is the category where the sale carries shares or unit trust elements. In that category there is certainly a 0.6 per cent taxing rate. It is a lower rate in the end than you would have in New South Wales under the all-in regime.

The all-in regime has often been criticised by the small business people as hurtful. I believe we have offered here no great encouragement to the big business barons that some ideologues opposite me might see, but a responsible taxing regime which, given that this is its first year of operation, will certainly be subject to review as it progresses. I am not so naive as to suggest that, having introduced a new tax regime, we will not come up with anomalies or will not have to review certain situations.

I want to assist my colleague Mr DUBY, because he has not been a conveyancing solicitor himself, by putting down the imputation or allegation that the Leader of the Opposition made, that somehow or other this Bill facilitates big business and the conservative capitalist image. It does no such thing. If anything - and I trust that those who read Hansard will note this - it is serving the little man, the small businessman, and it ill behoves us to add too much more weight to that area. I know the Leader of the Opposition laughs and could not care less about small business, but we do on this side of the house.

MR STEVENSON (4.43): The Attorney-General said that this Bill serves the little man, the small businessman, and indeed it does. But what we need to ask is: serves them with what? It serves them with yet another tax that will make it more difficult for them to survive in an extremely difficult economic climate. If someone asked me how to get involved in a small business, the answer would be to buy a large business and wait. I do not know how many people here have been involved in business, but I have for some considerable time - and not just as someone who was involved in running them, but as someone who has been

6 June 1990

involved in advising others on how to survive when most government actions that are taken work against their succeeding.

This indicates a principle that involves all of us in any area of life, and that is that what you reward you get and what you penalise usually you do not get. If we reward small businesses for doing well, their enterprise will be encouraged and they will do well. The result of that will be increased employment, increased productivity, and the thing that governments want more than anything else apart from power - more money. If we penalise the productive efforts of small businesses, if we penalise their enterprise, if we penalise the fact that they are prepared to work six and seven days a week, over a hundred hours a week, we will find there will be fewer small businesses, or smaller and smaller businesses.

One would think it would be obvious that there are only two ways that the ACT will survive economically. One is if the Assembly is abolished. I know that there is not a great deal of support for that idea in this Assembly. So that only leaves us with the other viewpoint, which is if we can get enough money to continue. That will not come successfully from the people of this community which is just a little larger than Blacktown in Sydney. Blacktown has 230,000 people; we have some 270,000. The money will only come from the small business area, and this Bill indeed acknowledges that. But the idea of killing the golden goose by grabbing what is said to be \$1.8m and ensuring that businesses find it more difficult to survive in the long term is, I would suggest, not valid or logical.

What we should be doing in Canberra is acknowledging fully that we are not going to get out of this with our pants unless we support small business. We will lose our shirt as well. That is the only way we are going to get the money that is going to run Canberra, the showplace of the nation. It cannot be done via the number of people that live here. If we remove the penalties that prevent businesses from doing well, they will be encouraged to do better, and indeed will do better.

In the long time I have been involved in small businesses, I continually ask people in business whether they would like to hire more staff. I have never yet found a single individual - and I must have asked this question of hundreds of people - who said that he would not like to hire any more staff. Inevitably, people say they would like to hire more. Well, the next question is: "Why don't you?". The answer is that they cannot afford it. They cannot afford it because of payroll tax, because of restrictive penalties on hiring people, such as 17.5 per cent loadings and other things. There is a great penalty in running a business.

I was involved in Canberra in a business that was heavily oriented towards service. Well, when I say "heavily

oriented" I mean it had not been before we became involved in it, but we wanted to go that way. We wanted to ensure that people got an unusual service. Every time we looked at the possibility of putting someone else on, we would have to look at how much it actually cost us - not just the amount of money that you paid the person, and not just the amount of money that you paid the Government after taking taxes out, but at all the other taxes, hidden and otherwise, that it cost to hire someone. It was a daunting prospect indeed to put more people on, particularly when you believed that they were not going to produce for you an immediate economic profit. Unfortunately, that was what you had to look at. You had to ask, "Is this person that I am contemplating hiring going to be able to pay for himself immediately? If not, how on earth am I going to be able to pay extra money in this business?".

We need to understand that, if we do not find the money somewhere, more schools will be closed. We know the hospital will be closed; we know the dump is closed. There will be more and more restrictions, more and more savings in expenses. It will have to continue until we find money elsewhere. As I have said, there is only one logical place we can find that. One might suggest the creation of a tourist haven in Canberra. Well, that sounds good but, naturally enough, any tourist who visits the town will be serviced by small businesses. If we do not have a strong small business sector we will not have tourists; we will not get the name we would need to create to encourage tourists to come here.

Unfortunately, I feel that this is just another Bill in a long line of Bills that governments of whatever creed will impose on the golden goose - on small business. The view is: they have got some money there, let us grab it quickly so that we can save our skins and be able to pay for the various government services. Perhaps it would be advisable if we paid more attention to the top-heavy aspect of the Territory, the administrative side. Obviously in any area we need valid administration, valid organisation, but we need more productivity because that is the answer. It is the method we must use if we are to succeed.

It is not that I disagree with various parts of this Bill; I disagree with the lot. It has not been in all that long. Business people, business organisations and business associations that I have spoken to have said that it is not okay, that it is yet another nail in the coffin. I was at a business meeting recently - I was the only member present because I know other members had other meetings to attend - put on by the Housing Industry Association. People at that meeting came up to me and told me of their concerns about being in business and of the number of hours they put into their businesses. I thought I put a lot of hours in, but some of these people put an incredibly long time into trying to keep their heads above water. There are all too many business people who do not make a profit. They exist from week to week, month to month, year to year, because

6 June 1990

for some unusual reason they want to be in control of their destiny.

How does one control one's destiny when governments introduce a never-ending array of taxes, a never-ending length of red tape that businesses have to cut to get anything done? Indeed, I think it was Mr Collaery who mentioned this legislation as a method of handling tax avoidance. Well, the truth of the matter is that, if businesses did not avoid tax, they would not exist. Once upon a time, tax evasion was a heinous thing, and for anybody to be caught evading tax was not okay. At that time all accountants knew it was perfectly acceptable to let their business clients know how to avoid tax, which was a legal thing to do.

However, we are now told by those in Government that tax avoidance is also a terrible thing. It has joined tax evasion. The suggestion is that, if you try in any way not to pay the maximum amount of tax, then there is something wrong with that. Well, I disagree entirely with that viewpoint. I condemn the suggestion by governments that tax avoidance is not okay. All accountants, all businessmen, particularly those that employ other people, have a total right, responsibility and obligation to avoid every single penny of tax that they can.

