



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

7 June 1990

**Thursday, 7 June 1990**

Motion of want of confidence in Chief Minister .....	2247
Suspension of standing and temporary orders .....	2311
Petitions:	
Ainslie transfer station .....	2315
Education cuts .....	2316
School closures .....	2316
Papers .....	2317
Draft Land (Leases and Management) Bill 1990 .....	2317
Suspension of standing and temporary orders .....	2318
Personal explanation .....	2320
Belconnen Remand Centre (Matter of public importance) .....	2321
Personal explanation .....	2323
Director of Public Prosecutions Bill 1990 .....	2323
Director of Public Prosecutions (Consequential Provisions) Bill 1990 .....	2323
Rates and Land Tax (Amendment) Bill (No 2) 1990 .....	2327
Statutory Authorities (Audit Arrangements) Bill 1990 .....	2345
Cultural activities - select committee .....	2346
Standing order 229 - amendment .....	2347
Day of next meeting .....	2347
Belconnen Remand Centre (Matter of public importance) .....	2347
Adjournment:	
Rulings from the Chair .....	2353
Member named and suspended .....	2354
Belconnen Remand Centre .....	2355
Rulings from the Chair .....	2355
Answers to questions:	
Organ donors (Question No 134) .....	2361
Griffin Centre (Question No 141) .....	2362
Griffin Centre (Question No 142) .....	2363
Griffin Centre (Question No 143) .....	2364
Regulations (Question No 144) .....	2366
Regulations (Question No 145) .....	2367
Vehicle workshop (Question No 158) .....	2368
Household waste disposal (Question No 159) .....	2370
ACTION ticketing equipment (Question No 160) .....	2371
Recycling depot (Question No 162) .....	2372
Oil pollution (Question No 163) .....	2373
ACTION Liaison Advisory Committee (Question No 164) .....	2374
Sewer blockages (Question No 168) .....	2375
Appendix 1:	
Tabling speech: Draft Land (Leases and Management) Bill 1990 .....	2377

**Thursday, 7 June 1990**

---

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

**MOTION OF WANT OF CONFIDENCE IN CHIEF MINISTER**

**MR STEVENSON** (10.31): I move:

That this Assembly has no confidence in the Chief Minister of the ACT in view of his lack of integrity, lack of credibility and extreme hypocrisy as demonstrated by his intention to have the Alliance "Government" introduce a Bill to tax X-rated videos, in absolute contradiction of his statements in this house on 21 November 1989 in total condemnation of such a tax.

Mr Speaker, Mr Kaine had good reason for being embarrassed, because his "reasons for introducing the Business Franchise ('X' Videos) Bill 1990 can be summed up by a simple four-letter word, 'loot' - loot from lust, if you like.

"This Bill confirms what we in the Opposition have been saying [for some time], that the Government's budget strategy is in tatters, that it urgently needs money and that, in its desperate pursuit of revenue, this Government is prepared to sacrifice its principles, its policies and its philosophy.

"I submit that the Chief Minister was aware of the hypocrisy to which [he] was party in putting forward this legislation...The mere fact of taxing these products gives them a status and an acceptability which they have not hitherto enjoyed in the wider context of the ACT and Australian society. It does legitimise them. With this high-profile public endorsement by the ACT Government of X-rated videos, the defence that [this] legislation will neither legalise nor legitimise them is totally specious.

"For a fistful of dollars the [Kaine] Government has prostituted its own social justice policy and has degraded its own policy regarding women...Mr Speaker, the impact of X-rated videos on women and girls in the community might be a lot more than the Chief Minister bargained for. Research on battered women and consumption of pornography by their partners, in a study by Canadian psychologist James Check and others, reveals a higher incidence of assault in this group than among non-pornographic users.

"Of course, Chief Minister, you might intend to use the revenue raised to fund more women's refuges. But, if so,

7 June 1990

you are approaching the existing and potential problem from quite a different direction from that of many of your sisters. As evidence given during the Senate debate of 2 March 1989 on the Regulation of Video Material Bill made clear, significant women's organisations, rather than supporting the taxing of X-rated videos, want them banned altogether. These groups include the Catholic Women's League, the Country Women's Association and the Anglican Church Mothers Union" and "the Society of Women Writers of Australia, the Australian Federation of Business and Professional Women, the National Association of Community-based Children's Services, [and] the Shop, Distributive and Allied Employees Association.

"Such multipartisan support simply cannot be ignored. If the Government believes that such opposition is perhaps a little remote from the local Canberra scene, or a little removed from the topic itself, let me add two more proponents for the banning of X-rated videos. I refer to the National Status of Women Committee and the Women's Electoral Lobby ACT Incorporated. WEL's letter reads, in part:

"WEL is totally opposed to any portrayal of women that exploits or degrades them in any way, or any portrayal of women that reinforces the unequal power relationships that exist in society.

"WEL ACT endorses the intent of your Bill to ban X-rated videos in the ACT. We believe that it is inappropriate for the ACT to continue to distribute X-rated videos in the face of the contrary decisions of the Attorneys-General in all States.

"These two bodies, Mr Speaker - the National Status of Women Committee, set up in 1975 by a Labor government, and WEL ACT - must be particularly disillusioned at women's degradation for dollars being institutionalised by a [Liberal] Government.

"I say to the Chief Minister that [his] mishandling of, or perhaps [his] failure to handle, this Territory's economy is a matter of concern and regret, but in [his] desperate attempt to obtain additional revenue [he] has gone beyond any electoral mandate that [he] may reasonably claim to raise funds through a franchise on flesh. That [he] proposes to do so, making a mockery of [his] party's policy of social justice, is sad evidence of the lengths to which this financially strapped [Liberal] Government will go to find money and thus, [the Alliance] hopes, to stay in power.

"Mr Speaker, this community finds it totally unacceptable to legalise video pornography. I believe it finds it equally unacceptable and repugnant to legitimise it by institutionalising it as a legitimate source of tax revenues. No State has done so; we cannot either. The Liberal Party opposes the Bill and will vote accordingly".

They were not my words. They were the words of the Chief Minister in this house on 21 November last year when he spoke so compellingly, so convincingly and, one would assume, so honestly. If integrity has anything to do with it, he will not be Chief Minister at the end of this debate.

But he made those compelling statements as a statesman, and what has happened in the passage of time? I could not put it better than the now Chief Minister put it himself on 21 November. The Chief Minister is condemned, not by my words, but by his own.

Mr Speaker, the people of Canberra were forced into self-government; they were forced to have this Assembly against their will. But, as they have the Assembly, they are entitled to certain propriety. They are entitled to have their representatives show certain characteristics that are associated with a parliament.

These characteristics would include integrity, honesty and courage to make decisions that would validate truth and honesty. Mr Speaker, the Chief Minister and his Alliance group have shown, unfortunately, that they do not have the consistency that is required of people to make decisions on behalf of the overall community. They have shown that they have not been responsive to members of the community in Canberra, to members of the Australian community, and to all State Attorneys-General and their laws which, indeed, ban X-rated videos.

They have abrogated their duty and responsibility to the people of Canberra and to the tradition of parliamentary democracy, because the decision to legitimise and give weight to the pornographic industry that wreaks such havoc in our society was made by them when they rushed through the porn protection Bills in this house two days ago, leaving little or no time for the people of Canberra to rise up, as they know the people would have done, and demand that the words spoken in this Assembly by the Chief Minister and others actually mean something.

Mr Speaker, without honesty, without integrity, we can have no parliament; we can have no government. We can only have a rubber stamp legitimising illegitimate actions and decisions by power brokers, elitist groups and cliques within political party machines.

In this house on 4 July last year I raised a matter that was to do with parliamentary propriety, with constitutional integrity, with the very fabric of self-government itself. It was to look at the constitutional legality of this Assembly. It was not to make a determination as to whether the Assembly was illegal or not, but simply to have the courage, to have the integrity, to have the honesty to refer the matter to a committee and look at it. That the members of this Assembly voted against that motion by 16 to

7 June 1990

one will be deplored by anybody of conscience. I note that almost every one of the members of the Alliance have their heads down - now they are up - and I can well understand why that is.

**Mr Collaery:** You will get your answer.

**MR STEVENSON:** It is not my answer that I want. I speak on behalf of the people of the ACT who have been sold out. It is good that they will get the answer, and I hope that they will get their answer from every single member of the Alliance who has sold out his or her integrity for, in the words of the Chief Minister, "a fistful of dollars to gain loot from lust". It is not that I want to make individuals wrong but that I want to make justice and parliamentary principle right. If integrity and honesty had anything to do with it you would not be sitting in the seat with the lack of integrity that you have shown.

Mr Speaker, let us look at what the other members of the Assembly said in the debate on 21 November. Dr Kinloch said:

X-rated videos of several kinds are not only shown in the ACT, not only sold and hired out in the ACT, but are provided by mail to a clientele elsewhere in Australia, including those six States already named which ban the sale, distribution and public showing of such films. That is the crucial issue for me.

Dr Kinloch continued:

The issue for me, then, is very clear and it is the reason for refusing to build that industry into our revenue collection system in the ACT and the reason why I will be voting against this Bill. By giving status to the mailing of X-rated video films across our borders, first into New South Wales and in due course to the other States with the exception of the Northern Territory, we are, at the very least, violating the spirit of the laws of six States.

Yet we are the national city. We are, like it or not, the exemplar city of the nation. At the moment, it is under inherited Commonwealth laws that these things are done. The moment such a law as is proposed tonight is passed we would be, as a Legislative Assembly, saying to six other State governments, "We don't care what your legislation is, what your values are, what your standards are, what your public behaviour aims are; we are supporting an industry which, in essence, flouts or avoids or undermines your laws".

He went on:

... it is particularly unfortunate that we would ever contemplate giving this credence and status to this peculiar industry which is so much detested by our fellow legislatures throughout Australia.

Mr Speaker, these men are condemned, as I said, not by my words but by their own. Mr Stefaniak said:

The ACT Liberal Party believes that the sale, distribution and exhibition of X-rated and excessively violent material in the ACT is undesirable. Consequently, a future ACT Liberal administration will bring the ACT into line with all States by banning the sale, distribution and exhibition of X-rated video and film material in the ACT.

He quoted this report of a particular case:

A man who showed a pornographic video to his stepdaughter, 11, before raping her was sentenced to 10 years' gaol yesterday.

He continued:

The Government, I think, should be more properly concerned with raising revenue from other areas.

I said earlier that it gives me absolutely no pleasure whatsoever to introduce a no-confidence motion in this house. Mr Kaine was reported in the media as saying that the matter that I raised was froth and bubble, a political matter. It is unfortunate that Mr Kaine would say such a thing when he knows full well, or should know, that I would not do such a thing. In all conscience, I could not sit by when such flagrant disregard for integrity and earlier statements had been undertaken by the majority of members in the Alliance.

Let us look at what Mr Humphries had to say in this house on 21 November. He said:

... the population of the ACT does not support the course of action which this Government takes. The opinion polls that have been quoted already by Mr Stefaniak indicate quite clearly that people in the ACT do not want this kind of industry to be flourishing and I think that, in the light of that fact, the rejection of this Bill by the Assembly tonight will be very much in accord with the spirit of the Assembly's population.

Indeed, it would have been. Mr Humphries said, "It is a pornography Bill". He went on:

I think the second reason why the Opposition opposes this legislation and, by implication,

7 June 1990

supports the removal of X-rated videos from the ACT market is that the impact on children of such videos is much greater than it is on adults ... members would be well aware that, with the technological achievements of our age and in particular the accessibility of video machines and the understanding of video machines by very young children, it is not difficult to envisage circumstances where young children - even very young children - could obtain access to such material.

X-rated videos degrade women ... the Chief Minister and her colleagues are very seriously out of step in this legislation.

Mr Humphries continued:

Clearly, by passing this tax, we are legitimising this industry. The proof of that fact, Minister, is that if you go out into the street and you ask 100 different people, "Would you care to have taxation on you increased?", they will of course say, "No". In this case you ask the principals of the pornography industry in this town, "Do you want this tax imposed on you?", and they say, "Yes". Now, why, Minister? Why do they say they want this taxation on them? For one reason only: it legitimises the industry; it legitimises their activities. Clearly, that is the reason why they support this tax and that is the reason why we oppose this tax.

I have little doubt that Mr Humphries in particular, and perhaps some other members, will jump at the opportunity and say, "Ah, but they oppose the tax. They said they did not want the tax. I have a copy of a media statement here saying that they disagreed with it". The tax that was introduced by the Follett Government was said to raise \$5m. The tax that has been introduced by the Alliance Government is said to raise \$4m. So the truth of the matter is that the video industry is using a very well known sales and marketing tactic. Supposing you say to someone, "How much is it?", and they say, "\$1,000", and you say, "You will have to do better than that; you will probably drop your price". If they say, "That is okay", you think, "And then of course there is an extra 20 per cent delivery fee on top of it". The video industry does not disagree with this fact, as is shown. (Extension of time granted)

So the truth of the matter is that the industry people do not disagree with this tax; it is purely and simply an opportunity to try to cement it at a very low 40 per cent. Why is 40 per cent very low? It is very low because it is on the wholesale side of things. If it were on the retail side and they reduced the retail price, then they would know that they would not make the money. It is very easy to set up companies to reduce the wholesale tax; they are probably hard at it at the moment.



**MR SPEAKER:** Mr Stevenson, I suggest to you that you talk to the microphone and to the Chair instead of to the gallery. I dare say you would hate to have your words missed by Hansard.

**MR STEVENSON:** I am told my voice carries even when I am facing the other way. I move on to the comment by Mr Collaery in the Assembly, that Residents Rally MLAs are allowed a conscience vote. We should have one minute's silence for that. He said at page 2790, "Mr Speaker, while Residents Rally MLAs are allowed a conscience vote under our longstanding policy", and he went on.

**Mr Jensen:** A conscience vote on banning. Quote correctly.

**MR STEVENSON:** I always quote correctly, and there is no difference whatsoever in what I said. It says that the Residents Rally MPs are allowed a conscience vote, for which we should have one minute's silence.

Mr Collaery then said:

The other point we have made is that the Bill is more than a taxing instrument. It sets up a franchising structure for the industry. In the absence of uniform legislation, the ACT Act, if it goes into force, will be out of step with the attitude of other States. It may detract from the dignity of the national capital and may damage our family tourist image which we have been working to develop ...

By incorporating the industry into the tax and revenue structure of the Territory the industry is given status. It could, for example, compete for one of Mr Whalan's business awards and otherwise attract incentives and encouragement from government. This could make us the subject of ridicule and condemnation -

and so it should -

by a large proportion of the Australian population.

Mr Collaery continued:

... if anything, they pander, in terms of some of the usage to which my colleague Carmel Maher referred, to lower instincts and they tend to degrade the human condition in its perception of itself.

Further, Canberra is a city of vision. It promotes the image of government, including the best possible image of men and women.

7 June 1990

It is antithetical, in my view, for a government to franchise the promotion of an image of men and women, particularly women, which runs counter to the modern aspirations of a sensitive society.

Mr Collaery continued:

I believe that this Bill should come back to this Assembly at a later stage, after the States and Territories have discussed the matter and determined whether joint action is indicated. This tax is being imposed in the ACT without sufficient consultation with the industry ...

That would certainly be the case, because the porn traders have indicated that they did not have any consultation. As far as the first point goes, the meeting of which Mr Collaery spoke will not be held until 29 June, later on this month. He said the Bill should not go ahead until that had occurred.

I have here the Residents Rally policy summary. Under "The Family" it refers to X-rated videos and states:

The Rally will ban the sale and distribution of X-rated videos in family accessible areas in the ACT.

This morning I rang up a number of families. What I asked them was: are the areas of Hume, Mitchell and Fyshwick accessible to your family?

**Mr Humphries:** Which families?

**MR STEVENSON:** I can name them if you like. In every single case - - -

**Mr Humphries:** People you know personally?

**MR STEVENSON:** Some; some not. In every single case they said that, yes, their families do have access to these family accessible areas. I added the "family accessible areas". The Rally policy goes on:

The question of a complete ban should await representative government.

Unfortunately, it will have to await representative government because we certainly do not have one in this Assembly. We have a political government. In Australia we do not have a house of representatives. That is an absolute misnomer. Apart from Ted Mack, we have a house of politicians. The sooner we get rid of the lot of them, the better - the better for representation.

Mr Speaker, I go on with the words of Mr Jensen in this house on 21 November. He said:

What these two Bills we are debating tonight will do is entrench an industry within the ACT fiscus. Bills, if passed tonight, will ensure that the Treasury will have some difficulty in removing this tax ... I looked very carefully in the ACT Government's budget policy and nowhere did I find any reference to a tax on the X-rated video industry -

nor did I in the Alliance's policy -

It may be ... that this new policy that seems to have come out of nowhere is to ensure that an industry which is banned in every State except the Northern Territory will have a permanent home in the ACT. One may be so bold as to suggest that this is the real reason behind this tax Bill tonight ... I must admit that it finds some favour with me. That is the reason why I am joining with my colleagues on what is a conscience vote for Rally members in voting against these Bills tonight.

Mr Jensen, what happened?

Let us have a look at what the Speaker, Mr Prowse, said. I quote:

I have been lobbied by people from Townsville to Tasmania and from Penrith to Perth on this issue. Now is the time to show some leadership for our community. I believe that the raising of income from pornography is inappropriate and unacceptable for the ACT as Australia's capital. This Bill offends the sensitivity and sensibility of not only the people of the ACT but people throughout Australia. Canberra is the Australian capital. We need to stand above the rest ...

Members have said ... that this Bill is only about money and this tax will not legitimise pornography. That is absolute rubbish. I ask the question: if this is so why are the members of the porn industry supporting its introduction? ... it is irresponsible for the Chief Minister to claim that we are going to collapse under the pressure of this lack of income. This is absolutely hysterical behaviour on behalf of the Chief Minister.

Lastly, Mrs Nolan said:

I am positive all the advice from all those women on the council to the Chief Minister would have been not to put forward such a piece of

7 June 1990

legislation ... It is amazing that this particular industry has not closed down from that pressure.

This Government ... forgets about degrading of women and chooses to forget about any social costs and says, "Money - dollars - we need them at any cost" ... I am greatly disappointed that, in fact, women have to continue to receive such denigration.

Let us have a look at the votes on that matter on 21 November last year. There were nine noes - Mr Collaery, Mr Humphries, Mr Jensen, Mr Kaine, Dr Kinloch, Mrs Nolan, Mr Prowse, Mr Stefaniak and myself.

Mr Speaker, on the matter of the X-rated Bill, the members opposite said they did not have the numbers to convince the other three members in the Alliance to vote for a ban. If that is the case, how did the three members of the Alliance who did not want them banned have the persuasive ability to force the seven others in the party room to vote for the porn protection Bills that were passed in this house the other night? It is a sad day but, as I have said, they are not my words that condemn the Chief Minister and members of the Alliance; they are their own.

**MR COLLAERY** (Attorney-General) (11.01): Mr Speaker, I would like to commence my response to Mr Stevenson by quoting from the October 1989 edition of The Intelligence Survey of the League of Rights. On page 5 John Stuart Mill is quoted approvingly by the editor in these words:

The worse offence which can be committed by a polemic is to stigmatise those who hold a contrary opinion as bad and immoral men.

What Mr Stevenson has put on board today is an attack on the integrity of the Chief Minister, an attack on him personally, an ad hominem attack which ill befits the role for which this Assembly has been created. This is a vehicular exercise today to re-run a vote we held another time. For an abolitionist, he has very shrewdly exploited and shown a very shrewd understanding of standing orders and the rules of this house. He is not exactly reflecting upon a vote of the Assembly, so standing order 52 is not engaged, and so forth.