That does not suggest that they break the law, but tax avoidance does not include breaking the law. We in this Assembly and others in Australia should not suggest that it does. We should suggest that the businessman should so arrange his affairs that he can survive, because without the small businessman and the small businesswoman we will not survive in the ACT. It may happen in other States, but it will not happen here.

When the ACT Alliance came to office, many people in the business community in Canberra thought, with a sigh of relief, "Now we will have people who will support small business". Was that my belief? Indeed, it was not. And why was it not? I remember having a conversation with a number of representatives of the small and not so small business community in Canberra prior to 5 December last year, prior to the no-confidence motion in Ms Follett. They had asked me, very simply, to vote for the Liberal Party on the no-confidence motion. They said that I should vote because of the principles that are espoused by the Liberal Party. I explained some of the things that have been done in this Assembly - forcing fluoride through and a number of others - and I said, "Show me that the Liberal Party is deserving of support on the principle of individual rights and the other statements which their policies so beautifully illustrate but which unfortunately all too often are not done". Naturally enough, we will hear more about that in the no-confidence motion tomorrow.

There is no doubt whatsoever that, if people in Canberra feel that they are currently being hard done by and if they

think things are bad at present, then in future they will suffer a nightmare, because the money is not there. The Federal Government has reneged on its promise to supply three years' guaranteed funding to this Assembly. As yet we have not done what we should do on that, although the Chief Minister has come out and spoken very strongly on the matter, and I commend him for that. But we should not attack small businesses with extra taxes; we should not attack them with extra regulations. They do not need our support; they simply need to be left to their own devices in order to allow the phenomenal enterprise spirit that is in Australians to achieve that which we need so badly in Canberra - a greater economy, more employment and better productivity.

MR DUBY (Minister for Finance and Urban Services) (4.58), in reply: These revenue raising and anti-avoidance measures were budget proposals of the former Government, and the Stamp Duties and Taxes (Amendment) Bill 1990 will give effect to those proposals. Of the proposals included in the Bill, the ones most likely to impact on revenue are the imposition of a tax on the sale of businesses and the shifting of the liability for tax on the sale of motor vehicles from the purchaser to the motor trader.

The proposal relating to business agreements will affect transfers of interests in partnerships and sole traders, bringing them into line with businesses operating through companies and under unit trusts. Duty will only be payable in respect of a business that is wholly or partly conducted in the ACT. To the extent that a business is conducted partly outside the ACT, duty is payable only on the portion of the business applicable to this jurisdiction, to the ACT.

Taxpayers will be required to lodge a return with the commissioner and, where part of the business is conducted outside the ACT, to nominate the basis of apportioning the value of ACT versus non-ACT assets. The Bill will also increase revenue by reducing amounts presently forgone due to the understatement of motor vehicle values for stamp duty purposes. This problem will be substantially eliminated by providing for licensed vehicle dealers to be liable for tax on vehicles sold by them.

The remaining amendments are either of an anti-avoidance or of a housekeeping nature, and I might speak about anti-avoidance measures in a short time. In respect of duty on insurance policies, the ACT has been the odd one out in not being able to assess dutiability on the basis of the location of the risk. This means that the ACT has been losing revenue on policies written outside the ACT but in respect of ACT property or, in the case of life policies, ACT residents. By clarifying these criteria in the legislation, the ACT will be brought into line with the other States and it will be a long overdue provision.

6 June 1990

The Bill also provides for the protection of the ACT revenue base. Instruments which relate to a conveyance of property in the ACT but executed and held outside the ACT will be liable for duty as if they were executed in the Territory. In addition, compliance with revenue laws will be increased if an instrument covered by the Stamp Duties and Taxes Act is not admissible as legal evidence unless it is duly stamped. This provision would not, however, apply to instruments admitted in evidence during criminal proceedings.

Finally, the option for taxpayers to affix adhesive stamps on transfers of marketable securities and conveyances will be removed. This change will not apply to documents executed before July 1990, and persons holding stocks of unused duty stamps will be given until 1 January 1991 to obtain a refund. The Standing Committee on Scrutiny of Bills and Subordinate Legislation was concerned that this six-month period may not be long enough, given the low value of adhesive stamps sold - expected to be around a quarter of a million dollars in 1989-90 - and the fact that Australia Post has advised the revenue office that at present adhesive stamps are sold only through the Canberra General Post Office. This six-month period would seem to be more than adequate.

The committee also expressed concern that a number of discretionary decisions which could be made by the commissioner under proposed sections 56F and 64D were not open to review. I can assure the committee that any decisions made by the commissioner in relation to sections 56F and 64D would be reviewable by virtue of sections 89 and 91 of the Taxation (Administration) Act 1987. These provisions allow taxpayers the right to object, firstly, to the commissioner and then, if necessary, to the ACT Administrative Appeals Tribunal against any assessment made under the Stamp Duties and Taxes Act 1987.

I would like to comment on some points raised by members during the in principle debate. Firstly, I wish to comment on some of the matters raised by Mr Stevenson. I think it bears pointing out that the States of New South Wales, Western Australia, Queensland and South Australia have legislation requiring stamp duty to be paid on the sale of businesses, and that Victoria introduced similar legislation into its lower house late in 1989.

Mr Stevenson, to my way of thinking, seems to be a little bit confused between tax evasion and tax avoidance. Whilst no-one condones tax evasion, and he seems to have condoned tax avoidance, and whilst it is the company's right to pay the minimum tax legally required, I think it is also governments' responsibility, where appropriate, to ensure that tax avoidance should be minimised.

The raising of taxes is based on certain provisions. If these provisions are met, tax should be paid at a certain rate. If for certain technical reasons tax may be avoided,

I think it is the Government's responsibility to ensure that the tax that is expected by the community as a whole, through their elected representatives, to be paid is paid.

What Mr Stevenson is advocating is, frankly, that the rate of tax that a company or an individual should pay should be determined by who can hire the best lawyer, or the best accountant, or the best tax expert. I do not accept that. I think the provisions that we have covered in this legislation are just and justifiable.

There is one other thing I should mention. Whatever discussions Mr Stevenson may have had with representatives or friends of the Liberal Party during the days of December 1989, neither the Residents Rally nor the Independents Group know of any such discussions and never were a part of them.

Mr Stevenson: That is right.

MR DUBY: Thank you. In relation to the matter raised by Ms Follett in stating that the Alliance Government is somehow not raising the amount of revenue that can be raised, I guess really it comes down to the approach that one wishes to take in relation to the introduction of a new impost on businesses. Clearly, the Labor Party is trying to say that it wishes to impose stamp duty at conveyance rates on the total assets of the business less the stock in trade, whilst the Alliance Government has chosen instead to impose stamp duty on the sale of businesses at the same rate and in a similar manner to that imposed on companies in unit trusts.