This is a very artful contrivance of Mr Stevenson. It ill behoves someone who says that this Assembly is unconstitutionally created to use the very constitutional processes that set it up to run his particular issues here. They are issues that are in the public domain and are of interest. Interestingly, Mr Stevenson quotes selectively from past debates to aid his cause. In many instances he overlooks parentheses and qualifications that members have used. In one particular instance, in referring to one of the members, he overlooked a qualifying statement before he read the passage out. I think we can leave it to the public to read Hansard in its fullest.

**Mr Stevenson:** Which one was it? Read it out, please.

**MR COLLAERY:** Certainly, Mr Speaker. In quoting a speech made by me at page 2791, he made some comments but did not read out the words where I said:

Nevertheless, there are widely spread segments of the community which are genuinely, even passionately, distressed about this industry which of itself contains little merit to require preservation or protection.

He did not read that out. That was an acknowledgement that we were speaking for a segment, because we are in government, Mr Speaker, as everyone knows, for all the people of the ACT. Their voice is through us, whether or not we are going to vote finally on their arguments. It is quite appropriate for some of us to articulate their arguments in this house and not necessarily adopt their views. Certainly in Hansard, in the second last paragraph on page 2794, I indicated that I was prepared to vote on the particular Bill before the house but other events, including a donation, stopped me from doing so.

Mr Stevenson made a number of personal attacks based on incomplete arguments that would not stand up in a credible forum. The first allegation against the Chief Minister is his lack of integrity. I do not believe anyone else in this house supports that argument. Indeed, we have heard generous comments from at least one member of the Labor Opposition on radio, on the Pru Goward show, no more than a fortnight ago, acknowledging - and, I thought, properly - that there was no suggestion of a lack of integrity in Mr Kaine.

**Mr Connolly:** That is when I thought he would do the right thing over Mr DUBY.

**MR COLLAERY:** When Mr Connolly alluded to the fact that the Chief Minister had not called for Mr DUBY's resignation he said quite specifically, "We are not alleging a lack of integrity on behalf of the Chief Minister". Clearly, X-rated issues are being used to exemplify an argument that does not have any basis in terms of community concern about this Chief Minister.

Trevor Kaine and I have been working as colleagues, with the other Alliance partners, for a number of months now. Certainly, I can say and I can assure the house that we have a man of complete integrity running this Territory. Here is a man, for example, who went to work after his father was injured; he worked for three years as a worker. He wielded an axe and he chopped wood. He well understands the other side of life. He went to a state school in Victoria. I forget the number of it - they used to number them in those days. He served his country. As everyone in this Assembly acknowledges, he plays a very straight bat.

7 June 1990

Even the media acknowledges that. They get a very straight answer sometimes, and it is not always politically astute for the Chief Minister to be so straight on issues.

But he is very straight on issues, and his company, in that respect, is always enjoyable. He plays a straight bat in the joint party room and in Cabinet. He is a man of unquestionable integrity. It is quite improper to attack a person who has reached perhaps the zenith of his political career. I would not be surprised if he made a good Federal Prime Minister.

**Members** interjected.

**MR COLLAERY:** It is not that we are pushing him that way, but the fact of the matter is, if you look at the image of politicians in this country today, Mr Kaine cuts a very good figure indeed. In my view, it is improper of Mr Stevenson to attack the Chief Minister's integrity in a polemical argument about a vote.

Let me come to that vote, Mr Speaker. I will move on to this allegation of a lack of credibility. Those quotations by Mr Stevenson were all made in relation to a debate that preceded the formation of the Alliance Government. You have all heard, very clearly, the acceptable explanation of what forming an alliance involves. It involves the parties putting aside their single agendas and forming a corporate approach to government. As it turns out, and as we witness even in today's media, this is a very balanced government. We can attend to social equity and justice concerns in the Territory and we can get on with reasoned development.

The fact is that Mr Stevenson provided no evidence on the credibility issue. I took notes, and I do not know what his allegation of a lack of credibility is about other than his constant quoting from a debate that took place before we formed government. We have heard Mr Kaine say ad nauseam that, were the Liberals in power, they would have proceeded to apply their policy. Those of us who belong to other political movements could say the same at times, and this is the price of it. I am sure that those members opposite me who exist in different Labor factions well know these compromises in government. Need I say more?

Mr Stevenson referred also to the extreme hypocrisy of the Chief Minister. When Mr Trevor Kaine spoke in those debates he spoke as Trevor Kaine, Leader of the Liberal Party, not as Chief Minister of this Territory. These proceedings today will, no doubt, again be publicised across the country, and that is a miserable result for the Chief Minister and for this Assembly as a whole, considering the seven hard months that we have put in here in recent times.

I say to Mr Stevenson through you, Mr Speaker, that this is a democratic system - it even allows a place for a representative who seeks its abolition - but this Assembly

cannot continue to be the vehicle for one-sided views and single-issue matters of concern as Mr Stevenson sees them. I have arranged for a researcher on my staff to analyse Mr Stevenson's speeches in the Assembly since he was admitted here. He certainly takes a selective view of the issues that he cares to speak on. For example, Mr Stevenson attacks the multifunction polis on grounds that Bruce Ruxton supports, and he attacks the Government's move to agree to the Federal Government having Australia become a signatory to the UN declaration on the rights of the child. He believed in certain issues relating to that convention. He had the right to speak on it, of course.

There is a considerable correlation between the issues Mr Stevenson has raised in this Assembly and those that are of a legitimate concern to ordinary Australians - for example, Japanese investment, the greenhouse effect, child abuse, and pornography. These are the same views that I have seen in certain publications in this country that I have alluded to in the past. These views are catalogued in those journals that I have referred to in the past. By extremist language and somewhat irrational viewpoints, they fuel perceptions on issues that are not shared by what I firmly and confidently say is the majority of the Australian population.

Mr Speaker, government is about the practical and government is about the acceptance of community values. Mr Stevenson made a high moral attack on this Chief Minister concerning the franchising, as he says, of flesh. I invite Mr Stevenson to look at the current Australian Taxation Office guidelines on workers in sex employment. I will table this in a moment, Mr Speaker. I will read from it:

The Deputy Commissioner of Taxation (Canberra Office), in response to inquiries concerning the application of Taxation Legislation to workers in the sex industry has advised that the principal effects of the legislation on prostitutes is as follows:

- 1) Prostitutes working in brothels are considered to be subject to the pay as you earn (PAYE) provisions of the Tax Act. In consequence prostitutes will need to complete an Employment Declaration form and your employer will commence to make tax instalment deductions at prescribed rates from your wages ...
- 2) Prostitutes have an obligation to lodge an income tax return ...

The explanatory memoranda provided in another publication indicate that the deductions allowed include such items as evening dresses, bondage gear, lingerie and the rest. Now, since Mr Stevenson is ultimately paid by the division of consolidated revenue, I invite him to say whether he sees any conflict in his accepting a salary to serve in this

7 June 1990

Assembly when consolidated revenue is contributed to through this form of tax collecting. I sincerely invite Mr Stevenson to move his agenda across the lake and seek election there so that we can get onto some of the broader issues in society. Mr Speaker, I table the following papers:

Workers in sex employment -

Copy of letter from the Australian Tax Office to workers in sex employment, C/o Price Waterhouse.  
Copy of paper entitled "Taxation" detailing taxation requirements.

Mr Speaker, there is an hypocrisy in that sense in Mr Stevenson's own approach. There is certainly a holier-than-thou approach and we have not seen any comment at all upon whether he has any conscience problem about accepting a salary to serve here.

On the subject of hypocrisy, let me say that often people's lives are like icebergs and there is a lot below the surface. A lot happens in government, as I am sure the Leader of the Opposition knows, that you can never get out to the public. There are very long hours of service and extreme dedication to duty, which I believe many members of the former Government showed here. They worked extremely hard. Certainly there are things going on in government that convince us on the Alliance side of the house that Trevor Kaine is no hypocrite. He says what he says publicly very often and he says what he means.

Mr Stevenson attacks this Government for attacking the morality and the safety of women and children in society. The Chief Minister supported submissions from this Territory that asked the Federal Government to become a signatory to the UN convention on the rights of the child. We have also agreed to an International Labour Organisation convention that provides for work related child-care facilities.

These are real social equity, social justice concerns, Mr Speaker. We have a Chief Minister who, I can say without revealing the confidences of the party room, supports these issues. There is no lack of credibility and no hypocrisy on the side of this Chief Minister on issues that concern the welfare of women, in particular. I can relate one particular instance to the house, and I think it should be said. We recently found out - and I believe the Public Accounts Committee of the Assembly is investigating this - that sums that were put into the women's budget by the Follett-Whalan Government for the building of another women's refuge were not exactly allocated and did not appear as a dispensable sum to us in government. There was a problem. There was an assumption made; the funds were not there when we looked for them; but there was a presumptive application of some funds that came through Commonwealth-State funding.



Mr Kaine's immediate reaction to me on the day when I had those domestic violence crisis workers in my office was to say, "Give me a submission out of the Treasurer's advance and I will see what I can do". That is a straight, off-the-cuff commitment to matters of concern in the community. Mr Stevenson says that this Chief Minister does not have proper regard for the situation of women in society. That is bunkum, Mr Speaker. That is simply not true. I have seen sufficient evidence of his genuine concern for women and the women's movement and the protection of women to know that there is no substance in that attack. That is a comprehensive answer to Mr Stevenson.

I believe that Mr Stevenson will use the remainder of this debate to run his X-rated issues. I challenge Mr Stevenson to move to the real issues before this Assembly. I challenge Mr Stevenson to indicate where his own views lie on the issue of prostitution, where his views lie on the issue of anti-Semitism, where his views lie on the issue of the multifunction polis, where his views lie on such issues as the freeing of Nelson Mandela. I invite Mr Stevenson to give us his real agenda. We have been waiting for months now. Why do we have to go through it sequentially? We had the multifunction polis for a time, and other issues. Now it is pornography. What will it be next?

Mr Speaker, the Government's decision to regulate the X-rated video industry was a decision to do what could be done as the result of a vote in this house. It is a reasoned response and the best practical solution to the vote carried democratically in this Assembly. It was made very clear by the Government that it would not carry a taxing Bill, a franchising Bill, unless the regulatory Act was first passed. That was stated publicly and was clearly evidenced by the recent proceedings in this Assembly. The opposition that members had to a franchising Bill simpliciter in November was just that - that taxing should not precede a regulation of the industry. Much of what Mr Stevenson has quoted as hypocrisy and lack of credibility falls on that argument. The fact is that I have continued, right to the last days here, to oppose a taxing on the industry unless it is first regulated. That was the view of many people in the Alliance.

Mr Speaker, the November views really reflect the vicissitudes of political office - that government is the art of the achievable. I believe that the majority of Canberra people support the legislation that has been passed in this Assembly recently. Though the video industry says that the tax is punitive in its size, I must say that some of us had to hold back the Chief Minister, because you would have been surprised at what level of tax he would have liked to impose on the industry. You have picked the wrong target, Mr Stevenson, and you have picked the wrong issue again. It is unfair to attack a hardworking, decent, leading politician in this country on a single issue.

**MR CONNOLLY (11.20):** Mr Speaker, the Opposition rises to support this want of confidence resolution this morning, not because we agree with Mr Stevenson's view on the X-rated video industry but because, on examining his motion, we cannot disagree that the Government's behaviour on this issue demonstrates a lack of integrity, a lack of credibility, and extreme hypocrisy.

The Opposition's view on X-rated videos is clear. We can say that those on this side of the house - and we must include Mr Moore in this - have maintained a consistent view on this throughout, as indeed has Mr Stevenson. We are the only people in the Assembly to have remained consistent on this issue.

7 June 1990

The approach of the Government, however, does demonstrate this peculiar and bizarre change of views from opposition to government, but it is not the only demonstration of that. Other speakers from the Opposition will today address themselves to the litany of bizarre behaviour; for example, the refusal to take action concerning Mr Duby's behaviour. The continued retention of Mr Duby in the ministry shows the highest degree of contempt for parliamentary standards. It is this issue which causes me, unfortunately, to revise the previous opinion that I held of the Chief Minister, which Mr Collaery referred to. I had previously had the belief that Mr Kaine would do the right thing. He failed to do so, and my opinion of him must be revised accordingly.

Mr Speaker, the X-rated video question is the topic to which I will be addressing my remarks in this debate. As I say, the Opposition does not agree with Mr Stevenson's views on this. Our views were made clear before. They are views that Mr Collaery personally shares. Adults have rights to see material which has, after all, been passed by a Commonwealth censorship authority. That is not the issue today. The issue today is a government which went to the wall on the issue of X-rated videos. It used it as a substantial factor in its vote of no confidence against the Follett Labor Government and then, six months down the track, it back flips and introduces its own tax on X-rated videos. How Mr Kaine must be regretting that colourful phrase "loot for lust" that he was using in the debate last November. How it has come back to haunt him in this debate.

Mr Speaker, I make an additional point here to distinguish the Opposition's support for this resolution from Mr Stevenson's. Mr Collaery made some considerable effort in his remarks to demonstrate a degree of hypocrisy on Mr Stevenson's part on these issues. Mr Stevenson is not present but perhaps he can hear this upstairs. I would point to that even more remarkable approach of Mr Stevenson the other night on the tax debate when he indicated his support for a tax on X-rated videos of 400 per cent. It all depends on how much loot you get from lust. Mr

Stevenson's portrayal of a principled opposition to any form of tax on videos suffered a damning blow because of his injudicious decision to get up in this Assembly and move an amendment to the Government's tax Bill to support a 400 per cent rate tax. Mr Stevenson, presumably, will support lots of loot from lust, but not 20 per cent or 40 per cent of loot from lust. It would seem it is all a question of the amount of loot relative to the amount of lust.

Mr Speaker, the Government's view and stated position on X-rated videos, in our view, displays total opportunism and the hypocrisy referred to in Mr Stevenson's motion. This is particularly demonstrated by its members' continued pretence that they would prefer to take the high moral stand, would prefer to ban this material, would ban this material if they could, but are prevented from doing that because of the Assembly's rejection of the Stevenson resolution. The Government seeks to hide behind the views of the Assembly which voted, as we know, nine to eight against banning X-rated video materials on the Stevenson Bill. It says, "We can't ban the material. We have to tax it. We would really like to be with you. We take the high moral stand" - pious comments about the evil nature of this material - "but we can't prevent it from going ahead".

Mr Speaker, the Government has got away with that up to now, but it cannot get away with it any longer, following the passage the other night of the Publications Control (Amendment) Bill.

**Mr Jensen:** Something you failed to do.

**MR CONNOLLY:** Mr Jensen, in particular, commented in the house the other night that he would prefer to ban X-rated video material, and he still no doubt would prefer to ban X-rated video material. I understand from the remarks of Mr Stevenson and the comments across the chamber that the Rally's position is that Rally members have a conscience vote on the question of banning X-rated material. We are aware, from Mr Stefaniak's reported remarks, of the Liberal Party view on X-rated material.

They will have their opportunity. The Publications Control (Amendment) Act, which is now the law in force in the Australian Capital Territory, totally bans the sale of X-rated video material in this Territory unless Mr Collaery makes a regulation to allow it. The ball is solidly in the Government's court, and solidly in Mr Collaery's court. Indeed, Mr Collaery quite properly tabled the draft of the regulations and I dare say the papers are, if not sitting on his desk now awaiting signature, in preparation by the law officers.

**Mr Collaery:** I have signed them.

**MR CONNOLLY:** Mr Speaker, he has signed them. Well, how will the party room react to that? The public of Canberra

7 June 1990

must be aware that, if they want X-rated videos banned, Mr Collaery can do it at the stroke of a pen. In fact, at a stroke of a pen he has allowed X-rated material in Canberra. Now, we have no quarrel with that on the view of the availability of X-rated videos, but the people of Canberra must understand that it is not the Assembly's rejection of the Stevenson Bill that allows material in; the Assembly has now passed this Publications Control (Amendment) Act, which clearly provides that it is an offence to publish the material otherwise than on premises in prescribed areas. An area can be prescribed at a stroke of Mr Collaery's pen, as Attorney-General, by making regulations. An area can be unprescribed at a stroke of Mr Collaery's pen, by repealing those regulations.

The Government members who piously stand here and say they would if they could - if only they could - ban X-rated materials but they cannot because the Assembly as a whole has voted against it, can no longer say that. Government members can no longer hide behind the Assembly's rejection of the original Stevenson motion. They have got to stand up and be counted.

**Mr Duby:** Mr Collaery has never said he would vote to ban X-rated videos.

**MR CONNOLLY:** No, he has not. As I said before, I can quite admire Mr Collaery's stance. I agree with it. Mr Collaery takes a view on civil liberties on this issue that I would not quarrel with, and Mr Collaery, in implementing that, presumably by the piece of paper he is showing to the Assembly, has in fact signed the regulations to allow X-rated material to continue to be available in prescribed areas. We do not query that.

You people in the Government party room have got the ball firmly in your court. If you say you want to ban material, if you say, Mr Jensen, that you have a conscience vote in the Rally on this issue, then take a vote in the party room and propose whoever over there wants to be the champion of the anti-X-rated video material. Perhaps it will be Mr Stefaniak, who has made public comments on what Liberal policy is on this; perhaps it will be Mr Kaine, who has so clearly and in such inflammatory terms condemned "loot for lust" and expressed his regret that he is unable to do anything about it, that his hand is tied, that all he can do is salvage the best possible result from the fact that the Assembly has not chosen to ban material.

You will have to revise your opinions. You have got the power in the Government party room to change that decision. You have got the power in the Government party room to direct Mr Collaery, if you say you do not agree with him. After all, there are only three of you who agree. Only two of you agreed with Mr Collaery on the Stevenson Bill. Only two of you support Mr Collaery's views on that.

If you disagree with him, if you think that X-rated material should not be available - which is what Mr Stefaniak said, which is what Mr Jensen said, which is what Mr Kaine said, which is what Mr Humphries said, which is what Dr Kinloch said, which is what Mr Prowse said wearing his political cap rather than the Speaker's, and I have left Mrs Nolan out but I think Mrs Nolan has also gone on record as being against X-rated video material - if that is what you believe in, then take a vote in your party room and direct your Attorney-General to exercise his clear powers to ban the material.

The Assembly has given the Attorney-General, as the Minister in charge of the Publications Control (Amendment) Act, clear power to prescribe areas. The Assembly has said it is an offence to publish this material otherwise than in an area prescribed. Mr Collaery, as Attorney-General, has the power, at the stroke of his pen, directed by the party room, to either allow or not allow X-rated video material. Let us not hide behind this smokescreen. Do not get up, Mr Kaine, and pretend that you are the custodian of high moral virtues - - -

**Ms Maher:** The majority of this Assembly does not want to ban them.

**MR CONNOLLY:** The majority of this Assembly has given you power to ban them.

**Ms Maher:** But it does not want to ban them. It voted on it last year.

**MR SPEAKER:** Order!

**MR CONNOLLY:** You are the Government and you have the responsibility to administer this Act. You have got the power to ban the material or allow it, at the stroke of Mr Collaery's pen. Mr Kaine cannot get away in the community with pretending that he would like to ban the material and pretending that he has to tax it because he cannot ban it. He can ban it. Of course, he does not really want to. He would prefer, sensibly, to keep this tax. He would prefer to continue to enjoy the revenue of the tax - and it was this party which originally proposed a tax on this material.

But let us get away from this hypocrisy and humbug, that we would really like to get rid of X-rated material and we would really like to ban it but we cannot. Mr Collaery along with Mr Duby and Ms Maher are the only members who have expressed the views that they do not believe the material should be banned, so I will leave them out of this. They are not displaying hypocrisy on this material.

**Mr Duby:** Libertarians.

**MR CONNOLLY:** "Libertarians", indeed, says Mr Duby. I address the rest of the Government - Mr Kaine as Leader of

7 June 1990

the Liberal Party; Mr Jensen, who has expressed his opposition to Mr Collaery's view on this, and he is entitled to do that in the Rally; and Dr Kinloch. You all have the power now to exercise your views on this and to achieve what you want, or what you say you want, which may, of course, be two very different things. You cannot get away any longer with this humbug that you would prefer to ban it. This factor will further test the Alliance Government. We in the Opposition say that you have already displayed your lack of integrity, lack of credibility and extreme hypocrisy by passing into law the tax Bills which you so piously condemned from opposition. We say that that alone is sufficient to justify the Assembly supporting this motion. But, Mr Speaker, there is the additional little twist, the fact that, through what was probably merely a drafting quirk, the Government now has the power to ban the material if it wants to. This will again test its integrity and credibility. We are sure that it will be found wanting, as always.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (11.33): Mr Speaker, in my remarks today I want to first of all address one of the comments made by Mr Connolly just a moment ago. He referred to the fact that the ball was back in the Government's court. Mr Connolly's suggestion, as I understand it, was that the majority given to the Publications Control (Amendment) Act the other night secures in the Attorney-General's hands the power to effectively ban X-rated videos in the Territory. Mr Connolly suggests that the members of the Government who sit in the joint party room should go in there and force the hand of Mr Collaery, a well known opponent of a ban on X-rated videos, and ensure that the Assembly sees a ban on X-rated videos. I must admit that there is a certain temptation in that suggestion, Mr Connolly. You strike a chord there. However, I am reminded that when voting on this issue some while ago the Assembly resolved it very clearly. It very clearly said that it - as an Assembly, as the parliament of the Territory and as the body responsible for the question of whether or not X-rated videos are circulated in and from the ACT - would not ban X-rated videos.

Mr Connolly seems to suggest that we, in the Government, should fly in the face of that decision; we should flout the authority of the Assembly; and we should reject the clear decision of the Assembly on that occasion. I am interested in the sort of approach Mr Connolly takes. It hardly seems very democratic, but of course I do not expect members of the Labor Party to pursue a line which is terribly democratic on the best of occasions.

Doing what Mr Connolly suggests would entail a very much greater moral dilemma for Mr Connolly than perhaps he has envisaged, because, when X-rated videos had been banned by stealth in the manner that he suggests, the Australian Labor Party in the Australian Capital Territory would be in the embarrassing position of having to hand back its \$8,500

donation received from the X-rated video industry not so long ago. I wonder whether they can really afford that. I think that that would cause grave embarrassment to our colleagues in the ALP. I am well aware that they are in some financial difficulties at the present time. I seem to recall hearing an appeal by Bob Hawke the other day on television or radio. He was saying, "We're a bit short of money at the moment. Please rally around and give us some support". I also recall reading that the ALP has a rather serious deficit from the last ACT Assembly election. Yet they suggest that we should take a course of action which would mean morally, since the suggestion came from a member of the ALP, that the ALP should hand back its donation.

Mr Connolly, I realise that you have not been around for very long but I am really not very keen to take the ALP to the wall. I appreciate the opposition that you provide in this place and I would hate to see you having to fork out \$8,500 that you do not really have. I believe that in all the circumstances it is appropriate that we do not take the course of action suggested by Mr Connolly.

It is quite clear to me and to my colleagues - and I speak on behalf of those that voted for and those that voted against the proposal to ban X-rated videos that Mr Stevenson brought forward some time ago - that this issue has been thoroughly and completely canvassed in this Assembly. We all ought to abide by the decision until such time as an indication appears that the Assembly's view has changed. I have not seen any indication that people who took particular views on that particular night - and I think it was 24 April - have changed them. As far as I can tell, those views remain the same. Therefore, it is the clear view of this parliament of the ACT that X-rated videos should not be banned at this point. I personally regret that decision but I do not have the power to change it and I do not believe I have the moral right to ensure that some alternative course of action should happen by stealth, as Mr Connolly suggests.

I want to address some of the points that Mr Stevenson has raised in his remarks. He has quoted at great length the comments of members on this side of the chamber concerning the banning of X-rated videos. It is unfortunate that he is not here to continue this debate, to watch the fire that he has begun being dealt with by those on this side of the chamber. I have to say that I very much regret that we are spending valuable time today raking over this dead issue when we should be dealing with matters of considerable importance that appear on the notice paper.

I think that Mr Stevenson does himself no credit whatsoever when he forces us to waste time in this shameful fashion. I also notice that this afternoon he wants us to waste even more time on another issue. Mr Stevenson is not exactly bearing his weight in this Assembly. He is not exactly earning his \$40,000 with his participation in things in this Assembly. To my knowledge, that will be the first

7 June 1990

matter of public importance that Mr Stevenson has ever put forward. Obviously this is the first matter of no confidence. His interest in matters that go on in this Assembly is rather limited and he seems to regard the Assembly as a place for free board and rent. If he does get free board and rent, he is not really earning them at the present time. I think it is extremely unfortunate that Mr Stevenson, who has now returned to the chamber to take part in this debate at last - - -

**Mr Stevenson:** I was talking to the media.

**MR HUMPHRIES:** I am sure Mr Stevenson was talking to the media, because they are about the only people that would be prepared to listen to him at this point in time. Quite frankly, Mr Stevenson lacks any credibility in this place and I think he deserves the condemnation of the Assembly.

What Mr Stevenson is doing is siding with the supporters of X-rated videos in this Territory - and I refer to members of the Labor Party to whom he has offered succour and support on this occasion and Mr Moore, of course - to attack those people who in the future may well form a majority in this chamber to ban X-rated videos. This is what Mr Stevenson is doing. He is using his opponents, his enemies, to attack those who on this occasion happen to be his friends, those people who also oppose the distribution of X-rated videos from the ACT. Mr Stevenson does not appear to be smart enough to realise that this is what is actually happening. He does not appear to realise that, in fact, he is making the future banning of X-rated videos in this Territory a little bit more difficult because of the course of action he is adopting today. I really do not expect any more.

He spoke about honesty and integrity. If I were in Mr Stevenson's position, I would not be getting up and touting my honesty or my integrity, given the way that he has handled a whole range of issues since he first came to this place. At least the Liberal Party had a position on X-rated videos before it came into this Assembly; Mr Stevenson had not.

I also completely reject the claim made by Mr Stevenson time and again that he speaks on behalf of the people of this Territory. It is a tactic which I have often seen on his part and it is one which is often pursued by those who claim to have certain populist aspirations of identifying and speaking for the will of the people. It is a spurious claim and I reject it. Mr Stevenson speaks for no more than the 8 per cent or whatever it was that voted for him in the last election, and I doubt quite frankly whether in large part he even speaks for those people any more.

I think Mr Stevenson ought to reconsider his whole motion today. He knows full well that the ALP will be using this motion, not to talk about X-rated videos but to talk about a whole range of other things which are totally irrelevant



to the issue that he has raised. He is giving them the opportunity to raise a whole series of totally irrelevant issues. I think Mr Stevenson really had not thought this through before he brought this thing forward.

Mr Stevenson's lack of consistency pales into insignificance compared with that of Mr Connolly, who spoke earlier today about the position of the ALP. Mr Connolly indicated that the ALP would be supporting this motion because it saw the situation as being one of some hypocrisy and lack of integrity on the part of the Government, and therefore the ALP saw there was good ground to support this motion. I do not think that the ALP really has any ground to gloat over that. I think the Australian Labor Party is guilty of its own instances of hypocrisy and inconsistency. The most glaring instance of this hypocrisy and inconsistency was its decision on Tuesday night this week to abstain on the very issue that it has constantly recommended to this Government for the last two months that it pick up and run with; that is, the taxing of X-rated videos. The ALP has come into this place time and again and has gone to the media time and again, saying, "You people should be taxing X-rated videos. You people should be getting your due share from X-rated videos".

What did these paragons of good advice and virtue do when the issue was actually brought forward by the Attorney-General, or by the Minister of Finance, or whoever it was? They slunk for cover. They ran away. They hid. They said, "We do not want to be seen supporting these X-rated videos. We do not want to be seen supporting this tax".

**Ms Maher:** They have just left the house. They cannot face it.

**MR HUMPHRIES:** What a pack of hypocrites! Well, there we see it - running for cover when the heat goes on. So much for the consistency of which Mr Connolly spoke. Clearly there was none of it. Obviously, they realised that they could not possibly oppose the tax because that was what they themselves went to such pains to try to introduce while they were in government. They could not possibly oppose the tax, but then again they could not possibly support it either, because supporting the tax would effectively undercut their basis for supporting Mr Stevenson's no-confidence motion today. So what did they do? They did the only honourable thing that any person would do in the circumstances. They ran away and they hid. I think they stand condemned for that.

**Ms Maher:** There is a an old wives' saying: if you cannot take the heat, get out of the kitchen.

**MR HUMPHRIES:** Exactly; if you cannot stand the heat, get out of the kitchen. That is what has happened here. The old blowtorch went on the tummy and they had to run for cover.

7 June 1990

I want to turn briefly to Mr Stevenson. I forgot to mention something in respect of what he said. Mr Stevenson has said, effectively, that he agrees with the tax. He said that the other night when he moved an amendment suggesting that there should be a tax of not 40, but 400, per cent on X-rated videos.

This reminds me of the old story about Lord Byron. I have no doubt that many of you have heard it but I will repeat it anyway in case a reader of Hansard has not. Lord Byron asked a lady in a carriage - quite an attractive lady, I assume - "Madam, would you sleep with me if I gave you a million pounds?". The lady said, "Yes, I would, Lord Byron". He said, "Would you sleep with me for one pound?". She said, "What do you take me for?". He said, "We know what you are, madam; we are merely haggling over the price". That, unfortunately, is the situation with Mr Stevenson. He is as much a whore as anybody else in this Assembly who wants to make money from X-rated videos. The question is: what is your price? Mr Stevenson demands a very high price. This Government is going to demand as much as it believes it can get.

Mr Deputy Speaker, this is the difference between us and Mr Stevenson and the members of the Opposition, who are all, in the language I have just used, whores. I think the sheer hypocrisy being displayed on the part of all these people who support this motion ought to be exposed and brought to light. I would be tempted to go through and list some of the achievements of this Government with respect to areas other than X-rated videos - for example, in my own areas of health and education - if I believed that that would be at all profitable at this point. It is not a matter that I believe is relevant to this debate and so I will not do it. I have no doubt at all that when members of the Opposition attempt to do this they will be shot down in flames, as they ought to be, given that this is not a debate about health, or about education, or about welfare, or about public housing, or about whatever else the Opposition might care to raise. It is a debate about X-rated videos.

I think we should condemn this motion for the stupidity that it is and get on with the important business that stands on the daily program, and in particular get legislation of importance to the people of the ACT well and truly on the statute books.

**MR MOORE** (11.48): I find it ironic that the second no-confidence motion in this house should revolve to some extent around the X-rated video issue. It seems to me, and to most people I know in Canberra, that the X-rated video issue is basically a non-issue. It is a relatively minor issue and of minimal consequence to almost everybody but Dennis Stevenson.

It is interesting to note that the issue has been a matter for a conscience vote in the Rally, which in effect has

held the balance on this in a series of debates. Being a conscience vote, it allows members to vote in whichever way they like. As far as I am concerned, it also allows them to see the light and change their minds should the arguments be strong enough to do so. If that is their decision, good on them.

Mr Deputy Speaker, I move the following amendment to Mr Stevenson's motion, to make this motion about the real issues that are of concern to the people of Canberra:

That all words after "lack of credibility, and" be omitted and the following words substituted: "in view of the threat to health, education and responsible planning of the ACT by the Alliance Government".

These are the real issues. If we are going to look at a want of confidence in the Chief Minister, then we ought to look at his inability to deal with the real issues that are here. So the motion, if my amendment is carried, will now read:

That this Assembly has no confidence in the Chief Minister of the ACT in view of his lack of integrity, lack of credibility, and in view of the threat to health, education and responsible planning of the ACT by the Alliance Government.

I would like to speak, first of all, about the word "integrity". I do not see the situation as involving a lack of integrity in the Chief Minister personally, but a lack of integrity in him in representing his Government. I would like to distinguish this very carefully and I would like Mr Kaine to note very carefully that, by leaving this word in there, I do not make it a question of personal integrity at all. I believe there is a lack of integrity on the part of his Government - and I have said it on a number of occasions previously - in failing to ask Mr DUBY to resign; in fact, in failing to insist on Mr DUBY's resignation. I think this is a very good example of the lack of integrity of them as a government.

**Mr Jensen:** On a point of order, Mr Deputy Speaker; I do not believe Mr Moore is speaking to his motion.

**MR MOORE:** But of course I am, Mr Deputy Speaker; I am speaking about lack of integrity. I think that is perfectly reasonable.

**Mr Jensen:** It says "in view of the threat to health, education and responsible planning of the ACT by the Alliance Government"; there is nothing there about - - -

**MR MOORE:** I take the point, Mr Deputy Speaker.

With reference to those areas, I will move straight on and talk about the lack of credibility of the Alliance

7 June 1990

Government in other areas. With reference to the hospital situation - in the first place, we have a petition - - -

**Mr Collaery:** On a point of order, Mr Deputy Speaker; I draw your attention to standing order 81 and section 19 of the self-government Act. In my respectful opinion, Mr Deputy Speaker, that standing order applies. It states:

A motion of no confidence in the Chief Minister, of which at least one week's notice has been given, shall, until it is disposed of, take precedence of all other business.

Mr Deputy Speaker, I submit that you cannot allow an amendment to this motion without, firstly, the original motion being dealt with. Secondly, there must be at least one week's notice of this motion. This is backed up by statute. I ask you, Mr Deputy Speaker, to rule that the amendment is out of order and to cease allowing Mr Moore to address the issues in his suggested amendments.

**MR DEPUTY SPEAKER:** I will take advice on that, especially as you refer to section 19 of the self-government Act.

In relation to the point of order raised by the Deputy Chief Minister, I have received advice from the Clerk. I have looked at section 19 of the ACT (Self-Government) Act and also standing order 81, and as a result I believe that Mr Moore can amend the original motion, as he has moved, because his motion, as amended, still expresses a lack of confidence in the Chief Minister. Mr Moore, you can continue speaking to your motion.

**Mr Collaery:** On a point of order, Mr Deputy Speaker; you have not dealt with my second point: the need for seven days' notice to be given of a substantive motion, which this represents, to enable the Chief Minister preparation time to defend himself. I submit that this is the clear requirement of the legislation and the standing orders. I ask you to rule on my second point.

**MR DEPUTY SPEAKER:** I will briefly take advice on that second point, Mr Collaery. I do not know how much joy you will get.

I overrule you on that point of order, Mr Collaery, after seeking advice. It is still a lack of confidence motion, and it can be amended.

**MR MOORE:** You are unlucky, Mr Collaery, that you did not think of it yourself. That is why you have got the dirt. Just think what you could have done if you had thought of it. In fact, there is probably still time today.

If we are talking about a lack of credibility, we should take the situation where the Chief Minister gets a petition from over 40,000 people about the Royal Canberra Hospital and is totally dismissive about it. There were 40,000

people who were prepared to sign it. I think that reflects a tremendous lack of credibility.

With reference to the hospitals, we get a situation where the hospitals are basically about to be sold off and exchanged for private hospitals. Hence there is a further lack of credibility. Many people in Canberra do not accept the notion that these are unrelated events. In effect, what we have is a transition of Canberra from a public sector hospital community to a community divided, so that those who can afford it will be able to get better health services than those that cannot afford it. This is the reality of the situation and this is part of the lack of credibility.

We have a tremendous lack of credibility in the Chief Minister on planning issues, as he is able to bypass a court's decision by issuing a new lease on the Concrete Constructions site, which he did yesterday, and at the same time announce a redevelopment of a site in a manner that is inconsistent with the Civic Centre Policy Plan and with the Metropolitan Policy Plan. He is in the business of supposedly saving money for the people of Canberra, but that announcement will, in effect, cost us over a million dollars a year in recurrent expenses in public transport terms alone.

**Mr Jensen:** Oh, you are not believing that rubbish, Michael; come on!

**MR MOORE:** Mr Jensen is very well aware of that. He knows that to be the case.

**Mr Jensen:** Michael, that is fatuous and you know it.

**MR MOORE:** Mr Jensen interjects that this is fatuous and I know it. That is certainly not the case and I will emphasise it again - it will cost over a million dollars in recurrent expenses each year from the proposed development over what it would cost if that development took place in Tuggeranong.

With reference to education, of course, there have been massive protests already. The demonstration today and planned demonstrations tomorrow also emphasise the lack of credibility of this Chief Minister - and I emphasise this again - in the sense that he represents the Alliance Government, rather than on a personal basis. I would like to emphasise that again and again. Hence, we have a lack of credibility in education. Overall, each of these things fits into the failure of the Alliance Government to set social goals. That is the important factor. They do not know where they are going except that they are being driven by the dollar. In terms of the community of the ACT, this simply is not good enough.

First of all we have to set our social goals and know what the people of Canberra expect for their dollar. Then it is

7 June 1990

time to work out where to put that dollar and how to spend it. This is the major failure that gives the lack of credibility to this Alliance Government, because all the other areas of lack of credibility fit in as subservient to this.

I am pleased to have the opportunity to stand here today and move this amendment to Mr Stevenson's motion and so do away with further debate on the X-rated video industry, because that is a non-issue. It has been done. I am pleased to see that Mr Collaery has signed the document and has moved on beyond that. This gives us an opportunity to deal with the real issues and it gives us an opportunity to say where we stand. I turn particularly to members of the Alliance Government and ask that when they look at this they think about all the people who have approached them on these issues of planning, health, and education. They must ask themselves whether they really feel that they are providing the best services for the people of Canberra.

Can they look back and say what are their social goals? Have they genuinely set their social goals? Do they know where they are going, or are they setting them all not only by the dollar but also by the advice that they are getting, for example, from the Priorities Review Board? That review was carried out by a group of people who are clearly interested in dollar issues long before social goals. If the priorities are wrong, the credibility goes down. These are the issues that are most important and these are the issues on which this Government, represented by its Chief Minister, lacks credibility; on which this Government, represented by its Chief Minister, lacks integrity; and on which this Government, represented by its Chief Minister, deserves to have a motion of no confidence carried against it.

**MR DUBY** (Minister for Finance and Urban Services) (12.01): Mr Deputy Speaker, like my colleagues Mr Collaery and Mr Humphries - - -

**Mr Stevenson:** On a point of order, Mr Deputy Speaker; do we have an amendment to a motion? If so, are we speaking to the amendment or are we speaking to the no-confidence motion?

**MR DEPUTY SPEAKER:** We have an amendment to your no-confidence motion. Speakers after Mr Moore will speak to both the amendment and your substantive motion.

**MR DUBY:** As I said, like my colleagues Mr Collaery and Mr Humphries, I think that the waste of time that this Assembly has had to put up with in dealing with this motion today is far more indicative of a lack of credibility and a lack of integrity on behalf of Mr Stevenson than anything that the Chief Minister may or may not have done.