It may well be asked why we decided to go down that track in relation to taxing sales of ACT businesses. Well, our Government's approach, of taxing the balance of the consideration paid or debt value of ACT assets at marketable security rates of 0.6 per cent, instead of the conveyancing rates of anywhere between 1.5 and 5.5 per cent, ensures that people transferring businesses or business assets through unincorporated entities will not be at a disadvantage compared to those who transfer business assets through incorporated entities. To me that puts everyone on the same footing. It eliminates that very thing that Mr Stevenson was talking about - the temptation that Mr Collaery raised in his comments of the smart tax lawyer or accountant to engage in tax avoidance - which I regard as both demeaning to the parties involved and unproductive to society as a whole.

Therefore, as the tax liability of the transfer of business assets - excepting motor vehicles, of course - by companies, partnerships and sole traders would be similar, there would be no incentive in most cases for these partnerships or sole traders to incorporate in order to achieve a lower tax return.

6 June 1990

Our approach, compared with that of the Labor Party in opposition, has been quite unashamedly in favour of small business. Our commitment to small business can best be shown by our response today to the commercial tenancies report which indicates our deep commitment to small business. I am very pleased to hear the reports from small business people that they are absolutely ecstatic with the proposals.

Mrs Grassby: Dancing in the streets.

MR DUBY: Dancing in the streets, yes. They are ecstatic down at Monaro Mall, are not they, Mr Deputy Chief Minister? So let it be known once and for all that this method of raising revenue was chosen because of our commitment to small business. Also, I think it is worth while saying that quite lengthy consultation was held with various parts of the business and legal community. The Law Society during discussions argued for the adoption of marketable security rates and suggested that, if conveyance rates were to apply, potential business would be advised by them, in fulfilment of their duty to their client, to incorporate to minimise their stamp duty costs. As I said, the Government does not regard that to be an acceptable state of affairs where people are encouraged, in effect, to flirt with the true meaning of the legislation which is in place. I think that is something that the community as a whole would support. I commend the Bill, and I give notice that I will be moving some technical amendments in the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1 agreed to.

Clause 2

MR DUBY (Minister for Finance and Urban Services) (5.10), by leave: Mr Speaker, I move:

Page 1, subclause (2), line 11, omit "1 June 1990", substitute "1 July 1990".

Page 2, subclause (3), lines 1-2, omit "1 December 1990", substitute "1 January 1991".

This amendment to subclause (3) substitutes "1 January 1991" for "1 December 1990", wherever occurring, to provide taxpayers with at least a full six-month period in which to obtain refunds on unused adhesive stamps.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4

MR DUBY (Minister for Finance and Urban Services) (5.11), by leave: I move:

Page 2, subclause 4(2), line 15, omit "1 June 1990", substitute "1 July 1990".

Page 2, subclause 4(4), line 21, omit "1 June 1990", substitute "1 July 1990".

Page 2, subclause 4(5), line 24, omit "1 June 1990", substitute "1 July 1990".

Page 2, subclause 4(6), line 27, omit "1 June 1990", substitute "1 July 1990".

These amendments to clause 4 provide for a commencement date which will allow sufficient time for administrative procedures to be implemented.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 5 to 28, by leave, taken together, and agreed to.

Clause 29

MR DUBY (Minister for Finance and Urban Services) (5.13), by leave: I move:

Page 12, subclause 29(2)(b), line 40, omit "1 June 1990", substitute "1 July 1990".

Page 13, subclause 29(2)(d), line 6, omit "1 June 1990", substitute "1 July 1990".

Amendments agreed to.

Clause, as amended, agreed to.

Clause 30

MR DUBY (Minister for Finance and Urban Services) (5.14): I move:

Page 13, subclause 30(2), line 24, omit "1 December 1990", substitute "1 January 1991".

Amendment agreed to.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

6 June 1990

Question put:

That the Bill, as amended, be agreed to.

The Assembly voted -

AYES, 16

NOES, 1

Mr Berry
Mr Collaery
Mr Connolly
Mr Duby
Ms Follett
Mrs Grassby
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Wood

Mr Stevenson

Question so resolved in the affirmative.

Bill, as amended, agreed to.

REGISTRATION OF INTERESTS IN GOODS BILL 1990

[COGNATE BILL:

REGISTRATION OF INTERESTS IN GOODS (CONSEQUENTIAL AMENDMENTS) BILL 1990]

Debate resumed from 29 May 1990, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No. 6, Registration of Interests in Goods (Consequential Amendments) Bill 1990? There being no objection, that course will be followed. I remind members that in debating order of the day No. 5 they may also address their remarks to order of the day No. 6.

MR CONNOLLY (5.19): Mr Speaker, the Opposition supports this legislation. As explained by the Attorney-General in the presentation speech, at present the law provides no protection to a purchaser who buys a car or any other chattel in good faith and who is unaware that the goods are subject to a security held by a finance company or other creditor. The law says that persons cannot transfer to another a better title than they themselves possess, and so

encumbered goods cannot be passed to a purchaser without the encumbrance also passing. As always, the law has a Latin maxim for this rule - *nemo dat qui non habet*. This rule perhaps was adequate in a medieval market - a medieval "market overt", as it was described - but it clearly worked great injustice with the rise of hire purchase and other credit arrangements in the 1950s, 1960s and 1970s.

A purchaser in good faith would often lose the vehicle - as the injustice most often occurred in the case of motor vehicles - to the creditor, the vendor would be difficult to locate, and once located would often not be worth suing. In either case, the purchaser would be involved in expensive litigation and inevitably was the person to lose out. The finance company could usually recover; the vendor had disappeared; it was the innocent purchaser in good faith who ended up with no car and legal expenses.

There were two possible solutions to this dilemma. The South Australian Consumer Transactions Act in 1972 provided simply for the reversal of the *nemo dat* rule so that a purchaser, who in good faith and for valuable consideration acquired title to goods where the goods were subject to consumer mortgage, took good title. A system of insurance was instituted to cover losses from fraudulent sales and reimburse finance companies who were owed on the goods. That was one solution to the problem.

The alternative solution, established in New South Wales in 1986 by the Wran Labor Government, is the Registration of Interests in Goods Act 1986, which is the Act that this Assembly is adopting for the ACT. That Act provides a system of public registration of financial securities held over goods. I understand that, by the end of this year, every State and Territory in Australia will have in place this type of legislation. This is a good example of the constructive role that State parliaments can play in the Australian federal system - a difficulty emerges, alternative solutions are tried in different States, and over time uniformity results.