Let me say from the outset that I totally reject the concept that the Chief Minister lacks integrity, or

credibility, or is a hypocrite of any kind. I reject it totally. I have said this before in this house and I will repeat it again: in my opinion, there is no man of higher standing - or no woman, for that matter - than the current Chief Minister, Trevor Kaine. Indeed, I think the Chief Minister's actions indicate the reverse of what this censure motion is trying to imply. Since taking the reigns of office, the Chief Minister has worked constantly to ensure that the standard of living, the lifestyle, of people in the ACT is maintained at the high level that we would like to see.

I ask you: what integrity could we expect in a Chief Minister who is prepared to raise charges for hard economic reasons? I know the Government has done this in relation to rates, for example. I shall stick with rates as a good example, because they have risen substantially. They have risen substantially because they are required to rise substantially, the reason being that there is a genuine economic need to do so. What level of integrity would people expect to see in a Chief Minister who, while slugging the average man and woman in the street with the higher charges which unfortunately are required, let a revenue measure that was there at his fingertips go untapped? I am sure that people would say that someone who did that would certainly have no integrity and would have no credibility.

To go back to Mr Stevenson's speech, the whole issue is that originally, back in November - I believe that was the date - when the proposal to tax X-rated videos first appeared, the Chief Minister, acting then as leader of the Liberal Party, opposed such a measure. Mr Stevenson quite rightly quoted the Chief Minister and other members who were currently on this side of the Assembly as saying that they were opposed to such a concept, as my colleague Mr Collaery has pointed out.

Those comments were made in the Chief Minister's capacity then as leader of a particular party in the Assembly. Comments made by Mr Jensen, Dr Kinloch and Mr Collaery referred to their feelings as members of the Residents Rally party. Comments made by me, Ms Maher and Mr Prowse reflected our views as members, at that time, of the No Self Government Party. Given the change of circumstances which has occurred since then, I think it indicates that the Chief Minister is in a new role as leader of an Alliance government - not a Liberal government, not a Liberal-Rally coalition, not a coalition of anything, but a government which I feel has implemented policies which are different from those of all three groups. These policies in many ways represent better compromises and better services to the community than did those of the individual parties.

In this case I can see no signs of hypocrisy whatsoever or double standards of any kind. As I have said, Mr Deputy Speaker, Mr Kaine is the leader of an Alliance government,

7 June 1990

and, given the fact that the house has in the past on a number of occasions expressed the clear wish that X-rated films should not be banned and prohibited and that undue censorship would not be tolerated here in the ACT, it would be an example of lack of integrity for the Chief Minister to take any other action or to exercise his considerable force of will and leadership qualities to browbeat the other members of his Alliance Government into supporting the Liberal philosophy of banning X-rated videos entirely. Instead, what he has done is to recognise the realities of the situation and the clear wish of the Assembly and, given the parlous financial state that the ACT has found itself in, he has done the only honourable thing and bowed to the wish of the Assembly and introduced revenue measures against the X-rated industry.

It should be pointed out that this Chief Minister was not prepared to bring in revenue measures against that industry - as Mr Stevenson so often likes to say, "legitimising an industry" which I would like to point out again is already a legitimate industry here in the ACT - until the Government had addressed the very issue which Mr Stevenson and others of his ilk have raised: the clearly expressed community wish that something be done about X-rated videos. For this reason the Alliance Government has introduced the Publications Control (Amendment) Bill, which in effect regulates the X-rated industry.

In a lot of ways I am absolutely fascinated by this. I cannot follow the logic in Mr Stevenson's motion for, if anything, the person who has indicated a lack of integrity, a lack of credibility, and extreme hypocrisy is no-one else but Mr Stevenson. Many times Mr Stevenson has extolled the supposedly dreadful system and the dreadful things that X-rated movies do to the community as a whole, yet here on Tuesday Mr Stevenson had an opportunity to join with this Government in closing down many of those very things that he finds objectionable in X-rated videos, the distribution of them, the hire of them and the provisions which allow unscrupulous people to hire X-rated videos and distribute them to 13-year-old girls.

These are the very provisions which you would expect Mr Stevenson to support. But he says that this industry, which he is so opposed to, has got to be freely available in the streets; freely available in every supermarket; freely available at petrol stations and the like. If Mr Stevenson is so concerned about the availability of these materials, why did he not join with the Government in regulating them and making them difficult to obtain for minors, ensuring that people were not receiving unsolicited advertising material in the mail - things which he claims are quite offensive? He did not join in doing that. It makes one wonder what the reason is behind that. I challenge Mr Stevenson to answer that. He did not answer that in the debate on Tuesday. I doubt whether he would be able to answer that challenge now, for the simple reason that we know what his aims in this are. He is using this



whole concept of X-rated videos as a vehicle to push his extreme views.

I join with Mr Collaery in challenging Mr Stevenson. I ask: what are Mr Stevenson's views on important issues such as prostitution, racism, anti-Semitism, and the multifunction polis? These are the big issues, and sometimes one wonders whether they need to be debated here in this Assembly. What are his views on the treatment of women in society, on the provision of refuges, on child-care, on homeless children, on juvenile offenders and the proper care of them, on the mentally ill, on the disabled, and on the issue of drugs in our society? What are your views on these, Mr Stevenson?

We have heard your views on the multifunction polis. We have heard your views on the United Nations convention on the rights of the child. God knows, we have heard your views on X-rated videos. When are you going to get down to some of the real issues which are affecting our society here in the ACT?

**Mr Stevenson:** Give me unlimited time and you have got it. I challenge you to do that.

**MR DUBY:** You have had unlimited time, Mr Stevenson. You have had over 12 months.

**Mr Stevenson:** Do not make a challenge and give no time.

**MR DUBY:** You have had over 12 months to talk on all of these issues, and not once have you raised your ugly head and said anything about them - not once.

**Mr Stevenson:** That is not true, and you know it.

**MR DUBY:** That is true.

**Mr Stevenson:** Give me time, I challenge you. I return your challenge.

**MR DUBY:** I challenge you to state when you have spoken on women's refuges, child-care and homeless children. The answer is never.

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

**MR DUBY:** Finally, Mr Speaker, I will go to the remarks made by that newly-appointed member of the Assembly, Mr Connolly, who undoubtedly thinks himself to be some sort of debater of note. The point is, of course, that the Follett Government never did bring in any of those regulatory measures. The Follett Government did not support regulatory measures to confine and limit X-rated publications to those areas which the clear majority of the population wanted. We know why, of course. The reason is that that would have been difficult for the X-rated industry. It would have been a reneging on their 8,500

7 June 1990

bucks. It just goes to show you how cheap the Labor Party is to buy. Eight and a half grand is all it takes.

This specious argument that Mr Connolly came up with, that the Alliance Government now has a backhanded way of banning X-rated videos by not bringing in the regulations which the Attorney-General has given a firm commitment to do, just shows you that this man is really and truly an intellectual lightweight. We listened to a 10-minute harangue from him on this very issue when he went over the same point again and again. I will put a similar argument to him to show how ludicrous his complaint is. He is saying that, because the Alliance Government per se allowed a conscience vote on the issue, the Alliance Government in joint party can now gang up on those people who do not support a banning of things and say that it is now the Alliance Government's view that these things should be banned.

I give him a similar example. What happens in the Labor Caucus in the Federal Parliament if there are more Catholic members who may be opposed to abortion than not? Does that then give the Labor Caucus the right to instruct the Government to ban abortion? Of course not. It is a ludicrous argument that he put up. I have never heard of such a thing. This is a very good indication of the level of debate that we can expect from Mr Connolly. When you think about it, I suppose it is just the sort of act that a ratbag group like the mob of factions we have got over there would try to pull.

Then they talk about hypocrisy, and we have the ludicrous situation where these champions of the Adult Video Industry Association abstain. They have not got the guts to let their views be known in the Assembly; they abstain on the whole debate. They do not just abstain on the vote, Mr Deputy Speaker; they abstain on even participating because they do not have the guts to let people know where they stand. This is the simple fact of the matter.

**Mr Collaery:** Put their vote where their money was.

**MR DUBY:** That is right. They did not have the guts to put their vote where their money was. What a good line! Thank you for that. Mr Deputy Speaker, this whole motion is specious, and I reject it entirely.

**MR JENSEN (12.16):** Mr Deputy Speaker, from the outset let me indicate that I will speak only briefly on this matter today because, as my colleague Mr Duby has said, this is a specious debate. It is a clear and utter waste of time on the part of the Assembly today. There is much more important business to be done today. There are Bills to be passed and there is work to be done.

Mr Deputy Speaker, I will be voting against this motion put forward by Mr Stevenson today. As a member of the Rally, I joined my colleagues in the Alliance Government with a view to providing a stable majority government for the benefit

of all the people of Canberra and the ACT. At that time, I believed that Trevor Kaine had the integrity and ability to fully grasp the issues relating to the economy of the ACT, which was clearly in difficulty because of a long period of neglect on the part of Federal governments. This was clearly identified by Justice Else-Mitchell's recent report and it is a problem that even the Federal Labor member for Fraser, John Langmore, has accepted, although we find that the responsible Minister and member for Canberra, Mrs Ros Kelly, is not so forthcoming. In fact, she prevaricates on this issue at great length. It took her almost three days to be smoked out to talk on this important issue and its effect on the people of Canberra.

During the period since 5 December 1989 I have been given no reason to change my view in relation to the integrity or ability of Mr Kaine. If anything, my initial view has been strengthened, so I do not propose to say any more on that point. I will rest my case.

Let me comment briefly on my position in relation to the X-rated industry and that of the Rally, particularly my own since that has been brought into the debate by Mr Stevenson. If I had my druthers, the industry would be banned, not only in the ACT but throughout Australia.

**Mrs Grassby:** You have got the chance of doing it now.

**MR JENSEN:** I will come to that. This parliament has chosen not to pass such legislation, so in accordance with the policy of the Rally and the Government we have regulated the industry. This is something that the Opposition failed to do when it was in government and had the opportunity. As my colleague Mr Collaery has said, this was one of the reasons why it was not appropriate to support their tax.

The industry should be regulated if this parliament decides not to ban it in the ACT. In this case it was not inappropriate for the Alliance Government to tax the industry. Why should an industry that this Assembly has chosen to legitimise not be taxed? I may not agree with the industry, but why should we give it a free ride in the taxing arena? We must tax the industry, especially in view of the legacy left to us by past Federal and ACT Labor administrations. This is why I choose to vote for this tax, and I think it is important to put this on the record. I am indicating this stance to all people who write to me on this issue, and I will continue to do so. At least I reply to letters that come to me. Mrs Kelly, for example, has not seen fit to reply to certain letters that I have sent her on important issues affecting her constituency.

I refer to Mr Stevenson's comments on the suggestion that Canberra families, especially children, have the same degree of access to or spend the same time in the industrial suburbs to which it is proposed to send this industry as they do at the local shopping centre or in the

7 June 1990

heart of Civic. This is a misrepresentation of the situation and a specious argument in the extreme.

Let me now get on to the issue raised by Mr Connolly. If anything shows the integrity of the Government and its members on issues like this, it is the fact that Mr Collaery has clearly chosen not to apply the sort of double-dealing which might have been used by those opposite. Certainly, this was the sort of thing we came to expect from past Labor Federal Ministers. I can well recall the Canberra Times heading of 4 March 1989, "Holding's deal stuns Follett", and the editorial that went along with it. I think we all recall that. We also recall the cartoon on the same day that showed the then responsible Minister madly signing things as he was about to put out the lights. It was incredible, Mr Deputy Speaker. That is the sort of lack of integrity that you will not find on this side of the chamber. I rest my case on that particular issue.

However, I must challenge Mr Moore also, seeing that he has chosen to bring some information into this debate. I think it is important that when members choose to use information in a debate - in his case in relation to public transport - they should clearly identify where those figures come from so that, in accordance with normal debating practice, it is possible for us on this side to assess the arguments and refute where they come from. At least we can check that someone is not understating the issue- or, as Mr Moore did yesterday, stating the wrong page - or not using the correct document.

**Mr Moore:** On a point of order, Mr Deputy Speaker; here is a clear imputation. I explained in a personal explanation afterwards that there was a different book. The imputation here is quite inappropriate and I ask Mr Jensen to withdraw it.

**MR JENSEN:** Yes, Mr Deputy Speaker, I accept Mr Moore's comments on that. If there was any imputation about his character in that particular area, I withdraw it unreservedly.

I think it is time that, when such statements are made, members should be required to identify the source of their information, particularly when quoting from Hansard. We have seen this quite a lot from the other side and I think it is time to stop this sort of thing. On that basis I will conclude my remarks by saying that I have no doubts about, and complete faith in, the integrity and ability of the Chief Minister of the ACT. I am sure he will be here in his role for another two years and he will be here during the next term as well.

**MR BERRY (12.24):** This no-confidence motion is the second one that has been debated in this Assembly, and of course I think everybody recognises it for what it is. It is a stunt by Mr Stevenson. I must say that before I got to my

feet I was thinking about the improved behaviour of the Chief Minister and I wondered what it was that was driving him to improve his behaviour, because in the past sitting days it has been absolutely terrible, with personal interjections and all those sorts of things. I see that now that I have got to my feet we can expect more of the same.

As I have said, this is a stunt by Mr Stevenson. It is on the old argument of X-rated videos, but one thing that it does do, of course, is lead us to the arguments about the lack of integrity of this Government, the lack of credibility, the hypocrisy and the contradiction. Of course, the buck stops with the Chief Minister. The reason why it stops with the Chief Minister is that he is, after all, the chief architect of the Government, the guiding hand, and is therefore the author of their blueprint that was introduced into this house in December.

Where has it all led us? As I said earlier, it has led us into a government that lacks integrity, lacks credibility, and has taken hypocrisy to new heights, as it has done with contradiction. All these issues have been raised in this Assembly by the Labor team on many occasions, and they will be raised again and again as the Government repeats itself in respect of those behavioural problems.

Today we may hear the Chief Minister respond and we may hear him answer some of the charges. So far he has fostered the hypocrisy and the contradictions, and has added to the lack of credibility and the lack of integrity of the Government opposite; therefore, he wears it. He has defended the members of his Government - Government members who ought not be defended, who ought to be dumped. He has fostered the actions which have brought us to these charges.

From the beginning, when we were elected, some of the members opposite have done nothing to improve the image of this Assembly. As the leader of that group, the Chief Minister wears that as well. He wears the responsibility for the lack of credibility this Assembly has earned as a result of the behaviour of the members of his Government. It has been left to Rosemary Follett and the Labor team to lift the image of this Assembly, both in the - - -

**Mr Kaine:** Where is she? She does not even come in for the debate.

**MR BERRY:** I thought your behaviour had improved, Chief Minister, but it looks as though you are going to break out again. I repeat, it has been Rosemary Follett and the Labor team that have lifted the image of this Assembly, where possible, both in the ACT and in the rest of the country. Despite our best attempts, the members opposite still drag it down by the sort of behaviour that we see reported in the headlines in relation to Government members. These Government members are involved in criminal charges and - - -

7 June 1990

**Mr Jensen:** I raise a point of order, Mr Speaker, under standing order 62 dealing with relevance. I believe we have already had a ruling on this one.

**MR SPEAKER:** Please be relevant, Mr Berry.

**MR BERRY:** Indeed, I am, Mr Speaker. This Government wears the responsibility for those members who have been involved in criminal charges and have been taken into custody for serious offences in the community. Mr Kaine wears that because he, by doing very little about it, endorses that sort of behaviour in his Government.

**Mr Jensen:** On a point of order, Mr Speaker; I ask again that as you have already ruled once before that this matter is not to be brought into the debate - - -

**MR SPEAKER:** There is an imputation there on the Chief Minister as well. Please proceed, but to the point, Mr Berry. I am not sure of your point, Mr Jensen.

**MR BERRY:** So far as imputations are necessary to demonstrate a lack of confidence in the Chief Minister, Mr Speaker, I think they are entirely relevant to this debate. As I have said time and again, this Assembly has been drawn into disrepute. The Chief Minister has been seen to do nothing - this is the important bit - except pat the people on the back who have brought the place into disrepute. An example was the fluoride debate.

**Mr Collaery:** On a point of order, Mr Speaker; there is a clear imputation in the words "except pat the persons on the back". He is referring, no doubt, to Mr DUBY and Mrs Nolan and he is clearly implying that the Chief Minister approves of their conduct. That is a clear imputation when he says "pat them on the back". I ask that that imputation be withdrawn.

**MR SPEAKER:** I think that is a correct assumption. Mr Berry, please withdraw that imputation.

**MR BERRY:** Mr Speaker, he only patted one of them on the back publicly because he - - -

**Mr Jensen:** Mr Speaker, I raise standing order 202(e).

**MR BERRY:** He sang their praises publicly. He sang Mr DUBY's praises publicly, Mr Speaker.

**MR SPEAKER:** Mr Berry, please withdraw the imputation that the Chief Minister approved of the action.

**MR BERRY:** I withdraw that imputation, Mr Speaker, but I say again that the Chief Minister sang the praises of Mr DUBY publicly, even though this person - - -

**Mr Jensen:** I raise a point of order, Mr Speaker. My point of order relates to relevance within this debate. There are four items that can be discussed as I see it: health, education, planning, and the X-rated tax.

**MR SPEAKER:** Objection overruled, Mr Jensen. Please proceed, Mr Berry.

**MR BERRY:** The Chief Minister refused to sack him and so left himself open to these very accusations of hypocrisy and lack of integrity and to the condemnation of the ACT community. We have seen both the Liberals and the Residents Rally jettison their policies on the ground that they are in some form of an alliance. This lack of credibility is one response to the excuses that they have given in relation to their policy base. Hypocrisy is one of the more commonly expressed views of the community. Condemnation is universal. The actions of the Chief Minister do nothing to overcome this. They foster the actions which led to these charges against him.

The president of the Residents Rally party has quoted from the party platform and has demonstrated that their elected members have gone astray. Over and over again we see demonstrations of the hypocrisy of the Government. The main crime of the Government, fostered by the Chief Minister, is the destruction of this city, because this is what is happening with this Government and this is why this Chief Minister deserves to go.

I must mention something I found quite amusing this morning. I wondered what the Residents Rally leader in the house was doing last night. I bet he spent many sleepless hours wondering whether he should pass up this chance and thinking, "Here is the chance, here is the chance. If I let it go by now, will I ever get another chance again; will I ever get another chance again to vote for this motion of no confidence? Could I be Chief Minister tomorrow afternoon?". I wonder how long that kept him awake. I bet it kept him awake for a little while. I bet the Chief Minister has been worried about Mr DUBY, because until Mr DUBY puts his hand into the air the Chief Minister will not know what he is going to do. I can tell by his countenance that he agrees with me in this respect.

Mr Speaker, they are proud of the position that they have placed this Territory in. This is why the Chief Minister has to go and this is why the Government has to go. This will result in support from the Labor Party for this motion of no confidence. How could the Labor Party support a Chief Minister who has fulfilled the greatest fears of the community - the privatisation of the ACT and the talking down of the ACT economy.

This is the Chief Minister who parades as an accountant but who talks like a bookkeeper. The Chief Minister has shown that he has no understanding of this economy. The Chief Minister has shown that he has no commitment to this city.

7 June 1990

The Chief Minister peddles a simplistic argument about finances, based on a throwaway line from somebody else in another parliament - it concerns figures he has not even bothered to check. The Chief Minister has only read half of the Grants Commission report, it seems - the half that talks about cutting services. Mr Kaine and his Government have talked down investment in this city. Mr Kaine has scared off anyone who might have wanted to invest here with his gloom-and-doom talk. This city depends on a change in this Government. It will happen sooner or later. It should happen sooner, and this is why we support the motion of no confidence.

All this Government has had to do is to get out there and look at alternative ways to raise revenue and bring the ACT into line with other States, but of course they would have found that some of their business mates would have squealed loudly about that. This is not the Liberal way, and we know, now that the Residents Rally party has dropped onside with them, that the Liberal way is now the Residents Rally party way. This is the way it goes and this is what this whole Government is about. The formation of it is based on contradiction and hypocrisy.

This is the Chief Minister who heaped scorn on the Follett Government for the Business Franchise ("X" Videos) Bill, a Bill that would have raised millions. He voted against it. When his Government introduced a similar Bill, they supported it. The interesting thing about it is that, despite the divisions that had occurred in the Government previously, they all supported it.

**Ms Follett.** That was a conscience vote.

**MR BERRY:** Well, it is a different sort of conscience. They all supported it, and I am very pleased to say that the Labor Party was able to ensure that they were all netted into supporting it, because they could not rely on us to help them. They demonstrated their hypocrisy. The Labor Party by some chance was not in the house, but it demonstrated the hypocrisy of those opposite because they were all netted in.

Mr Speaker, there have been all sorts of publicly demonstrated hypocrisy from this Government which is deserving of a result that ends up in the demise of this Chief Minister. I mention Mr Collaery's condemnation of the Follett Government when he supported the first motion of no confidence against the Chief Minister - the hypocrisy that follows from that, in particular in relation to planning issues. We have still not got planning legislation before this Assembly, and it was the members of this Government opposite that complained loudest when, after four months, the Labor Party had at least moved some way to doing something about it. They have still done nothing. It is still not out. It is still not a piece of law in this Territory.



Mr Speaker, what we have achieved in the course of many months of this Assembly is a turnaround from a strong government aimed at furthering the interests of the ACT to a government now headed by a Chief Minister who has demonstrated a lack of integrity, a lack of credibility, hypocrisy and contradiction. If this continues it will do further damage to the Territory. This Chief Minister should be dumped for his failure to bring the ACT forward. He should be dumped because he has taken it into the dark past.

**Sitting suspended from 12.40 to 2.30 pm**

**MR WOOD** (2.30): Mr Speaker, I have no confidence in Mr Kaine and I believe very few people in Canberra have. There is a strong demand out there for things to change. If people could - and regrettably there is no avenue for this - they would have an election so that we could get rid of this Government and return sanity and normality to this Territory. I have no confidence in Mr Kaine or his Government, particularly because of the steps they are taking to destroy our education system.

But first I want to comment on Mr Stevenson's remarks. I believe that his exercise today was fair. I believe any member in this chamber is entitled to quote back to any other member words that he or she has used or policies he or she has espoused. Let me say for myself that I am more than prepared for any person to quote back to me things that I have said. I am prepared for Mr Stevenson, or any other member, to do that and I am quite prepared to be judged on the strength of my remarks.

Indeed, the other day Mr Humphries quoted some words at me. I am quite pleased he did so and I am quite prepared to stand by those words. Mr Jensen quoted something the other day that I had written, and I stand by those words. If I was wrong on any occasion, I would hang my head in shame if the words that I had used had not subsequently been borne out in my actions. It may be that circumstances change, but they do not change that rapidly in six months. The only qualification I would make is that over a period of years, with the passage of time, any person is entitled to modify his or her views as experience changes and as people change their outlook on life.

Today, when their words were quoted back at them, members on the Government benches wriggled and squirmed to try to avoid them. I have seen embarrassed Government members not wanting to recollect what was said just a short time ago. Mr Collaery might put me right if I am mistaken, but I recall that at the outset of his speech he made some comments - and I am paraphrasing his words - about it not being sensible or good to criticise people in the personal way that Mr Stevenson was alleged to have done.

**Mr Collaery:** No, I did not say that.

7 June 1990

**MR WOOD:** You did not say that, well, fine.

**Mr Collaery:** I read a quote from the League of Rights journal.

**MR WOOD:** Well, you read a quote. For what purpose?

**MR SPEAKER:** Order! Please address your comments through the Chair.

**MR WOOD:** Yes, indeed. You read a quote to support your argument, but indeed by the end of your speech you were following that same course yourself. The Government seems at this stage to have fallen back on a rather strange argument. It seems to be saying, or trying to say with great difficulty, that it is simply doing what the Assembly wants. It suggests that it is following the instructions of the Assembly - that somehow out of the loss of Mr Stevenson's proposal to ban X-rated videos comes a proposal to tax X-rated videos.

On the subject of X-rated videos, there have been two motions before this Assembly. The first was last year when the then Follett Government's proposal to tax them was defeated. So, if the Government is calling on that for support, I do not see how it can do so. The second was Mr Stevenson's motion earlier this year to ban X-rated videos, which was also lost.

As a result of those two motions, I can see no argument that the Government can now use to say, "Well, by taxing X-rated videos we're just doing what the Assembly wants". That is an entirely spurious argument. It has no foundation and it shows the difficulty in which the Government is finding itself in its attempt to justify what it is doing.

I want to express my lack of confidence in this Government principally because of the way it is mishandling major changes to education. Let me emphasise that these are major changes. We are not closing a school here or there; we are not proposing some modification to curriculum; we are not making minor adjustments. The Minister announced, almost as though it was off the top of his head, that he was going to close up to 25 schools. He is proposing a major change. Subsequently, it has been clearly demonstrated that all this is being done without any planning at all. There has been no forethought given to it. It was dropped off the top of his head and he is endeavouring to make adjustments subsequently.

This is a major change. If it is to proceed, it requires the most careful, detailed planning. Such a mammoth change requires very careful planning beforehand and very careful implementation if it is to have any hope of succeeding without severe distress to the education system.

The planning that ought to be put into place on this matter would cover a whole range of areas, but nothing would happen until that planning had carefully assessed all the ramifications of what was proposed. But, time and again, Mr Humphries has stood up here and at public meetings and has said, "When we decide what schools we'll close, then we will make the adjustments. We'll find out how much we need for extra buses and so on". After the event he will then take compensating action.

I do not call that planning; I call that disastrous action. Of course, we must realise, I suppose, that the Minister has one thing in mind - to save money. But the problem is that he is acting on an assumption of saving, and that is all it is. He is assuming there are money savings to be made. I have pointed out at other times - and I maintain the point of view - that, on the meagre, still unsubstantiated savings he claims, there is still no reason to close even one school. Since that time serious doubt has been thrown on the validity of any figures that he has proposed. He makes the assumption that there is something to be saved and that is all. We should not go down the path of making mammoth changes and then making the necessary adjustments after that.

**Mr Humphries:** You have to go and see them to know what is going on.

**MR WOOD:** We are not dealing just in numbers, Mr Humphries. It is not a numbers game. We are dealing with children. We are dealing with the students in our schools.

**Mr Kaine:** Who are being agitated by their teachers; listen to the voices outside.

**MR WOOD:** I can hear a lot of students out there.

**Mr Kaine:** And some adult voices agitating. It is absolutely shameful.

**MR WOOD:** I can hear a great number of students out there - about 2,000. Perhaps you should go out and listen more attentively to the point of view they express. They are students, and those students are concerned. We are concerned on this side of the house and we do not see evidence of that concern on the part of the Government. It is not just a matter of changing numbers on a sheet of paper and saying, "All right, now we can take these 100 children from this school and put them in that one", or, "We will take out 300 from there and we will spread them in these directions". That is not the way it should be done, but that is the way in which it appears the Government wants to tackle the problem.

We had the data on numbers from the Minister - eventually - but that did not say what was behind it all. If this had occurred in the New South Wales system - and people have demonstrated that this is the case; they have shown us the

7 June 1990

documentation only in the last week, although we already knew about it - and if a much lower scale of cuts had been proposed there, there would have been the most comprehensive surveys to see what the impact would be. The New South Wales Education Department would not just change numbers and adjust afterwards; it would survey beforehand so it knew the outcomes, the options which might present themselves, and the best way to go. But we do not have any evidence of that here.

I believe we have very competent people in our Education Department who could do that, but they have not been asked to. Again, in any other system there would be a careful examination of costs. It would not be simply a matter of saying, "This is what we think we will save". It would be detailed with all the offsetting costs also indicated. But only grudgingly is this Minister beginning to go down that path and then only because very competent people in the outside community are starting to draw his attention to these matters.

Since this is such a massive change - 25 out of something like 110 or 120 schools, or about one-fifth - one would think that there would be the most careful survey of the social impact on families, on children and on communities, but there is no suggestion of that. This is normal planning that ought to be done, considering the impact of the Government's measures.

Another area that should be explored is that of the educational outcomes. The criteria that were drawn up - and maybe they will change - paid no respect to educational outcomes at all. So we can see that there has been an absolute lack of the planning measures necessary to meet what the Government is doing. It is no wonder that I have no confidence in this Government and that the community at large has no confidence.

Mr Humphries and his colleagues are moving altogether too slowly to accommodate the demands from the community that this matter be explored in a proper way. We are dealing with the education of our children. It is no small matter and should not be treated in the entirely inadequate way that this Minister and this Government are proposing. Their planning is entirely incompetent. It is no wonder that they have not got the confidence of anybody at all in the community.

**MR STEFANIAK (2.43):** It is a shame Dennis Stevenson is not here because I do not want to dwell very long on the points he raised. We had most of that debate effectively last Tuesday night. I just remind Dennis Stevenson of the obvious numbers in this Assembly in favour of not banning X-rated videos - nine to eight. I would also remind him of my words in relation to the rat plague, as an illustration of why the Liberal Party voted for this series of Bills which came forward on Tuesday night. What Mr Stevenson is proposing in relation to his supposed constituency in this

X-rated video debate is not doing them any service. At least with that legislation which we passed on Tuesday night we have regulated and restricted the areas where X-rated videos can be supplied. With Mr Stevenson's proposal, even that would not be done. So I think he is being a little hypocritical. I do not really want to talk any more on that; I said all I needed to say on that matter on Tuesday night.

However, I do wish to speak to other points of this motion - indeed, Mr Moore's amendment. Mr Connolly is right in one thing he said: videos are not the issue. Clearly they are not. I think that Mr Moore's motion is probably a little more relevant in that he talks about the performance of this Government. In my opinion, this Government is performing very well in very difficult times.

When we talk about motions dealing with lack of integrity, lack of credibility, and extreme hypocrisy, we should not really be using those terms in relation to this house. I think that lack of integrity, lack of credibility, and extreme hypocrisy have been demonstrated by the Federal Labor Government in its attitude to the Australian Capital Territory. Let there be no doubt about the fact - again, I think it is a shame Mr Stevenson, as the proponent of abolishing self-government, is not here - that the Federal Labor Government gave this Territory self-government with a view to ensuring that, so it said initially - - - (Quorum formed)

As I was saying before my colleague raised the fact that a quorum was lacking, which is not the case now, if we talk about lack of integrity, lack of credibility, and hypocrisy, I think that really is the purview of the Federal Labor Government which, when granting self-government to this Territory, was supposed to ensure that there were transitional financial arrangements which would continue for a certain period of time.

The two reviews conducted so far, especially the Else-Mitchell review, instigated by the Chief Minister, have clearly shown how lacking the Federal Government is in that regard, how it lacked real integrity and credibility, because the bottom line is that our debts are quite extreme. I saw a figure of a \$796m shortfall in what the Federal Government should be providing for this Territory. That is really quite shameful. That is something which, as the Chief Minister stated recently, this Government is going to take up with the Federal Government. It is also something we have to address because there is simply a lack of money; we are on our own; we are standing on our own two feet.

I suppose it is questionable whether we can get all that we should from the Federal Government and we simply have to make do with what we have and make self-government work. Much of what is in the report of the Priorities Review Board indicates the general thrust that this Government

7 June 1990

should be pursuing. There is a lot of good information in that report and many good suggestions which will be considered by this Government. A number of initiatives have been taken already, especially - and very controversially - in the health and education fields by the Minister for Health, Education and the Arts, Mr Humphries. Those are controversial decisions. But controversial decisions have to be made for the benefit of this Territory.

In the circumstances, I think both Mr Stevenson's motion and Mr Moore's amendment are nonsense motions because this Government, in my opinion, is doing well in troubled times. Indeed, it will continue to address the real issues and the real problems facing the Territory. There is no greater problem than the cutting off of Federal funds to which we have been so used. The fact is that we are now very much standing on our own two feet.

I reiterate that any lack of credibility and integrity and any hypocrisy really rest with the Federal Labor Government and not this ACT Alliance Government. (Quorum formed)

**DR KINLOCH (2.50):** I also would like to acknowledge Mr Wood's opening comments about having one's words quoted. I was rather delighted to hear Mr Stevenson quoting those words. I will certainly stand by them. Indeed, I would like to strengthen them.

I acknowledge and, indeed, honour the strength of Mr Stevenson's opinions. I will not quote Voltaire fully, but he has every right to have those opinions and he does it courageously. I share many, although not necessarily all, of his views on the hard-core pornography issue. I will continue to support him in his efforts to make sure that the ACT joins the States of the Commonwealth in protecting the civil rights of women and children vis-a-vis hard-core pornography.

But I ask Mr Stevenson to recognise that the Bill to ban X-rated videos was lost. I regret that. As he well knows, I am not happy that this industry continues to exist in our national capital, and I urge him to continue his fight to have this industry banned from the ACT. But the Bill was lost. The question then was what to do next. Of course, a purist answer is always to say nothing but the pure.

**Mr Berry:** Well, say it in the joint party room.

**DR KINLOCH:** Mr Speaker, I raise a point of order under standing order 61. I personally object to being interrupted.

**MR SPEAKER:** Thank you, Dr Kinloch; please proceed.

**DR KINLOCH:** I am going to insist on standing order 61, and I ask you to name people if they interrupt.

That vote on banning X-rated videos was lost. The question then was what to do next. There was a range of views within the Alliance Government on what to do next. One could take a purist position and say, "We go back to square one and say we cannot have any of this; but we will just let them go on living and that is that".

Mr Stevenson's motion and Mr Moore's amendment are directed towards Mr Kaine. I am glad to notice that Mr Moore was most careful not to attack Mr Kaine personally, and neither should he have and neither should Mr Stevenson. I have not known Mr Kaine for long - only since the 1989 election. Since then we have had good relationships as colleagues, first as joint members of the Opposition, then in our careful negotiations in forming the Alliance Government and then in the joint party room of the Alliance Government. In that joint party room, things sometimes get heated, and I apologise for the times when I have been partly responsible for that.

Consistently, my friend and colleague Trevor Kaine has opposed the hard-core pornography industry. He was steady and consistent in that matter. He and his party have always been consistent in that matter, as we have also heard from Mr Stefaniak. He and his party were consistent in voting with Mr Stevenson several weeks ago. That vote was lost, but Mr Kaine has steadily stood up to be counted on that matter.

Mr Kaine, as Chief Minister, then faced the realities of the situation. The matter of a proposed tax was brought to the joint party room - not by him. He was the chair of that meeting. The matter was debated and a majority voted in favour of imposing a tax. I ask members of the Labor Party to consider what they do in their party room. I do not feel free to comment on the details of the party room debate, and members may well speculate on the majority and minority votes on the issue. It was an example of the democratic process. I honour that process. The Alliance Government came to a decision based on changed circumstances after a vote which, in a sense, most of us had lost. Our Chief Minister acted responsibly and properly throughout the processes which led to the decisions made in this place last week. But the matter is not ended and Mr Stevenson will make sure that it is not ended.

**Mr Berry:** This would have to be the phoniest attempt yet.

**DR KINLOCH:** Under standing order 61, I must point out that, every time someone interrupts, the speaker loses some time on the clock.

I support Mr Kaine unreservedly as our Chief Minister. I hope he will not object to the remarks of an older man, when I say, not merely with loyalty but also with affection, that I have watched him grow both in effectiveness and stature as he has faced up to the very

7 June 1990

great problems that we have inherited from the Federal Labor Government. I reject Mr Stevenson's motion. Therefore I will certainly vote against it and I regret that he felt he had to bring it forward. I do not think it has served the better purposes of this Assembly.

Finally, may I say to Mr Stevenson that I continue to regret that the ACT has not joined the States of the Commonwealth in the matters we care about. On that matter, I had to bow to a majority vote, as I have bowed to other majority votes on matters I have cared about. On this matter I had a clear choice. If one is a total purist - and I find this is a constant dilemma - one can say, "Right, I have lost that; I now resign". I do not think that is a proper procedure. I do not think resignation is something that should be done lightly. I think it should be kept in reserve for something of very great weight when one thinks one can really make a difference.

I could accept a majority vote of the joint party room or I could resign. It was never a live option for me to resign from the Alliance Government on this issue, not only because I am fully in support of Mr Kaine as our Chief Minister - and he acted totally properly in the way things proceeded in the joint party room - but also because it would have been no more than an ineffective political gesture, a kind of political rhetoric in which I did not wish to be involved.

In any case, there are other much larger issues - I want to agree with Mr Moore here - with which I wish to continue to be involved in the joint party room. One cannot resign over every issue. I wish to be in the joint party room for discussions and debates about such matters as the environment - for example, the Ainslie tip, an issue which is yet to be decided by the Government - and education, another matter which has yet to be decided by the Government. When I say "the Government" I mean the 10 of us who are in the joint party room. (Quorum formed)

Then there is the question of the proposals on section 19, which will come up next month. I stand by my earlier comments, as quoted by Mr Stevenson, and will state them again even more forcefully when he reintroduces his Bill to ban hard-core pornography. But for the moment let us get back to business and give our excellent Chief Minister freedom to get on with the very difficult task of governing this Territory.

**MRS GRASSBY (2.58):** Mr Speaker, before I start my speech I want to point out that I will be speaking to the amendment, not to Mr Stevenson's motion. I have already told Mr Stevenson the reason for this and he will not like what I am going to say. There is no way that I could vote for anything Mr Stevenson put up. I have in my hands a book entitled *Racist Propaganda in Australia: The Handbook of Hate* and most of it deals with the League of Rights. I am sorry, but I am afraid I cannot support anybody who attends League of



Rights meetings. So that is out. But I am supporting Mr Moore's amendment.

Before I discuss that, I would like to tell the house why I walked out during the vote the other night. I walked out because I thought members were being rather hypocritical. There were three people here who I did not think were hypocrites because they voted against banning X-rated videos. My argument is that, if you are going to vote against something, you should not then turn round and tax it. I am afraid I was angry about that, so I made up my mind I was not going to be here for the vote. Mr DUBY, Ms MAHER and Mr COLLAERY voted with us against banning these videos; the others voted for a ban, yet when they lost they were prepared to tax them. I was disgusted, so I did not vote.

Getting back to Mr Moore's amendment, I point out that the Liberals stood for election on a slogan which said: "Liberals, a government you can afford". Just let me start with a few of the things that we cannot afford: increases in taxes and charges way above CPI figures; rates increased by 16 per cent in 1990-91, an increase which, in real terms, is nearly 10 per cent, well above CPI figures; bus fares increased by more than 9 per cent, the second increase in six months. When I was Minister I had already increased bus fares as well as parking fees. The increase is double the CPI increase which, for the same period, was about 3.5 per cent.