The system that we are adopting has proved to be successful in New South Wales. I understand that administrative arrangements in New South Wales are such that an individual purchaser or a would-be purchaser of a used vehicle can search the titles register merely by ringing the number of the registration of encumbered vehicles scheme at Parramatta. Country callers are provided with a 008 number, which I expect would be available to ACT callers. While the Act provides a fairly complex mechanism for account customers to be set up for commercial dealers in motor vehicles, I understand that administratively the REV scheme has a bankcard arrangement so that consumers can ring on the 008 number, quote their bankcard or credit card number and for \$5 or \$6 have a registration certificate mailed to them, or they can pick it up. The registration certificate, of course, is evidence that the title was clear at the date of the search.

6 June 1990

One possible administrative difficulty which could arise from the use of the New South Wales scheme is that the certificate is valid for only two days. While a Sydney consumer can slip out to Parramatta and pick up a certificate, the Canberra would-be purchaser may be in some difficulty in obtaining the certificate through the post. Perhaps the Attorney could examine administrative arrangements to have some sort of on-line facility for the certificate to be picked up in the ACT.

The Opposition would endorse the remarks of the Attorney-General that we should in general be cautious about adopting New South Wales legislation holus-bolus into the ACT. We have been trying to disentangle our legislation from that in New South Wales and, generally speaking, we should not go in the reverse direction. In this case, however, we have an effective operational scheme working across the border. It is clearly cheaper and more convenient to borrow that legislative scheme and bring it into place in the ACT. Therefore, the Opposition supports this move.

I suggest, however, that this may not always be appropriate. I note that in its 1989-90 annual report the National Association of Finance Companies, which has long supported this type of legislation, has made the comment that at the end of this year this type of legislation will be in place in every State but that there are no arrangements for uniformity between the States in respect of the legislation, apart from the fact that the Northern Territory and now the Australian Capital Territory have come under the umbrella of the New South Wales scheme. Clearly, there would be advantage in a uniform scheme. The National Association of Finance Companies said in its recent annual report:

However, by far the biggest disappointment has been the inability of governments to provide either a uniform or harmonised basis for the administration of the registers. Accordingly, it is possible for vehicles to move across State and Territory borders to be re-registered in another State and then be lost among the many vehicles within those new borders.

This is unsatisfactory, and I venture to suggest that, unless the States and Territories act to bring about uniformity, the Commonwealth - which clearly has adequate constitutional power in this area from amongst other heads of power, the corporations power - may itself legislate.

If we believe that this is an appropriate area for State and Territory legislation, which it has clearly proved to be so far, and, if the States would prefer to keep this as a subject of State legislation rather than force the Commonwealth to take over an unruly and uncoordinated scheme, it is incumbent on State Attorneys-General to work

quickly to achieve uniformity in this area. I would suggest that perhaps Mr Collaery could place uniformity and cooperation in this area on the agenda of the next meeting of the Standing Committee of Attorneys-General.

If the States and Territories fail to act, the inevitable result, I suggest, will be Commonwealth action. There will be the usual cry of States rights being overridden, but it may simply be that the States have not got their act together. If we expect to retain an effective role for State legislation, we need to coordinate. This is the perfect example of two divergent State approaches being taken at the first instance - a general move towards one type of legislative solution, the registrar scheme, reaching a point where every State and Territory has that type of legislation, but a lack of uniformity. There is another small step to go to achieve that uniformity. The Opposition supports both the principal Bill and the consequential amendments Bill.

MS MAHER (5.27): Mr Speaker, the Attorney-General has already mentioned in his presentation speech the difficulties encountered by consumers when purchasing a motor vehicle. We are all no doubt aware of instances where persons have purchased a motor vehicle privately only to discover at a later date that the vehicle is subject to an encumbrance held by a finance company or some other person. In such cases the purchaser is usually left with little choice but to pay off the debt incurred by the previous owner if he or she wishes to retain possession of the vehicle. Quite often this places an intolerable burden on the purchaser, who, having already paid a considerable amount to acquire the vehicle in the first place, is saddled with an additional cost of paying off the debt to the financier.

Provisions in the Sale of Motor Vehicles Act 1977, the Sale of Goods Act 1954 and the Trade Practices Act 1974 already provide a measure of protection for purchasers who buy an encumbered vehicle. However, the remedies provided in the legislation usually involve considerable time and additional expense to the consumer. In many instances the original owner cannot be found, in which case the purchaser has no effective remedy at all.

The Registration of Interests in Goods Bill will remedy these inadequacies in the existing law by establishing a registration scheme that will allow the financier to publicly register an interest in a motor vehicle as prospective purchaser of that financier's interest. Likewise, the purchaser will be able to search the register to ascertain the legal status of a particular vehicle at the time of purchase. A financier who registers an interest in the register will be deemed to have given notice to the prospective buyer. The change in the law with respect to title in motor vehicles will encourage financiers to register their interests if they wish to gain the protection afforded by the scheme once it becomes

6 June 1990

operational. The Bill, however, will not place a legal requirement on the financier to register an interest in a vehicle, but I have no doubt that any financier faced with the responsibility of losing the vehicle will register that interest.

Limited protection is already provided to consumers who purchase a vehicle from a registered motor dealer. The Sale of Motor Vehicles Act currently requires a dealer who acquires such a vehicle to have that encumbrance removed before the vehicle is sold. The financier still retains the right, however, to repossess a vehicle in which he retains an interest, the purchaser's rights in such cases being limited to compensation. This Bill will reinforce the existing provisions in the Sale of Motor Vehicles Act by permitting title to pass to a purchaser who buys an encumbered vehicle from a registered dealer, whether or not the dealer has notice of that interest. A purchaser will therefore not be required to search the register when buying from a registered dealer.

In conclusion, this Bill introduces a registration scheme which is both economical and simple to operate. The scheme will protect the consumer's and the financier's legitimate interests in providing a register which is readily accessible. The scheme has already received unanimous acceptance from consumers and industry bodies, and for that reason is unique amongst consumer legislation. I commend the Bill to the Assembly.

MR HUMPHRIES (Minister for Health, Education and the Arts) (5.31): Mr Speaker, I want to comment on the Bill, if only for certain sentimental reasons. I was for a period of nearly a year an officer in what is now Mr Collaery's Government Law Office, and I had the pleasure at that time of preparing the drafting instructions for this very Bill. It is extraordinary that, some two years later, I come back as a member of the Assembly and find myself receiving the ball as it rolls through at the other end. However, that is not, I have come to realise, atypical of the way in which government works.

I want to make only one brief point, with reference to a comment by Mr Connolly on the issuing of certificates to people in the ACT. It is true that people in the ACT will have to wait some while for their certificates to become available and they will not have the same opportunity as people in Sydney, for example, to travel to a place where that certificate is issued and receive a certificate as proof of the good title they can obtain in the vehicle. However, it should be borne in mind that it is not necessary to obtain a certificate in order to attract the arrangements - the protection of the Bill - that ensure a purchaser obtains good title. It is only necessary that the prospective purchaser ring the appropriate bureau, have his or her call logged and obtain confirmation that there is good title to be obtained because no encumbrance exists on that particular vehicle. That person then is fully

protected for that appropriate duration, which I believe is two days.