Cuts in health and education simply reflect the Liberals' priorities for the ACT. The agenda is privatisation for its own sake and cutting for the sake of cutting. This Government is headed by a Chief Minister who has himself admitted that there will be a lowering in educational standards in the ACT. Many other attacks are planned on services, as outlined in the Priorities Review Board report. Mr KAINE is no more than the Assembly's snowman.

Closure of the Ainslie Transfer Station is another example of the broken promises of this Government. It promised to maintain the standards that the ACT residents were used to. All this is from a Chief Minister who said constantly during the 1989 election campaign that there would be no real increases in rates and charges and that there would be no decreases in the services provided to the ACT residents.

Obviously the Chief Minister's words are hypocrisy and humbug. The standing of this Government in the community can be judged by a quick look at the letters to the editor in the Canberra Times. In today's column there are eight letters, six of which are critical of the Government. The people of the ACT are fed up with this hypocrisy from members of a government whose only agenda is to flog off as much of the ACT's assets to their mates as they possibly can. They are just a bunch of puppets. Their strings are being pulled by Mr SNOW and they are dancing to a tune played by Mr HINDMARSH.

7 June 1990

I have no confidence in this Government and, as I said, I cannot vote for Mr Stevenson's motion because I could not vote for anything Mr Stevenson put up, on principle. However, I could support the amendment of Mr Moore, who put it very correctly that this Government is destroying our beautiful city. The sooner it goes the better.

**MS FOLLETT** (Leader of the Opposition) (3.03): Mr Speaker, this motion proposes that the Assembly has no confidence in Mr Kaine in view of his "lack of integrity, lack of credibility, and extreme hypocrisy". It goes on to mention a particular demonstration of those characteristics in relation to the X-rated video tax. The issues of integrity, credibility and hypocrisy are ones which I believe this Assembly must consider very carefully.

It would be possible to treat this motion of no confidence in Mr Kaine in a directly personal sense and to concentrate solely on an examination of his personal performance, his successes and his failings. In certain situations, it might be appropriate to concentrate solely upon the individual performance of the Chief Minister. But we should recognise that in this Assembly a resolution of no confidence in the Chief Minister is the basis on which a whole government stands or falls. While this motion provides an opportunity to make some comments about the Chief Minister's performance, I believe it is far more important for the opportunity that it provides to review the performance of his Government.

There can be no doubt that the current Chief Minister, personally, and most members of his Government do lack credibility and have demonstrated extreme hypocrisy in view of their passage of the X-rated video tax just six months after they defeated the same proposal in this Assembly. The Chief Minister and his associates have tried to justify their change of heart by saying that the Assembly has now voted to retain the X-rated video industry. The industry was legal in November last year and it is legal now. The Chief Minister said last November that taxing would legitimise the industry, yet he sees no conflict in going against his principles to do so now.

I think that reasonable observers would forgive me and others on this side for expressing a degree of anger at this hypocritical and cowardly behaviour by the Liberal Party and the Residents Rally, who in their usual opportunist manner used this issue as the only excuse they could find to remove my Government. But the X-rated video tax is only the tip of the iceberg. It is really the least important of the many reasons why the Canberra community already has no confidence in this Government and why this Assembly should now join it.

Mr Speaker, I have spoken repeatedly in this Assembly and elsewhere about the need for stability and predictability to allow the local community to adapt to the new conditions

under self-government and the move to State-type financing of the ACT. Indeed, Mr Kaine has made similar statements on a number of occasions. In almost 13 months since self-government, the people of the ACT have seen two very different approaches to stability and predictability.

In speaking to a previous no-confidence motion last December, I indicated my belief that we needed a stated and certain agenda for the ACT. I outlined the Labor record. I traced the way in which the policies of the Labor Government could not be considered any surprise because our agenda had been outlined at the start of government, and every major action taken during those seven months could be traced directly to the proposals and the platform which we put before the people of the Territory at the 1989 election - and that platform included that there would be no school closures.

Mr Speaker, there could be no greater contrast than the present Government. Stability, predictability and social responsibility have gone out the window. Let us examine Mr Kaine's speech in this place on 7 December last when he outlined his Government's supposed program. Let us also consider the Liberal Party and the Residents Rally election promises and their actions since that time. We will see then the lack of integrity, the lack of credibility, and the extreme hypocrisy of this Government.

The first and one of the most important parts of Mr Kaine's speech on 7 December was to do with the economy and the budget. I will quote part of that. Mr Kaine said:

We will develop a comprehensive five-year financial plan, clearly spelling out to the community the Government's priorities and intentions. Our five-year plan will identify the programs which the Government will put into effect to satisfy the needs of this community. The first five-year plan ... will provide the basis for the compilation of the budget for the next financial year.

That was what this Chief Minister promised and, of course, none of it was true. There has been no five-year plan and no clear statement of the programs we may expect from this Government. All we have seen is the usual three-year forward estimates which reflect no change in government policy, plus the usual dose of Liberal rhetoric about efficiency and small government. It is absolutely clear that the next budget is being framed in the complete absence of a five-year or any other long-term budget strategy. On this matter, as on so many others, Mr Kaine and his Government lack credibility.

Mr Speaker, Mr Kaine said a lot on 7 December last about planning, development and the environment, but this Government's only real contribution has been to allow the public servants to continue with the drafting of the

7 June 1990

planning, development and environment legislation package which we initiated last year. The draft legislation which it has tabled so far is a direct descendant of our discussion paper and the drafting instructions which we set in place last year, and it is still all in draft form.

This Government has as yet made no decision on section 19, which is one of the most important planning decisions affecting the future of Civic and a potential large contributor to Territory revenue. Yet again, the lack of credibility emerges when we see that the Chief Minister said last December, six months ago, "This matter must be resolved quickly". Well, Mr Speaker, why is it still unresolved? We have had six months on a matter that the Chief Minister clearly considered urgent. The simple fact is that the Chief Minister and his Government are unable to make a decision.

Then, of course, we have the Government's contradictory behaviour on the environment. We have seen that, while this Chief Minister professes a concern for the environment, he cannot answer the most simple questions on the subject in this Assembly. His much-heralded environment strategy has been described by the environment movement as "wishy-washy". It is all talk and no action. It is full of examine, examine, examine and consider, consider, consider.

The Government's real actions which affect the environment are typified by the Ainslie Transfer Station closure. That was a decision to make small savings for the Government and transfer large expenditure to private individuals, a decision which dealt a body blow to recycling in north Canberra, a decision which will see private cars being driven an estimated one million extra kilometres per year, on your own figures. Again, I say that there is no integrity, no credibility.

On 7 December, Mr Kaine talked about education. He talked about a schools board of management which would reverse a supposed centralising of control and restriction of input from those involved in education. Mr Kaine was going to "restore the ideals of participation and autonomy". He promised a green paper which would be released early this year. The Chief Minister lacks credibility because there has been no green paper. What we have seen instead is a cynically named "restructuring" proposal, the effect of which is the total destruction of the neighbourhood school system. The secrecy, lack of information and half-formed proposals from the Government give the lie to those statements about participation and autonomy in education.

Then we turn to health. Nobody ever expected the Liberals to support the public health system. Their agenda has always been to place health services in the hands of private individuals for private profit. Nevertheless, I believe even the most hardened cynics must have been somewhat unnerved by Mr Kaine's casual dismissal of the

views of 41,000 citizens who want to retain Royal Canberra Hospital.

But it is the Residents Rally members, once again, who really lack integrity and credibility and who are the extreme hypocrites on this issue. It was they who led the charge last year suggesting that the Labor Government was going to close Royal Canberra Hospital. It was the Residents Rally members who shouted the loudest about the importance of this community service, and it is the Residents Rally now which has rolled over without a whimper in the face of the Liberal onslaught.

Mr Speaker, I would ask Dr Kinloch in particular to examine his conscience, which he has already told us about, in relation to Royal Canberra Hospital, the closure of neighbourhood schools, the closure of the Ainslie Transfer Station and this Government's double standards on X-rated videos. Dr Kinloch has expressed a firm position in relation to these issues. He must understand that, while he votes to support this Government on these issues, he is supporting the very opposite of everything he ever stood for. He has a vote in this Assembly for which he alone is responsible and for which he - not the joint party room - must be held to account.

The Chief Minister's remarks last December about equal opportunity for women are belied by the actions of this Government. The real views of the Liberal Party were apparent when Mr Stefaniak attempted to remove funding for women's programs from the budget. While sense prevailed on that occasion, the Government's hypocrisy is revealed by the fact that most of the money has not been spent. It has implemented budget cuts affecting women by stealth.

The women's enterprise service was designed to promote economic self-sufficiency for women. The Government has scrapped the program and pocketed the money without any announcement. Of course, its lack of concern is highlighted by the fact that Mr Collaery has sat on his hands for six months and done nothing about the changes to the domestic violence law which were in draft form last December. The Government's lack of credibility on this issue is highlighted by the fact that Mr Collaery made a public promise on this question two months ago which has led absolutely nowhere. Mr Collaery has similarly obfuscated shamefully over the matter of a human rights office and anti-discrimination legislation.

Mr Speaker, last December Mr Kaine promised us "a government that will inspire pride and confidence in this community and strive to achieve all of our objectives". How can the community have either pride or confidence in a Chief Minister who allows Mr DUBY to stay as his Transport Minister? How can the community have any confidence in the integrity or credibility of a government where the Transport Minister has convictions related to drink-driving? Mr Kaine should have accepted Mr DUBY's

7 June 1990

resignation, just as he accepted Mrs Nolan's resignation. If, as I suspect, Mr Duby lacked sufficient integrity to offer his resignation, he should have been sacked. He should still be sacked.

Mr Speaker, this Government does lack integrity, it lacks credibility and its members have demonstrated their extreme hypocrisy in more ways than Mr Stevenson's narrow focus. How can the community have any confidence in a Liberal leader who campaigned for a "government you can afford", when he cuts education, health and services, increases rates and decreases jobs in every area of government service?

It is a government that Canberra cannot afford. The damage done by this Government is far more deep-seated than any individual stupid decision, although there have been a few of them. It is reflected in a growing cynicism by the public and a slow corruption of the standards of public life.

Mr Speaker, in conclusion, I would like to say that I accept that Mr Kaine's rag-tag coalition gives him the numbers to continue in government, and we have quite obviously seen the ranks closing around him today, but I call on Mr Kaine and every member of his Government to show, albeit somewhat belatedly, the integrity and honesty that the people of Canberra deserve.

**MR KAINE** (Chief Minister) (3.17): Mr Speaker, I have listened very carefully to the comments that have been made in this debate today over a period of more than three hours. I think I am somewhat of an introspective person and when somebody develops an opinion of me such as has been expressed in this motion I feel obliged to consider carefully whether that view is justified.

I have been listening very carefully today to both sides of the argument to see whether there is indeed any truth or any justification in this. I notice, Mr Speaker, that the Leader of the Opposition again, having fired her barbs, disappears from the floor and is not interested in my rebuttal. She does not want to know about it, yet she talks about integrity and uses other words that I will go into later.

As opposed to the opinions expressed by my political opponents, I feel absolutely compelled to set out, not expressions of opinion but a few basic facts. The proposer of the original motion is rapidly gaining the reputation around the city of being somewhat of a resident Jeremiah. Nevertheless, I believe that he feels himself honestly justified in the motion that he put forward. I understand the reasons why he has put forward this motion and I believe that he is quite honest about that.

But the disturbing thing is that this motion is being supported by a Labor opposition still writhing from the

bitterness of their defeat last December - and supported, despite the rhetoric, for reasons that are less than worthy. In attempting to justify themselves, Labor members have said many things which I think they have said often with tongues in cheeks.

They have been guilty of gross distortions and misrepresentation of the facts, just as they have been over the many weeks since they lost government. I refer only to the most recent speaker, the Leader of the Opposition, who talked about my reducing standards in schools and hospitals and cutting, cutting, cutting.

Mr Speaker, I have not yet cut anything - not a single thing - but the Leader of the Opposition gets up and makes that statement as though I have already done these things. That is gross distortion, gross misrepresentation. I am sure that the media are not fooled by it and what goes out to the general public after this debate today will not represent what the Leader of the Opposition has grossly misrepresented. I am quite confident of that; I am sure that the media will report the facts and not the distortions or the misrepresentations.

Mr Stevenson claims that my approach to X-rated videos is a contradiction. He asks how, if I agree they should be banned, I can be prepared to put a tax on them, as though there were some immutable bond between the two things. As has been said this afternoon, the ACT Liberal Party's policy clearly states that both X-rated videos and videos which are excessively violent should be prohibited. That is my personal point of view. I remain committed to that. That view has not changed.

However, the Alliance family policy upon the matter is that the distribution and sale of such videos be confined to areas which are not readily accessible to children. That is not the Liberal Party policy; it is the Alliance Government's policy. When Mr Stevenson's motion to ban X-rated videos was put to the Assembly, I supported it - he knows that - because that supports my own personal view. But clearly it was not the Assembly's wish to ban X-rated videos and consequently they remain unbanned; they remain legal.

Mr Speaker, as you know, as everybody in this Assembly knows, and as the people in the gallery know, I do not lead a Liberal government - I lead an Alliance government - and the consensus of the Alliance partners does not fully support Liberal policy on this matter. That is regrettable, but it is a fact. Neither, incidentally, does this Assembly. My vote is but one amongst the members of three parties, and on many occasions my vote is not with the majority on some issues. That is as it should be. This is a democratic government that I lead. I do not run a Labor Party caucus, where somebody is bulldozed into adopting a position, whether he or she agrees with it or not.

7 June 1990

This Assembly does not support my personal view either because, if it did, it would have banned X-rated videos months ago. A vote of the Assembly was taken in April and it was defeated, Mr Speaker, as you will recall. Such videos continue to be available legally in the Australian Capital Territory as a result of that vote, Mr Connolly's subterfuge notwithstanding. I would love to see whether he pulls that one if ever he gets into government. He will be the laughing-stock of the Territory if he does, and he knows it. If he pulls that stunt in government he will be dead.

Since then the Assembly has gone further, imposing a 40 per cent tax on the wholesale revenue of these X-rated videos. In these times of financial stringency, I have little alternative but to accept the Assembly's view - the majority view - and apply that tax. There is clearly no contradiction on my part; my position is clear. If ever I lead a Liberal government that can ban this product, it will be banned.

**Mr Connolly:** You can ban it tomorrow.

**MR KAINÉ:** You know that is not true, Mr Connolly.

**Mr Connolly:** It is absolutely true.

**MR KAINÉ:** Push your line. It is another distortion, another misrepresentation, and you know it. But keep on pushing it, mate, because you are in Hansard and I will make sure that this comes back to haunt you.

**Mr Wood:** The Rally did not want the tax; the Liberals did not want the tax; who wanted the tax, for heaven's sake?

**Mr Doby:** I did.

**MR SPEAKER:** Order!

**MR KAINÉ:** Mr Speaker, I sat for three hours and listened carefully, but these people are not prepared to listen to me. I hope they will give me an extension of time when the time comes.

**Mr Berry:** Well, do not waste what you have got left.

**MR KAINÉ:** No, you are wasting it by heckling and by preventing me from speaking. You are still doing it. Just keep it up. You do not want to hear what I have to say. You expect me to listen to you, but you do not want to hear me. Keep going; you are making my point for me.

**Mr Wood:** But you are also the chief interjector as well as the Chief Minister.

**MR SPEAKER:** Order!



**MR KAINE:** I sat quietly for three and a half hours, Mr Wood, and you know it. Mr Stevenson first introduced the Publications Control (Amendment) Bill as a private member's Bill into the Assembly on 14 February, calling for X-rated videos to be banned. He spoke at length on the matter before it was adjourned. On 21 February, Mr Moore presented a second Bill, and that Bill proposed restricting the publishing of material involved in X-rated and R-rated movies to the areas of Hume, Fyshwick and Mitchell. This Bill was intended to minimise the availability of both categories of video material, and debate on that motion was further adjourned.

My colleague the Attorney-General then continued the debate and put forward the motion to further adjourn the matter to allow the Government sufficient time to properly research the issues entailed and to broaden the debate beyond the borders of the Australian Capital Territory - and it is not just an issue for us; it is an Australia-wide issue.

At this time Mr Moore also foreshadowed an amendment to the Bill which would grant the Attorney-General the power to move X-rated videos to Fyshwick. This second Bill was a compromise, intended to defeat the Stevenson Bill. The debate resumed on 24 April, and I recall commenting at the time that the debate had been lengthy and that it had been debated from a position of emotion and in some cases from a position of heat.

Mr Stevenson has debated the issue from both positions, and I believe it is from the same position that he has put forward this motion today. The Bill to ban X-rated videos was defeated. That was the expression of the will of the Assembly and it should have been the end of the issue. I would also point out that Mr Stevenson and I voted on the same side on that particular issue.

Now he attacks me over this X-rated issue and proposes a motion of no confidence. He has shown himself to be single-minded and obsessed about this issue. Sadly, I do not believe that he has the good of the public in his mind at all at this time, but more the good of his own publicity. If there were no publicity, I submit that this motion would never have been put on the table.

But, again, I do not really take issue with Mr Stevenson, because he is obsessed with it and he believes that he is operating from a position of honesty. Again, I challenge the Labor Party. It is the members of that party who equivocate, who change position, who hide from public debate and who now attempt to present themselves as cleaner than clean - the highly moral Labor Party of today.

Six months ago, Mr Speaker, the then Labor Government presented its own X-rated video tax Bill, but on Tuesday, two days ago, when this Government's tax Bill was debated, the entire Labor Party opted out of the debate. Labor members absented themselves during the entire debate and

7 June 1990

during the votes that related to those Bills. They wimped out, as they always do when a matter of principle is involved. Their principles, if you can call them that, went right out the window on Tuesday. But now they are back today on their high moral pedestal, judging everybody else. Today they have the gall to accuse me of a lack of integrity, a lack of credibility, and extreme hypocrisy.

**Mr Berry:** We did not accuse you; we said it was true.

**MR Kaine:** Just what exactly is the basis for their adopting this high moral position? They have not put anything on the table today to justify it.

**Mr Berry:** Nothing - - -

**MR SPEAKER:** Mr Berry, I warn you.

**MR Kaine:** They support this motion not because they believe in it, absolutely not, but because it is politically expedient for them to do so. That is political opportunism at its worst. Their position is untenable. Their newly-found moralistic position is fatally flawed. They demonstrate their own lack of conviction and their own lack of moral fibre in wimping out when the chips are down, and the Hansard is my witness, Mr Speaker. The jackals gather to tear at the carcass after Mr Stevenson has disposed of it. But I have news for them: they will go hungry because there is not going to be any carcass.

**Mr Wood:** God! Who wrote that?

**MR Kaine:** I wrote it. I have to say, Mr Speaker, that most Labor members opposite today appeared to be most uncomfortable in mouthing their words. They did it with absolutely no conviction at all because they know they have no basis from which to speak.

Mr Speaker, this X-rated video issue is not really the issue at stake and I do not intend to labour over it any longer. What is important is good government for the ACT. At least the Leader of the Opposition did talk about good government for the ACT. The rest of the Opposition members could not care less. It was a "get Kaine" exercise, and good government was of no concern to them. But at least Ms Follett had the good sense to talk about good government, and that is what the issue is really about.

I have no hesitation whatsoever in saying that the Alliance Government is providing good government for this Territory. This whole X-rated video issue has been a very successful publicity vehicle for Mr Stevenson. Today's display is just another attempt to attract media attention, and the Labor Party just could not resist getting on the band wagon. But the matter is resolved and I believe that today's vote will finally tell that.