I believe, therefore, in the circumstances it does not pose a risk to ACT purchasers that there is not in the ACT the facility for the printing out of certificates for ACT residents. I think that the scheme is an excellent one. I hope it does have a dramatic impact, for example, on the rate of car theft that occurs in the ACT. I am told that there is a bit of a racket that goes on whereby people in the ACT are more likely to have their cars stolen because of the possibility of selling them off in places like New South Wales in the knowledge that the scheme applicable in New South Wales does not apply to ACT cars. I believe that, if this scheme is successful in reducing the impact on ACT residents of the car theft operators, we will certainly have achieved a very important aim as far as the ACT citizen is concerned. I hope that it will contribute to the ACT going up the ladder a little bit in terms of consumer protection and will help us earn a higher mark in the area of consumer protection than was the case last year.

MR COLLAERY (Attorney-General) (5.34), in reply: I thank members for their considered comments, in particular Mr Connolly's erudite speech. I believe it is probably his maiden speech on a Bill. It was very interesting, and I am glad he has broken that new dam here of Latin maxims. Let them all come forth in future now. I commend the Bill to the house. I take note of all comments made and endorse them.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**REGISTRATION OF INTERESTS IN GOODS (CONSEQUENTIAL AMENDMENTS)
BILL 1990**

Consideration resumed from 29 May 1990, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

6 June 1990

WATER SUPPLY (CHEMICAL TREATMENT) (AMENDMENT) BILL 1990

Debate resumed from 31 May 1990, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR BERRY (5.36): I should say first of all that the Labor Party will be supporting this Bill, but in addition to that I think it is appropriate to speak further in relation to the matter. It is sad for this Assembly that there has been debate about such an issue in the early stages of this Assembly and that that debate has brought so much discredit to this Assembly.

Most of the parties have come into this Assembly with no policy relating to fluoride. Members of the Residents Rally party had a policy to remove fluoride from the water supply. It was unique on their part and they felt bound by it. However, one could argue that feeling bound by policies as far as the Residents Rally is concerned is of little relevance when it comes to the introduction of them because they seem happy to jettison policies by whim. Mr Speaker, the Abolish Self Government Coalition had only one public policy, and we all remember the song, "A is for Abolish" - - -

Mr Moore: There was a better tune in the rendition. Also, they had voters' veto.

MR BERRY: Well, it was never one of their policies, as I remember, in the jingle. I cannot remember, for example, "R is for removal of fluoride". The issue is pretty clear. Of course, the No Self Government Party had no policies really beyond their name but, like every other thing to do with that party, we have found all the skeletons have come to bother us.

Mr Jensen: I raise a point of order, Mr Speaker, on relevance.

MR SPEAKER: Thank you, Mr Jensen. I would ask you to get to the main issue, Mr Berry.

MR BERRY: Well, Mr Speaker, I will do that, but the history of debate on this issue is entirely relevant to the debate and to their support of the Water Supply (Chemical Treatment) (Amendment) Bill 1990. Of course, that party did not believe in self-government but it accepted various positions within the Government, and of course later a ministry. Then it later changed its name when the farcical position which - - -

Mr Jensen: On a point of order, Mr Speaker; I refer to standing order 62, dealing with tedious repetition.

MR BERRY: Well, I have never said that before, but if I say it again you can pull me up.

MR SPEAKER: Order! Mr Berry, please get to the point. It is late in the day.

MR BERRY: Well, it is late, but it is important, Mr Speaker, that these issues are canvassed for those interested in the history of these issues. I understand why Mr Jensen gets a bit toey about these matters. He will probably come into focus a little bit further and become a little more toey a little later on in the speech, but I cannot promise anything.

I should add at this point that the Labor Party had no position in relation to fluoride, but the party which, after some time in the Assembly, revealed that they were not only against fluoride in the water but were prepared to put the issue before all other issues that might be important to the community participated in bringing the whole of the Assembly into disrepute in the very early days. It is the sort of disrepute that we have found it quite difficult to live down, particularly in the light of more recent events which have again brought discredit to this Assembly and to the legislative responsibilities of the Assembly. I refer to recent reports about the antics of the Minister for Finance and Urban Services, Mr Duby.

MR SPEAKER: Order! Mr Berry, do we have to tolerate this? This is not relevant. Please debate the issue before the house.

MR BERRY: Well, Mr Speaker, distasteful as it might be for some, it is a relevant issue.

MR SPEAKER: Please discuss the Water Supply (Chemical Treatment) (Amendment) Bill, Mr Berry.

MR BERRY: Indeed, Mr Speaker. We have talked enough about the party with the use-by date, but a Liberal Minister has put forward this Bill, and it is important that the Liberal Party's position in relation to the legislation is raised in the debate. Liberal members have had some trouble on the issue because they could not agree amongst themselves, but I would have to say that it is not a new phenomenon.

Mr Collaery: That is gross hypocrisy. We have stuck to an honourable arrangement regarding your divisions on this subject.

MR BERRY: We will get to the honour of the Residents Rally later. First they had a conscience vote and then they agreed on a referral. Then their party later on determined a policy on the issue, which led to later events which preceded this legislation which is now before the house. It is interesting now that this matter is to be voted on, and it raises the question whether they will abide by their party policy or use the same lame, old excuse that is used

6 June 1990

by the Residents Rally every time they dump one of their policies. The excuse is, "It is an Alliance Government and we have to do what other people tell us. It has nothing to do with our rank and file, and we therefore do not have to abide by the platform on which we gained our seats".

Mr Jensen: Irrelevant garbage!

MR BERRY: Well, it might be irrelevant garbage to Mr Jensen, but the history of the garbage that went on in this place was that most of it emanated from the Residents Rally party, I would have to say.

Then, on the motion of Mr Speaker, this Assembly ordered the removal of the fluoride. To do this, members opposite opposed Labor's motion to refer the matter to the Social Policy Committee for consideration.

MR SPEAKER: Order! Mr Berry, it is difficult for me to comment from the chair, but the Speaker did not make any ruling on fluoride from the chair.

MR BERRY: No, it was on the Speaker's motion.

MR SPEAKER: On the MLA's motion; that is what I am trying to indicate.

MR BERRY: My apologies, Mr Speaker. It was on Mr Prowse's motion. To do this, Labor's motion to refer the matter to Social Policy Committee was opposed. I was going through this today, and it is really amusing for somebody outside of those parties who were involved in all of this to see the antics of the people opposite. We had the Chief Minister, who did not know which way his members were going to go, and other parties firing from the hip, left, right and centre on the issue.

Mr Moore: Yours was the Chief Minister at the time.

MR BERRY: I meant this Chief Minister. They all refused to let the matter go out for consultation. Basically they refused to let anybody have a say and to make submissions in relation to fluoridation of our water. I have to say at this time that Mr Moore's position was pretty clean. Mr Moore supported the matter going off to a committee for consideration and he was somewhat out of step with some of his Residents Rally party colleagues in relation to that matter.

Anyway, they all realised that they had been a bit hasty and, because there was a hell of an outcry from the public, they supported the return of the fluoride to the water. But that was only for a brief time because some people still had to recover from the wounds they had received from the public lashing over their performance in this place.

The most interesting part about all of this is that the reference of the whole fluoride issue to a committee was

made by Dr Kinloch, who supported the removal of fluoride from the water, opposed the reference to the Social Policy Committee, then when everybody in the community, as I said earlier, screamed blue murder at what he had done, came back to this Assembly and moved that the issue be referred to the committee. That is the sort of thing that we have come to expect from Dr Kinloch, who says one thing and eventually does something else. It is a pity he is not here to listen to this because I am sure that he would become agitated - as agitated as and perhaps even more agitated than - - -

Mr Humphries: I rise on a point of order, Mr Speaker. I refer to standing order 61. I am prepared to tolerate a certain digression, but so far Mr Berry has not even come to the substance of the motion and he is now 15 minutes into his remarks.

MR SPEAKER: Your objection is supported, Mr Humphries. Please get to the point, Mr Berry.

MR BERRY: Mr Speaker, it is very important at this point to focus on the need for this Bill and to finish studying its effects. We have a position now where the Government opposite, hopefully having sorted out all of its differences, however difficult that might have been, wishes to keep the matter going for a bit longer, so we can continue to study it because the committee has not finished with it.

I think this piece of legislation and all those on the same subject which preceded it form part of an historic clutch of pieces of legislation which will probably form the centre of any debate about the first days of this Assembly. The reason why it will do so is that it brought this place into ridicule - absolutely dragged it down to the bottom. It is interesting that most of the members who participated in that debacle now form the Government and are signatories to the accord, if you like, although I do not think that the accord has hit the deck yet.

We were ridiculed because the Bill was faulty - in spite of all of the efforts of the senior counsel in the Assembly, now the Attorney-General. One cannot help coming to the conclusion that there is some doubt about the ability of the Assembly to pass decent legislation. Of course, in all of this, the people of Queanbeyan were amazed that they had never been consulted, because under New South Wales law they had to have a supply of fluoride in their water. None of this had been considered by the people opposite.

Anyway, Mr Speaker, here we are today, some months down the track, extending the Bill and, most importantly, again focusing on the debacle which was generated by the members opposite. Those members opposite who are most concerned and fidgety about this are the ones who were at the centre of the debacle which pulled the Assembly down. I am quite happy at any time to draw attention to the disgraceful

6 June 1990

behaviour of members opposite who are involved in this, even though, at the same time, I indicate that the Labor Party will support - - -

Mr Jensen: I take a further point of order, Mr Speaker. This is tedious repetition and it is irrelevant.

MR SPEAKER: Please proceed and stick to the point, Mr Berry.

MR BERRY: Well, I think you should get ready to accept a few more tedious repetitions about the behaviour of the Residents Rally, because I can assure you that that will be focused on from time to time from now until you are out of this place.

The Labor Party will be happy to support this Bill. We look forward to a positive result and an end which may in some way recover some of the ground which we have lost as a result of the disgraceful behaviour of members opposite. I think it is significant, Mr Speaker, that the focus of that disgraceful behaviour has been the most senior members of the Government - and that includes all of the ministry.

Mr Humphries: I rise on a point of order, Mr Speaker. There is no indication that Mr Berry is going to come any nearer to the subject matter. There is no relevance whatever in these comments; they are tedious and repetitious. I think that practically every contravention of standing orders in the book could be thrown at Mr Berry at present. Ask him to bring some relevance to his remarks.

MR SPEAKER: Mr Berry, I request that you sum up.

MR BERRY: Well, it will take me about four minutes or so to sum up, Mr Speaker. I have jumped to my feet today to speak to this matter because the Water Supply (Chemical Treatment) (Amendment) Bill is an important piece of legislation and because it gives me, as a member of the Labor Party, a great opportunity to talk about the very brief history of government in the ACT.

MR SPEAKER: Order! Mr Berry, under standing order 62, I ask you to resume your seat.

MR BERRY: I am happy to support the Bill.

MR COLLAERY (Attorney-General) (5.52): Mr Berry neither smokes nor drinks. Considering his method of diction and the like, may I suggest that he take up both practices fast, furiously and soon, because I am certain that the level of debate from him at least would improve. I am sure that Mr Berry, as a fireman, well knew that his water was fluoridated.

Ms Follett: I raise a point of order, Mr Speaker. Is this relevant?

MR SPEAKER: Thank you, Ms Follett. Please get to the point, Mr Collaery.

MR COLLAERY: Yes, Mr Speaker. I am indebted to the Leader of the Opposition for her double values in this matter. Not once did she tug at the sleeve of Mr Berry - not that she could reach it - but certainly he treated us - - -

Mr Berry: Isn't it amazing how short people worry about my height?

MR COLLAERY: I will be short - and sweet. Mr Berry treated us to a description of what I presume he did in the fire station - that is, the leader of the pack gets up and seeks to make a number - - -

Ms Follett: On a point of order, Mr Speaker; again this is just not relevant.

MR SPEAKER: Thank you. Please, Mr Collaery, be brief.

MR COLLAERY: Now that we are moving to that more unctuous stage of proceedings that comes over members of the Labor grouping as they move from one phase of their approach to the Assembly to another, let me say this in relation to the Bill. Clearly this Assembly should accede to the Bill. The matter is before an Assembly committee at the moment, and I noticed, Mr Speaker, that Mr Berry had considerable latitude in that regard. I trust that he has not made the situation awkward for his own members on that committee by virtue of some of his comments. Also, I hope that he did not shake in any way that burgeoning friendship that he appears to have with Mr Moore. Nevertheless, let me remind the house that it was a very strong Labor group which, in December 1965, in the other house across the road, made a number of very eloquent speeches on the subject of fluoride. If this matter ever comes back to the house, Mr Berry might care to read those beforehand. He might find slightly embarrassing what his own Labor colleagues said about fluoride in a debate in the House of Representatives in December 1965.

Ms Follett: He was not born then.