Mr Speaker, I took office as Chief Minister in December last year, just six months ago, and I formed a stable majority government through an alliance with the Residents Rally and the Independents Group. We have since then brought forward Alliance policies on a range of matters which affect this Territory - about 20 comprehensive policy papers. I would like to see where the Labor Party's comparable policy papers are. It does not have any.

**Mr Berry:** I raise a point of order, Mr Speaker. The Chief Minister should remain relevant. The debate is about a vote of no confidence in the Chief Minister, not in the Labor Party.

**MR SPEAKER:** That objection is overruled, Mr Berry.

**Mr Collaery:** I raise a point of order, Mr Speaker. That point of order by Mr Berry was deliberately and wilfully taken. That is a union tactic, and I draw attention to standing order 202(e). That is the style of this union gangster, Mr Speaker.

**MR SPEAKER:** Your objection is also overruled, Mr Collaery. Please proceed, Chief Minister.

**MR KAINE:** I thought the debate was really about the integrity of government, but of course that point would totally escape Mr Berry with his towering intelligence and intellect.

**Mr Berry:** On a point of order, Mr Speaker; this is about a vote of no confidence in the Chief Minister. It has got no relevance to - - -

**MR SPEAKER:** That is not a point of order, Mr Berry.

**Mr Berry:** It is a point of order, with respect. Whether you accept it or not is another matter.

**MR SPEAKER:** Thank you. Please proceed.

**MR KAINE:** Mr Speaker, I have been listening all afternoon to members opposite talk about the Government, other members of the Government, the Government's policies, and now Mr Berry has the effrontery to say that I cannot rebut that. This great towering intellect on the other side of the house would not know where he is at. (Extension of time granted)

In the six months since the Alliance Government took control from that weak, ineffective Labor Government that we had then, we have brought forward Alliance policies on a range of matters affecting this Territory - about 20 major, comprehensive statements of policy - which beats anything that the Labor Party put on the table even during the election campaign 18 months ago. I would like Labor to put its policy statements on the table alongside ours so that we can see just how weak they are. A Labor government

7 June 1990

operated for seven months with virtually no policy statements at all.

These policies are not straight from my own Liberal party, although I would like them to be; nor are they from the Residents Rally; nor from the Independents Group. Our policies represent the consensus of three parties. That is a consensus which I believe is the right formula for leading this Territory through a very difficult time.

We are setting strategies for the long-term management of the Territory in financial travail. If anybody can argue against that, I would like them to put the argument on the table. We are setting strategies for a Territory which is still being disrupted by a very small group of selfish individuals who simply have not yet understood that this Territory is in fact self-governing. And I number amongst those the Labor members opposite. Whenever there is a bit of a problem they run to the Federal Government for help. Part of the responsibility of this Government is to produce a sound formula for the future, and that is not easy.

I refer to an apt analogy made by Matthew Abraham on ABC radio on Wednesday morning. He said that the ACT had problems with both recurrent funding and our capital expenditure program. He went on to say:

Our recurrent funding might be likened to what a householder spends on food, for example, and our capital expenditure program might be likened to the home mortgage.

He is quite right. All citizens struggle to keep both elements of their budget within the bounds of what they can afford - what they spend on everyday commodities and what they invest in their mortgage. These are the basic problems that the Commonwealth is attempting to ignore, and they are the facts of life that we in the ACT have to live with.

Even the Federal member for Canberra is trying to bury her head in the sand over this. She is fobbing off her responsibilities and those of her Government onto the Commonwealth Grants Commission. Mrs Kelly says, "These are not our problems. They are the problems of the Commonwealth Grants Commission". What a cop-out for the Labor Government that handed us a disgraceful situation less than two years ago. Mr Speaker, we have had to make some difficult decisions, but I believe that the Alliance Government's credibility has already been firmly established, despite the meanderings and the rhetoric of these weak people opposite. We have set an impressive record of achievement during our six months in office. Each of the Ministers and each of their Executive Deputies have shown themselves to be truly committed and dedicated to their respective responsibilities in governing the ACT and no member of this Government has opted out from the governing process. All of us are involved.

Over the last six months four out of five related pieces of draft legislation concerning land planning and land use have been put out for public comment, and the fifth one will go out today if the people opposite give us the time to do it. That is the final tile in the edifice of land planning legislation, something that they could not do in seven months. They could not handle it in seven months.

Mr Speaker, we have appointed the Casino Surveillance Authority. We have given support to the provision of parental leave for male workers in the ACT. We launched a blueprint for the ageing. We released two manuals with detailed measures for water pollution control. We released a consultation paper on developing an ACT strategy to respond to the greenhouse effect. We opened the Christ Church house for homeless girls in Macquarie. We released Beyond the Burdekin Report. Why did you not do that while you were in government? You could not.

**Mrs Grassby:** I did do it.

**MR KAINE:** You could not.

**Mrs Grassby:** It was all organised before I left.

**MR SPEAKER:** Order! Mrs Grassby, please!

**MR KAINE:** We released Beyond the Burdekin Report, calling on all sections of the community to work with the Government on youth homelessness. We introduced the seniors card which comes into effect on 1 July. We allocated eight Housing Trust properties to six community organisations for the new singles share accommodation scheme. We opened a new \$10m tourism and hospitality school. We announced our decision to tax the wholesale price of X-rated videos. We released draft environmental assessments and inquiries regulations for public comment. We introduced a registration scheme for ACT motor vehicle encumbrances to increase consumer protection in this area.

That, Mr Speaker, is just a small sample of what this Government has done in six months. Stack it up against what that weak lot in opposition did when they were in government.

**Mr Berry:** I raise a point of order, Mr Speaker. This is a very serious matter. I refer you to standing order 58 and I then refer you to the motion and the amendment before the Assembly. I call on you to direct the Chief Minister not to digress.

**MR SPEAKER:** I have allowed leniency in this matter throughout this debate, Mr Berry, and I overrule your objection. Please proceed, Chief Minister.

**Mr Berry:** Well, Mr Speaker, I did not ask for leniency when I was on my feet and I expect the same rule to be applied to the Chief Minister.

7 June 1990

**MR SPEAKER:** You were given it anyway, Mr Berry. You may not have appreciated it. Please proceed, Chief Minister.

**MR KAINE:** Apart from all the things I have mentioned, we have tabled the landmark reports by the Priorities Review Board and the review of our assets and public debt by Mr Justice Rae Else-Mitchell. We are deeply committed as a government to putting in place responsible strategies for the Territory's development. We have a commitment to preserve the quality of life that we all enjoy at a price we can afford. This is our commitment to the people of Canberra, as it was six months ago, and we are honouring that commitment openly and honestly.

Today's debate has added nothing of value. The Opposition has merely reviewed many matters which it has sought unsuccessfully to air in the past. I know that Labor members dislike being in opposition, but they are destined to remain there for some considerable time to come. After reflection, I totally reject the basis of Mr Stevenson's motion and I condemn the Labor Party's support for it as nothing but political opportunism.

**MR CONNOLLY (3.39):** Mr Speaker, I rise only because I had not had the opportunity to speak to Mr Moore's amendment. By focusing attention particularly on education, Mr Moore's amendment is a far greater basis for lack of confidence. I wish only to record that I support that amendment and, in order to preserve time for question time, I will not delay the house any longer.

**MS MAHER (3.40):** Mr Speaker, I rise briefly to condemn the motion and the amendment before the House.

**Mr Moore:** I thought you had changed sides again.

**MS MAHER:** No. Since Mr Kaine became Chief Minister and this Alliance has been in government, the Opposition has done nothing but twist words and misrepresent the truth. I think that is disgusting. Opposition members do not deserve to be here. I have full confidence in Mr Kaine - - -

**Members interjected.**

**Mr Collaery:** Mr Speaker, I raise a point of order. I think Ms Maher needs a fair go from these people. It is only fair.

**Mrs Grassby:** Come on, Bernard; she can do very well on her own.

**Mr Collaery:** She does not have a strong voice and they are bullying her.

**MR SPEAKER:** Order! The house will come to order.

**Mrs Grassby:** Mr Speaker, I raise a point of order. I am sick of Mr Collaery putting women down. We can stand up for ourselves a lot better than he can. So can Ms Maher.

**MR SPEAKER:** Order! Mrs Grassby, that is not a valid point of order. Please proceed, Ms Maher.

**MS MAHER:** I have full confidence in Mr Kaine personally and in his capacity as Chief Minister. I believe he has carried out his duties as Chief Minister in an effective and efficient manner and I have no doubts that he will continue to do so. I wish to have it on the record that Mr Kaine has my full support.

**MR STEVENSON (3.41), in reply:** Mr Speaker, Mr Kaine said that it was not the Assembly's wish to ban X-rated videos. There is a truth in that and there is another point of view. The truth is that indeed it was not the wish of the majority of the Assembly to ban X-rated videos. However, in Australia, unfortunately, we do not have a situation where every member who is elected has a fair and even say. We have a situation of a control of government - in other words, of all the members - by a number of those members who form a majority. It was the desire and intention of the majority of the Alliance to ban X-rated videos. That is the relevant point here.

Mr Kaine said that I attacked him. I think it is known that I take great pains not to make personal attacks on people, although in a case of no confidence where you are saying that someone does not have integrity, I can understand how that would be seen to be an attack on that person's character. Indeed, integrity is a part of a person's character.

Mr Kaine mentioned a number of times that I introduced the X-rated video issue and this motion for the good of my own publicity. On 8 November last year I issued a public statement to the media. It said:

Due to mounting public concern on the X-rated video issue, I wish to make my position clear. I have had a lot of contact through my office with people who have expressed concern regarding X-rated videos. My desire is to do the will of the people as expressed by Lionel Bowen in the unanimous view of the Standing Committee of Censorship Ministers.

Mr Speaker, why did I introduce a Bill to ban X-rated videos? For some months I did not, but Mr Kaine, who is now the Chief Minister, told me that he would not introduce a Bill because he did not have the numbers. That is why I introduced a Bill, because I do not care about the numbers. I believe that what is right is far more important than whether or not people will do what is right in this Assembly.

7 June 1990

Mr Kaine suggests that I did something for the good of publicity, not because I believed it was the will of the community. Let us look at Mr Kaine's statement on the will of the community, issued on 21 November 1989. He said:

Mr Speaker, this community finds it totally unacceptable to legalise video pornography. I believe it finds it equally unacceptable and repugnant to legitimise it by institutionalising it as a legitimate source of tax revenues.

**Ms Maher:** Why don't you get off it?

**MR STEVENSON:** I do not get off it, Ms Maher, because it is important, and unfortunately neither you nor any other member on your side of the house has acknowledged the truth of the matter. The truth of the matter is very simple in this debate. If we had an adjudicator of debates, I think the direction of this debate would be very obvious. The simplicity of the entire debate is not about pornographic video taxes, it is not about personal publicity or other matters that are being drawn across to try to divert attention from the true reason for the debate, as anyone in this Assembly knows, or should have the awareness to know.

The simple argument is that the majority of members in the Alliance condemned vehemently and totally a video tax. The majority of members in the Alliance had the numbers to make sure that a video tax was not introduced. The no-confidence motion was introduced because they did not do what they said they believed should be done. That is the simplicity of it.

Mr Jensen, Mr Humphries and others mentioned that there were much more important matters to debate and that this was a waste of time. Mr Humphries, in particular, said the no-confidence motion was a waste of time, as was the matter of public importance that I will introduce later today. I suggest that it is unfortunate that Mr Humphries should take such a stance, particularly on the matter of public importance, when he has not yet heard the evidence.

**Mr Humphries:** You have had more than enough time today.

**MR STEVENSON:** That does not detract from the fact that you have taken a stance on the matter of public importance that I have yet to introduce without knowing the evidence that I will produce.

**Mr Humphries:** I do not care what it is.

**MR STEVENSON:** You do not care what it is? That is unfortunate for the people that have been victimised within the Belconnen Remand Centre and who have legitimate ideas about that.

**MR SPEAKER:** Order! Be relevant, Mr Stevenson.



**MR STEVENSON:** This is very relevant to the questions that are being asked, Mr Speaker. Mr Duby said that the Bill does not legitimise X-rated videos. I do not rebut that myself. I do not need to. I used the words of the Chief Minister. He said that the mere fact of taxing these products gave them a status and an acceptability which they had not hitherto enjoyed in the wider context of the ACT and Australian society. He said that it did legitimise them.

In this case he was discussing Ms Follett's legislation. He went on to say that, with this high-profile public endorsement by the ACT Government of X-rated videos, the defence that taxing them would neither legalise nor legitimise them was "totally specious". Those were the words of the Chief Minister which rebut the words of Mr Duby in the same way as the words of Mr Kaine rebutted the statement by Mr Humphries that the community did not care about this and that I did not speak on behalf of the community.

Mr Speaker, Mr Duby also mentioned that Mr Kaine spoke in November as the Liberal leader and that, in the matter of taxes on pornography, he spoke as the Alliance leader. Mr Duby said that he had bowed to the wish of this Assembly. Well, I suggest that Mr Kaine is not in the habit at all of bowing to the wish of this Assembly - the majority of members in this Assembly. However, he is perfectly willing to bow to the wishes of the majority of the Alliance. As we have already seen, the majority of the Alliance wanted a ban although there was not one, and the majority of the Alliance wanted no tax on X-rated videos. There were sufficient numbers within the Alliance to ban. The majority of people within the Alliance also did not want a tax on porn videos. How many times does the point have to be made? It is so obvious.

Mr Collaery and Mr Duby, who are not here at the moment, both said that I had a hidden agenda and extreme views. Well, let me make the point very clearly: indeed I have a hidden agenda and indeed I have extreme views. First of all, let us look at the hidden agenda. The hidden agenda is that I represent the people. I do not believe the majority of people in Canberra know that. Sooner or later the media perhaps will get that viewpoint across.

Let us look at my extreme views. It is interesting to look at the definition of the word "extreme". It means steadfast, determined and other such things. Perhaps if we had more people in the Assembly who took an extreme - - -

**Mr Humphries:** That is not in my dictionary.

**MR STEVENSON:** Well, I cannot find the exact quotes. They are even better. Perhaps if more people in this Assembly took an extreme viewpoint, or an unusual or radical viewpoint, then indeed the people would get true representation because, unfortunately, all too often we get minority representation.

7 June 1990

I think it is worth while to look at the consequences of introducing a taxation that the majority of Alliance members believed would legitimise X-rated videos. The consequences are very clear. In 1978, the magazine Psychology Today indicated a study entitled "Sex and aggression proving the link". It was a 10-year, ad hoc study by various people around the world, criminologists, psychologists and police, conducted from 1964 to 1974. The study showed that where you have restrictions on pornography you get a decrease in rape. In Japan it went down 49 per cent when restrictions on pornography were introduced - down by nearly half.

**MR SPEAKER:** Order! Mr Stevenson, I mention relevance again. You are not addressing the question.

**MR STEVENSON:** Mr Speaker, I suggest that the consequences of an action are very relevant, to say the least.

**Mr Jensen:** I raise a point of order, Mr Speaker. I draw your attention to standing order 48 in relation to a right of reply. It says that the reply shall be confined to matters raised during the debate. I would suggest that Mr Stevenson should not be introducing any more new material.

**MR SPEAKER:** That point is valid, Mr Jensen. Please proceed to the point, Mr Stevenson.

**MR STEVENSON:** Mr Speaker, we were told today by members of the Alliance that the whole debate was not important. What can be more important than the matter of integrity, than the matter of confidence? As I said, I gained no joy from introducing a matter of no confidence in the Chief Minister. I believe the Chief Minister would well know that. It certainly was not done as a matter of publicity. It is vital that we have people who maintain high standards in this Assembly, for if such standards are not attained in this Assembly where in the community are they to be attained? If we do not set an example in this Assembly, how can we look to others to set an example or to obey the law?

Many years ago a well known prophet from Nazareth in Galilee said, "What shall it profit a man to gain the whole world and yet to lose his soul?". What we need in this Assembly is people with the courage to stand up and fight for what they believe is right, regardless of whether there are one, two or more people around them who are pushing for something else. We should not bow to the wishes of other people. We should stand and indeed fight until we achieve that which we know the people want and that which we in our hearts believe. We must have a situation where our consciences are validated.

I think that perhaps a message for the video industry would be relevant. Perhaps with the defeat of the Bill to ban X-rated videos or the introduction of the money Bills - what

I would call the porn protection Bills - the industry feels secure. I would suggest that an analogy would be the case of someone who fell from a large building, and as he fell past the tenth floor he was heard to say, "So far so good". Indeed, Mr Speaker, the pornographic video industry has as much chance of a long-term continued existence in this town as a snowflake in hell. X-rated videos will be banned, not simply because I will continue to represent the people but because the people require it, the laws of other States compel it and commonsense demands it.

Amendment negatived.

Question put:

That the motion be agreed to.

The Assembly voted -

AYES, 5

Mr Berry  
Mr Connolly  
Ms Follett  
Mr Stevenson  
Mr Wood

NOES, 11

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

Question so resolved in the negative.

### **SUSPENSION OF STANDING AND TEMPORARY ORDERS**

**MR BERRY** (3.59): I move:

That so much of the standing and temporary orders be suspended as would prevent questions without notice being called on for 30 minutes forthwith.

The reason I have moved this motion is that this is the last sitting day before the Assembly rises for the long winter break and I have already had indications from opposite, particularly the Chief Minister, that there will be no question time today. So I guess that seals it.

**Mr Kaine:** That is not so, and you are being dishonest again, as usual.

**MR SPEAKER:** Order!

**MR BERRY:** Mr Speaker, having been interrupted, I just draw the Assembly's attention to a couple of facts. The

7 June 1990

Government offered - it seems to think, generously - 15 minutes for question time on the suggestion of Mr Moore. The Opposition wants to hold the Government open to scrutiny, as is commonplace in parliaments of this type. We cannot help it if the Government does not want to be scrutinised, but it is a right of the Opposition to do so and we intend to pursue it because of our feelings in that regard.

The compromise offer that was suggested by Mr Moore is, of course, out of the question and is merely the Government trying to hide from scrutiny as it has been wont to do in the past.

**Mr Moore:** Will you accept seventeen and a half minutes?

**MR BERRY:** Providing we get all the questions! Of course the Government will now talk about some sort of tradition whereby these sorts of debates may well lead to the end of question time. Notwithstanding the tradition, this is the last day of sitting and the Government should have the good grace to allow a full period of question time so that the Opposition can fully canvass those issues of public importance which necessarily should be questioned.

**Mr Humphries:** What is different today?

**MR BERRY:** Of course Mr Humphries is very concerned about this position because he has been exposed as a real danger to public education in the ACT, and the children outside this Assembly this afternoon assisted in further exposing that. I should say that those students were slandered by the Government opposite, by the Chief Minister in particular when he said that they were being led by teachers. They were students in their totality. I just throw that one in for the record.

**Mr Kaine:** I am glad that has something to do with the suspension of standing orders. And you talk about integrity!

**MR BERRY:** Your knowledge of the education system is evident of late, but if you had a look at the schools you would realise that students are young adults these days, you dill.

**MR SPEAKER:** Order! Mr Berry, please proceed.

**MR BERRY:** Mr Speaker, this issue is important for the good government of the Territory. It is appropriate that the Opposition should be able to put questions to the Government to expose its failings and then, hopefully, prod it to better government. We know that is difficult, but we intend to pursue that line without pause, and I think the Government should have the good grace to allow us to question it closely.

I believe that the Government will resist our attempts in this respect. That will not be surprising, given its performance on these issues in the past. I plead with the Government to have a different approach in relation to question time and allow us the 30-minute period for questions.