MR COLLAERY: If Mr Berry was not born then, Mr Speaker, he was certainly growing, because we lose two minutes every time he climbs to his feet on a point of order. The main problem with Mr Berry is - and this should go on the record - that his rambling speeches bring the Assembly into disrepute. They lack humour; they are full of spite and malevolence. That is the difference between witticisms and nastiness. Despite his pure and clean living, Mr Berry seems to have a fair amount of something in his liver these days.

MR WOOD (5.56): Mr Speaker, for the benefit of the house, I will bring it up to date with information I received only

6 June 1990

this week from the National Health and Medical Research Council, on whose report we wait and on whose report this decision to extend the use of fluoride in our water was made.

Mr Moore: I raise a point of order, Mr Speaker. Considering the content of the rest of the debate, I cannot see how it can have relevance!

MR SPEAKER: I note Mr Moore's observation. Please continue, Mr Wood.

MR WOOD: As you know, the report has been deferred as we wait for information from a United States study. I understand that the committee examining certain research there will meet in July, and the working party of the National Health and Medical Research Council expects to meet in August and September. It will then complete its report and that report will be submitted to the next meeting of the National Health and Medical Research Council itself, scheduled for early November. That is the time frame that we now seem to be looking at.

MR HUMPHRIES (Minister for Health, Education and the Arts) (5.57): I just want to say that I think the debate has been helpful. Perhaps I should not say that. Perhaps I should just say that I commend the Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

D-Day Anniversary

MR JENSEN (5.58): Mr Speaker, members may recall recent publicity about the events of May 1940, when there was a small ships invasion of Europe to evacuate members of the British Expeditionary Force from France, from the beaches of Dunkirk. My colleague Dr Kinloch referred to that yesterday - an event that he himself witnessed. I am sure that was a very interesting experience, particularly for him as he later became an historian.

However, while that event was seen as a major defeat for the Allied cause at that time, today is the forty-sixth anniversary of a triumph - the return of the British and other Allied forces to continental Europe to liberate it from the control of a regime that is now almost universally acknowledged as having been run by a dictator who had no concern for human rights and who inflicted many gross inhumanities on the people of Europe, especially Jewish people and minority groups of that continent.

Operation Overlord, as it was named, which is now generally referred to as D-day, saw 156,000 men landed on the beaches of Normandy - 83,000 British and Canadian troops on the eastern beaches and 73,000 Americans on the western beaches. These landings were fully supported by the Allied air forces which effectively and efficiently dealt with the movement of German reserves in an attempt to halt this invasion, or return to Europe. It is also now known that a major deception plan executed by the Allies convinced Hitler that the return to Europe of Allied troops on that day was just a minor invasion. This was one of the many successes of the so-called secret war that was waged by the Allies during that period.

Mr Speaker, when referring to D-day, one must not forget also the efforts of the many members of the French resistance, or maquis, and their Allied advisers, one of whom was, of course, Australia's Nancy Wake, or the "White Mouse", as she was referred to by the German forces. These groups waged their own war against an invading force and listened intently to the BBC radio service which sent coded messages to announce to them that the force from England was on its way.

It was an important day for the people of Europe who had suffered under the excesses of the Third Reich. It is appropriate on this day to remember those servicemen, servicewomen and civilians who took part in this event, especially those who paid the supreme sacrifice or those who were injured in the events of that day and the days that followed leading up to the capitulation of the Third Reich.

However, never let it be said that such a recollection seeks to glorify war; rather, it reminds us that human beings, for some reason, have insisted on seeking to resolve their differences by inflicting their will on others by force of arms. However, history also tells us that, when a dictatorship seeks to impose its will on others, there comes a time when force of arms is necessary to return society to a period of relative stability and sanity.

It is unfortunate that only now have changes taken place in Europe to remove the yoke of oppression from people who were not given the sort of freedom we enjoy now following the end of the war in 1945. Let us also hope that the people of China, particularly those students who joined us

6 June 1990

in the Assembly last night, may soon be able to return to their homeland without fear of persecution, which they obviously have some concerns about at the moment.

As I have said in this place before, let us hope that the sorts of statements that I make today will continue to be in remembrance only and that at no stage - certainly not in our lifetime - will the world experience the sort of confrontation which led to the conflict that I rise to remember today.

D-Day Anniversary

MR COLLAERY (Attorney-General) (6.03): I was not going to speak on this matter, but Mr Jensen has moved me somewhat. I would like to pay tribute to a young Australian, who went to school in Goulburn, who spent much of his time in Canberra in his young days, and who perished a few days after D-day - my father.

Question resolved in the affirmative.

Assembly adjourned at 6.04 pm

ANSWERS TO QUESTIONS

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

CONSULTANTS

QUESTION NO. 81

MS FOLLETT - Asked the Minister for Health, Education and the Arts on notice on 5 December 1989:

1. In the period from 5 December 1989 to the date of answering this question, what consultants were employed by (a) the, Minister, and (b) each agency in the Ministers portfolio.
2. For each consultant employed, what was (a) the purpose, (b) the duration and (c) the cost of the consultancy.

MR HUMPHRIES: Department of Health

The ACT Department of Health has employed the following consultants in the period of 5 December to 18 May 1990.

Names of consultants have not been provided on the basis that such information is commercial-in-confidence.

1. Waste Management in Hospitals

Purpose: The consultancy is to study the feasibility of marketing a recently introduced waste management system to other hospitals and institutions with special waste handling requirements.

Duration: Commenced 4 January 1990 for an anticipated 25 working days.

Cost: \$6 100

2. Analysis and Design of Billing Systems

Purpose: Analytical work associated with the possible introduction of a computer system in the Patients, Office, Woden Valley Hospital.

Duration: 8 - 9 February 1990.

Cost: \$350.00

2235

6 June 1990

3. Computer Software

Purpose: To update mainframe computer software, project management and other contract and programming.

Hospital Services Division.

Duration: 15 January 1990 to 6 February 1990

Cost: \$12000

4. Contract Analysis of Financial Management Information System

Purpose: Contract programming, analysis and advice on financial management information system in the

Hospital Services Division.

Duration: 8 January 1989 and is ongoing until finished

Cost: \$6 500

5. Establishment of TRIM

Purpose: Provision of clerical and administrative services in the establishment of TRIM which is used by the Department to keep track of Ministerial.

Duration: 5 December 1989 to 28 February 1990

Cost: \$5 076

6. Public Hospital Redevelopment

Purpose: To provide advice on architectural and planning aspects of the public Hospital Redevelopment program

Duration: 5 December 1989 to 3 January 1990

Cost: \$2 470

7. Public Hospital Redevelopment

Purpose: An Architect /Health Planner employed to provide advice to an interdepartmental meeting and a joint parties meeting on the Public Hospital Redevelopment Project.

Duration: 12 February 1990 and 23 February 1990

Cost: \$3 302

2236

8. Interviewing Level 2 Nursing

Purpose: Independent chairs for the three panels interviewing level 1 nurses for advancement to

level 2 status.

Duration: 19 February 1990 to 30 March 1990

Cost: The cost to date is \$11 000

9. Consultancy on Information Technology Planning

Duration: 7 days between 5 December 1989 and 31 January 1990

Cost: \$7 000

10. Community Nursing Management System

Duration: 11 hours between 5 December 1989 to 31 January 1990

Cost: \$880

11. Computerised Information System Independent Living Centre

Duration: 3 hours January 1990

Cost: \$300

12. Review of Professional Classifications

Duration: 5 days from 5 December 1989 to 31 January 1990

Cost: \$2 875

13. Development of software for Patient Reporting System

Duration: 15 December 1989 to 15 February 1990

Cost: \$4 500

14. Facilitation of Various Consultancies in Organisation Development

Purpose: To provide external specialist consultancies\for

development programs on in-house training

courses.

Duration: 46 days between 5 December 1989 to the present

Cost: \$51 600

6 June 1990

15. Review of Calvary Hospital Budget

Duration: Various days in December 1989 and January 1990

Cost: \$6 600

16. Hospice Research

Duration: 139 hours between 29 January and 14 February 1990

Cost: \$2 000

17. National Better Health Campaign

Purpose: Promotional Campaign aimed at increasing the demand for and the availability of heart healthy food in take away outlets.

Duration: April 1990 - September 1990

Cost: \$10 000

2238

The Department of Education and Arts

1. (a) Nil

(b) Mr David Green (readiness Mots Du Vent)

2. (a) Assist the Minister and the Department in public education programs associated with the development of the Schools Reshaping Program

(b) 14 May 1990 until 13 July 1990

(c) \$9, 476

The Minister for Health, Education and the Arts

The Minister has not employed any consultants.

2239

6 June 1990

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 105

Canberra Development Board - Consultancies

MS FOLLETT - Asked the Chief Minister upon notice on 27 March 1990:

- (1) What contracts for the provision of consultancies have been let by the Canberra Development Board (Coll) since 31 June 1989.
- (2) In relation to each consultancy at (1) above (a) what tendering process was undertaken (b) what was the full cost of the contract (c) when were the contracts made and (d) did the full CDT approve the consultancy and authorise the expenditure, and if not, who did.

MR KAINED - The Chief Minister has provided the following answer to Ms Folletts question:

(1) Consultancies arranged by the Canberra Development Board since 30 June 1989 are as follows:

Michael Clancy and Associates - Preparation of a Report relating to Business Migration.

Ernst and Young - Preparation of a Report relating to the Effects of Payroll Tax Amendments on ACT Business.

Ernst and Young - Preparation of a Report relating to Proposed Amendments to the Stamp Duty and Taxes Act 1987.

Access Economics Pty Ltd - Preparation of a Report on an ACT Economic Strategy.

Hassall and Associates Pty Ltd - Preparation of a Report on ACT and Regional Agricultural Study.

2240

As far as the letting of contracts of this nature is concerned, the established practice has been for the Chairman to take the initiative in arranging the inputs required for discussion of particular matters. This is particularly so where a timely response is required to urgent issues which arise and which are the subject of Government consideration. As a matter of course, the Chairman informs the Board of any commitments made.

The procedures used in the letting of these contracts are consistent with practices established in the ACT Administration since self government.

As far as authorisation for approval of expenditure, the Board is an advisory body and has no formal role in the approval process. The authority to approve expenditure from the Boards administrative vote is currently held by the occupant of the position of First Assistant Secretary, Commerce and Industry Division, by delegation authorised by the Treasurer.

The details sought in Question 2 are as follows:

Michael Clancy and Associates:

- (a) Nil
 - (b) \$500
 - (c) Letter of offer - 25 October 1989
- Report received - 27 November 1989 (d) The Chairman made the arrangements; see above paragraphs.

Ernst and Young:

- (a) Nil because of urgency.
 - (b) \$5,000
 - (c) Proposal from Ernst and Young - 20 November 1989
- Report received - 28 November 1989 (d) The Chairman made the arrangements; see above paragraphs.

Ernst and Young:

- (a) Nil because of urgency.
 - (b) \$10,000
 - (c) Proposal from Ernst and Young - 7 December 1989
- Report received - 15 December 1989 (d) The Chairman made the arrangements; see above paragraphs.

2241

6 June 1990

Access Economics Pty Ltd:

(a) Nil because of the need to be able to tie into the Governments Economic Strategy Statement.

(b) \$27,500

(c) Invitation from Chairman to Consultant to undertake study - 23 January 1990

Referred to Consultancy Review Committee - 20 February 1990

Approved by Consultancy Review Committee - 22 February 1990

Letter of offer to chosen consultant - 14 March 1990

Letter of acceptance from consultant - 16 March 1990

(d) The Chairman made the arrangements; see above paragraphs. Approved by the Consultancy Review Committee.

Hassall and Associates Pty Ltd:

(a) Two companies asked to bid.

(b) \$8,000

(c) Referred to Consultancy Review Committee - 13 March 1990

Approved by Consultancy Review Committee - 20 March 1990

Letter of offer to chosen consultant - 21 March 1990

Letter of acceptance from consultant - 28 March 1990

(d) The Chairman sought the proposals; see above paragraphs. Approved by the Consultancy Review Committee.

2242

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Ainslie Transfer Station

QUESTION NO. 138

Ms Follett - asked the Minister for Finance and Urban Services:

- (1) Is there any statistical or survey data which could provide details of the number of people who used the Ainslie Transfer Station; if so, what are the details.

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

- (1) Survey data is not available on the number of people who used the Ainslie Transfer Station.

However, based on estimates contained in the 1985 Solid Waste Strategy Report, of trips to the Ainslie facility and both landfill sites, and subsequent traffic counts at the landfill sites in 1989, the best estimate is that there were 125,000 trips made to the Ainslie Transfer Station annually.

2243

6 June 1990

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Ainslie Transfer Station

QUESTION NO. 139

Ms Follett - asked the Minister for Finance and Urban Services:

(1) During the last year, what quantity of non-recyclable waste was collected at the Ainslie Transfer Station.

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

(1) The total quantity of waste collected at the Ainslie Transfer Station over the past year is estimated at 12,500 tonnes.

No detailed studies have been carried out to determine the exact composition of this waste.

However, general observations indicate that the major component of the waste is garden waste, which has the potential to be recycled.

2244

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 147

Consultants

MS FOLLETT - Asked the Minister for Health, Education and the Arts on notice on 29 May 1990:

When may I expect an answer to question number 81, which I placed on notice on 13 February 1990.

MR HUMPHRIES - The answer to Ms Folletts question is as follows:

The answer has now been lodged. I apologise for the delay.

2245