**MR COLLAERY** (Deputy Chief Minister) (4.04): For the record, during negotiations that went on earlier, House of Representatives Practice was drawn to Mr Berry's attention. On page 509 it says:

When substantial time is spent on such a matter as a want of confidence motion prior to questions without notice being called on, it is usual for Question Time not to be proceeded with.

Need I say more, Mr Speaker? That is the rule book that guides us, and the prescriptions are in our standing orders to follow those guidances. Mr Berry has sought to anticipate - - -

**Mr Berry:** I raise a point of order, Mr Speaker. I draw your attention to standing order 275, which relates to the relevance of parliamentary practice in other places, and I suggest that the document to which Mr Collaery refers is irrelevant. The relevant temporary order is 27.

**MR SPEAKER:** Objection overruled, Mr Berry. Please proceed, Mr Collaery.

**MR COLLAERY:** I think it is evident to all who visit this house now that the Leader of the Opposition is unable to control Mr Berry. Mr Berry has delayed and obfuscated issues in this Assembly. He used to do it naturally, and we had no complaint about his attributes in that regard in view of his learning curve, but now he believes he is back on the fire room floor and he mistakes the purpose of the Assembly. Mr Speaker, it ill behoves Mr Berry to behave this way. The Chief Minister has sat patiently through three hours of criticism. We extended time for Mr Stevenson and we have allowed a full debate on a vote that was doomed from the start.

That was generous indeed for any government. It was not a grave crisis of government. There was never any chance that the confidence of this Government would be shaken by the debate today. We have important legislation to pass this afternoon. As my colleague Mr Connolly knows, there will be a gap in the criminal law of this Territory if we do not pass the Director of Public Prosecutions Bill today.

**Mr Berry:** Mr Speaker, I raise a point of order. That is not entirely relevant. There are 24 hours in the day. If this Government wants to go home early, it should come out in the open and say so.

7 June 1990

**MR SPEAKER:** You know that is not a point of order, Mr Berry. Please do not interject with superfluous points of order.

**MR COLLAERY:** Thank you, Mr Speaker. The records show that I believe there were 16 occasions when the former Chief Minister sought leave to shorten proceedings of this Assembly. Those requests were always granted with courtesy and due regard to the necessities of government. The Opposition well knows that I am the welfare Minister, I have a vital conference to attend and must be in Brisbane this evening to make good for the Territory. The Opposition is aware of that, and this is nothing more than bloody-mindedness.

On 23 May 1989, from 30 May 1989 to 22 August 1989, on 17 October 1989 and on 14 November 1989, we cut Assembly sittings to suit the convenience of this crowd opposite. Mr Berry is fast becoming a disgrace to this house. This is a worthless motion he has put. We indicated we would allow a shortened question time so that we could get the Bills and the business of this house through before we close so that we do not have to sit again next week or the week after and cost the public purse an enormous amount of money. If we do have to sit, as a result of what Mr Berry threatened earlier - to bring on a big blue and waste a lot of time; that is what he said to me - I hope that the ACT public knows the calibre of this group who purport to want to have power.

Motion (by **Mr Humphries**) put:

That the question be now put.

The Assembly voted -

AYES, 12

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

NOES, 5

Mr Berry  
Mr Connolly  
Ms Follett  
Mrs Grassby  
Mr Wood

Question so resolved in the affirmative.

Question put:

That the motion be agreed to.

The Assembly voted -

AYES, 6

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

NOES, 10

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

Question so resolved in the negative.

### PETITIONS

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

#### **Ainslie Transfer Station**

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

The petition of certain residents of the ACT draws to the attention of the Assembly:

That the Ainslie Transfer Station is an important service to the people of North Canberra, who have not been consulted about its closure.

Your petitioners therefore request the Assembly to:

Ensure that the Ainslie Transfer Station continues to operate.

By **Ms Follett** (from 270 citizens)

7 June 1990

### **Education Cuts**

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

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

- . that your petitioners are strongly opposed to cuts to the ACT education budget for the 1990-1991 financial year.
- . that education should be given the highest priority in the allocation of funds since society as a whole benefits from a healthy education system.
- . that the present high standard of education in the ACT cannot be maintained if further cuts are implemented.
- . that additional revenue be raised to fund the ACT education system adequately by the introduction of progressive and equitable rates, charges or taxes which are determined by full consultation with the ACT community.

Your petitioners therefore request the Assembly to refrain from implementing further cuts to the education budget, and to investigate the above revenue raising methods.

By **Ms Follett** (from 102 citizens)

### **School Closures**

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that we believe that the neighbourhood school concept is a vital and essential part of our children's education.

By **Mr Moore** (from 1,192 citizens)

Petitions received.



## PAPERS

**MR COLLAERY** (Deputy Chief Minister): Mr Speaker, pursuant to section 97(4) of the Legal Aid Act 1977, I table for the information of members the following paper:

Legal Aid Act - Legal Aid Commission - report (twelfth) for 1988-89, together with a tabling statement.

Further, Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I table the following gazettal notices for a number of ministerial determinations and a regulation made by the Executive:

Administrative Appeals Tribunal Act - Administrative Appeals Tribunal Regulations (Amendment) - 1990, No. 2.

Community and Health Service Act - Determinations - 1990, Nos. 4 and 5.

Motor Omnibus Services Act - Determinations (2), dated 19 February 1990 and 24 April 1990.

I also table the following papers:

National Committee on Violence - report - Directions for Australia - tabling statement.

Police services in the ACT - Arrangements for the provision of - tabling statement.

**MR DUBY** (Minister for Finance and Urban Services): Mr Speaker, for the information of members, I table the following paper:

Business Franchise ("X" Videos) Bill 1990 - supplementary explanatory memorandum.

### **DRAFT LAND (LEASES AND MANAGEMENT) BILL 1990**

**MR KAINE** (Chief Minister) (4.18): Mr Speaker, in view of the lateness of the hour, I seek leave to table the draft Land (Leases and Management) Bill 1990 and the explanatory statement that goes with it. I also table a statement in connection with that and seek leave to have it incorporated in Hansard.

Leave granted.

Document incorporated at appendix 1

**MR KAINE:** I move:

That the Assembly takes note of the papers.

Question resolved in the affirmative.

7 June 1990

## SUSPENSION OF STANDING AND TEMPORARY ORDERS

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

That so much of the standing and temporary orders be suspended as would prevent Executive business being called on forthwith.

The Assembly voted -

AYES, 10

NOES, 7

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

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

Question so resolved in the affirmative.

## SUSPENSION OF STANDING AND TEMPORARY ORDERS

**MR MOORE** (4.22): I move:

That so much of the standing and temporary orders be suspended as would prevent the matter of public importance raised by Mr Stevenson being considered as the first item of Executive business.

**MR SPEAKER:** You are out of order, Mr Moore; we have just voted on that issue.

**MR MOORE:** No, this is a totally different issue, Mr Speaker. We voted to start with Executive business and now I am moving a suspension to enable this matter to be moved to the beginning of Executive business.

**MR SPEAKER:** I direct your attention to standing order 136. Your position is overruled.

**MR MOORE:** Mr Speaker, I have moved the suspension of that standing order, along with all the others. The way in which Mr Collaery's suspension motion was dealt with meant that members did not have a chance to speak to the particular issue. We have here a case where the Government has blatantly twice moved away from what would normally be the business of this side of the house - once on a matter of public importance and once on question time.

**MR SPEAKER:** Order! You are in a position to suspend standing orders, Mr Moore. Please proceed.

**MR MOORE:** Mr Speaker, what we have here is a blatant attempt by the Government to remove all private members' business from the notice paper for this afternoon. This part was done without consultation. On the previous occasion I had attempted to compromise with a suggestion of 15 minutes, but at the end of Mr Berry's motion that was overridden roughshod so that we have lost both question time and now this matter of public importance.

Personally I do not intend to speak on the matter of public importance, but I think it is quite appropriate that Mr Stevenson be entitled to raise that issue. If no other members want to speak on it, that is their prerogative, but the reality of the situation is that this is blatantly overriding private members' business.

We have a situation in which Mr Collaery has to catch a plane. Fine; let him go and catch his plane. The Government still has the numbers; it still has the power in the house. I think the house can survive without Mr Collaery without any difficulty at all. There have been suggestions on previous occasions that we should have a pairing arrangement. That has been resisted in this house, and we do not have it. But the reality of the situation is that, if Mr Collaery wishes to leave, we can survive quite nicely without him - as indeed we survived for quite some time without Dr Kinloch, even though we probably needed a little more of his insistence on standing order 61 at the time!

I point out that a serious matter of public importance has been raised about the Belconnen Remand Centre, and I would be interested to know the problems and some of the solutions that have been proposed. I think it is significant that Mr Stevenson has raised it through the normal procedures. We have known about it all day and if the Government did not want to sit any later tonight then its members should not have spoken on the earlier motion although, obviously, Mr Kaine himself and Mr Collaery had to speak. The option for Government members is that they sit later. I have no problem with sitting later. I can stay as long as the Assembly likes.

7 June 1990

Motion (by **Mr Duby**) put:

That the question be now put.

The Assembly voted -

AYES, 10

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

NOES, 7

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

Question so resolved in the affirmative.

Question put:

That the motion be agreed to.

The Assembly voted -

AYES, 11

Mr Berry  
Mr Connolly  
Ms Follett  
Mrs Grassby  
Mr Jensen  
Mr Kaine  
Dr Kinloch  
Ms Maher  
Mr Moore  
Mr Stevenson  
Mr Wood

NOES, 6

Mr Collaery  
Mr Duby  
Mr Humphries  
Mrs Nolan  
Mr Prowse  
Mr Stefaniak

Question so resolved in the affirmative.

#### **PERSONAL EXPLANATION**

**MR COLLAERY** (Deputy Chief Minister): Mr Speaker, I claim to have been misrepresented and seek to make a short statement.

**MR SPEAKER:** Please proceed.

**MR COLLAERY:** There have been some recent interjections stating that the Government was frightened of the MPI that is on the notice paper. I believe that suggestions have been made that I am frightened of the MPI. In my view, some of the matters raised by Mr Stevenson may possibly

offend the sub judice rule. Other matters relate to issues that are the subject of civil proceedings and writs and at least one matter is before a quasi-judicial tribunal to be heard on - - -

**Mr Berry:** I raise a point of order, Mr Speaker. This is not a personal explanation; this is about the matter of public importance. As a matter of principle, the person who introduces the MPI should have the first chance to speak.

**MR SPEAKER:** Thank you, Mr Berry. Your objection is valid. Mr Collaery, I believe you are misusing that privilege to speak.

### **Adjournment**

**MR SPEAKER:** Order! It being slightly past 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.

Question resolved in the negative.

### **BELCONNEN REMAND CENTRE Discussion of Matter of Public Importance**

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

The mismanagement of the Belconnen Remand Centre, the apparent victimisation and set-up of staff members Barry Albrighton, Carol Connelly, and possibly others, and the lack of investigation of these matters by the Attorney-General, Bernard Collaery.

**MR STEVENSON (4.34):** Mr Speaker, about three months ago a shift officer from the Belconnen Remand Centre, Mr Barry Albrighton, contacted me and over the ensuing time of some three months - - -

**Mr Collaery:** I raise a point of order, Mr Speaker. Mr Stevenson has put a matter on the notice paper that rightfully belongs in another domain. He has clearly indicated that he is going to refer to matters which are coming before a quasi-judicial tribunal, on my advice, on 27 June 1990. These are decisions being appealed against before the Merit Protection and Review Agency by Mr Albrighton. Also, Mr Speaker, the matters on which Mr

7 June 1990

Stevenson has publicly commented and placed on the notice paper concern matters which, among other things, involve defamation writs by Mr Albrighton against seven senior staff at the Belconnen Remand Centre.

Mr Speaker, this is an unprecedented attempt to prosper a claim. I make no judgment on Mr Albrighton's issues, but it is unprecedented that this Assembly should be used to prosper a claim before an appellate quasi-judicial tribunal and in circumstances where the respondents to those civil writs of defamation will be in a disadvantaged position as a result of privilege having been used. There is the potential, at least, for this debate to be used in that way.

I have no fears in relation to any of these matters, Mr Speaker. I raise a point of order under the well known sub judice rule. It may not sit completely with that rule because it is a quasi-judicial tribunal that is affected, but I suggest that, if the spirit of the parliamentary practice is breached, an unfair situation will arise for those who rightly or wrongly oppose or respond to Mr Albrighton's initiatives.

I submit, Mr Speaker, that it would be quite improper for this Assembly to hear Mr Stevenson, and I must acknowledge that the Opposition has already indicated that it will not join the debate - nor will the Government and nor, I note, will Mr Moore - on this matter. What will transpire is that Mr Stevenson will speak, we will abide by convention and good sense and not respond, and an injustice is potentially likely to other, as yet unidentified, parties.

I suggest, Mr Speaker, you should rule that Mr Stevenson not be heard on this matter; that he put the matter on notice by way of the usual rules where he can seek to raise a matter on notice, and I will undertake as Attorney-General to divulge fully to him all the circumstances known to me. I will undertake to make similar advice available to the Opposition and Mr Moore and, of course, to any other member of the Assembly.

I submit, Mr Speaker, that it is important that we not use this venue in the manner in which it is envisaged, either intentionally or unintentionally - and I truly believe that Mr Stevenson is unintentionally using the chamber in this regard as a result of his keenness, which may be correctly placed. He may well be correctly placed in his concerns, but they involve matters that involve the previous administration of my colleague Mr Berry, may partly involve my administration, and do not relate to matters that should be properly before the Assembly.

**MR SPEAKER:** Thank you, Mr Collaery. I will take advice on that observation.

I think that in the circumstances it would be wise if we proceeded to one of the orders of the day and returned to

this matter, allowing time for it to be resolved. Is that agreeable, Mr Stevenson, or would you like to withdraw your MPI?

**MR STEVENSON:** Mr Speaker, I was not aware that Mr Albrighton had issued writs against any members of the Belconnen Remand Centre. In those circumstances, I will withdraw. Perhaps I will be allowed at a later time this day - after I contact the gentleman in question - to resubmit the MPI if that is not the case. Mr Speaker, perhaps we could adjourn the matter for one hour.

**MR SPEAKER:** No, it is not a matter of adjourning because it is not a motion. It is an MPI; it is not a motion. Therefore you must either proceed with it or withdraw it on the understanding that you seek leave to resubmit it later in the day if you find the evidence that you are seeking.

**MR STEVENSON:** I withdraw it, Mr Speaker.

### **PERSONAL EXPLANATION**

**MRS GRASSBY:** Mr Speaker, may I make a personal explanation?

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

**MRS GRASSBY:** No; I made a mistake, Mr Speaker. On the vote of no confidence in the Chief Minister I voted the wrong way. I would like to record that fact in Hansard.

### **DIRECTOR OF PUBLIC PROSECUTIONS BILL 1990**

**[COGNATE BILL:**

#### **DIRECTOR OF PUBLIC PROSECUTIONS (CONSEQUENTIAL PROVISIONS) BILL 1990]**

Debate resumed from 31 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. 2, Director of Public Prosecutions (Consequential Provisions) Bill 1990? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

**MR CONNOLLY (4.42):** Mr Speaker, the Opposition supports this legislation. On 1 July of this year the ACT will acquire responsibility for the criminal justice system. From that date the Commonwealth DPP, which currently

7 June 1990

undertakes prosecution functions in this Territory, will no longer be responsible for prosecuting offenders within the Territory. The Government is thus faced with either creating a Territory DPP or reverting to the more traditional model where prosecutions are carried out by and in the name of the Attorney-General, as first law officer, by the Crown Law Office.

The Government has chosen, and the Opposition supports the decision, to establish an independent office of the DPP under legislation for this Territory rather than adopt the old common law approach. The independent office of DPP was first created in England in 1879 to remove the day-to-day decision making on prosecutions from the Attorney. This was an area of law reform which was slow to be adopted in Australia, the first statutory DPP being that of Victoria in 1982. The Commonwealth followed that lead in 1983 and, as the Attorney noted in his presentation speech, now only South Australia and Western Australia are yet to establish independent prosecuting authorities.

The Attorney remains responsible politically to this parliament for the system of criminal justice. He can give directions to the director under clause 20 of the Bill, but those directions must be made public by being published in the Gazette and tabled here. The directions are not disallowable, but nor should they be. If they were, that would in effect make the DPP politically accountable to this house. The correct channel is for the Attorney to be responsible to this house for the administration of justice and the director to retain his independence, subject of course to direction. I understand that, in the immediate future at least, the Commonwealth Director of Public Prosecutions will be appointed to fulfil the function also of Territory Director of Public Prosecutions, and the Opposition will support that course.

One aspect of the Bill may require some additional thought, but it may be more an administrative than a legislative procedure. Under clause 9 of this Bill undertakings not to prosecute may be given by the director. This is appropriate and necessary because there are many cases where a co-offender will be persuaded to give evidence for the prosecution on the basis of an indemnity from prosecution. This is a frequent and necessary tactic in major criminal matters, particularly conspiracy. Such an indemnity covers offences revealed by the co-offender's evidence, but does not extend to perjury.

The potential problem arises because, whereas in the past an indemnity given by the Commonwealth DPP would probably in point of law override any potential prosecution by a State authority, an indemnity given by the Territory director under Territory law would have no such overriding effect. There will no doubt be many cases where Territory prosecutions, particularly in major conspiracy or drug trials, will involve activities that are breaches of the law both in the ACT and in surrounding areas of New South



Wales. The potential difficulty which could arise there is that an indemnity offered by the Territory director would protect the informant from prosecution under Territory law but not from prosecution under New South Wales law.

I would expect that this matter would be a subject for discussion between both the Attorney and his State counterparts and the director and his State counterparts. The Opposition does not consider that any amendment to the legislation is necessary to cover the situation, but awaits with interest the Attorney's reports on those developments. I understand from discussions with the Attorney that there may be some minor technical amendments forthcoming this afternoon which cause the Opposition no difficulty. We also support the consequential provisions Bill.

**MR STEFANIAK** (4.45): I rise briefly, simply because I actually worked in the office that will be used initially by the Attorney-General's office for prosecutions. I commend the Attorney-General on introducing the Bill, and indeed the Opposition for supporting it. It ensures that our prosecutions can continue after 1 July. The idea of the office of the Director of Public Prosecutions was first developed interstate. In the ACT we have been doing it since 1985. It is a very competent office; the system has worked well. It is good to see the Attorney-General continuing something that does work well. The staff of that office which we initially used are, I think, highly regarded within the legal community in Canberra, and indeed throughout Australia.

**MR COLLAERY** (Attorney-General) (4.46), in reply: I thank my legal colleagues for their comments, and I commend the working parties on this issue, who have, interestingly, included Mr Connolly in the past. I commend those officers who put so much work into getting to this arrangement. The matters mentioned by Mr Connolly are under current purview, and there are some other matters I have discussed with Mr Connolly that we are looking at. This will be clarified in due course, and I am sure that the community will be appreciative of this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clauses 1 to 5, by leave, taken together, and agreed to.

Clause 6

7 June 1990

**MR COLLAERY** (Attorney-General) (4.47), by leave: I move:

Page 3, subparagraph (1)(a)(i), line 5, after "indictment" insert "or summarily".

Page 3, subparagraph (1)(a)(ii), line 6, after "indictment" insert "or summarily".

Amendments agreed to.

Clause, as amended, agreed to.

Clause 7

**MR COLLAERY** (Attorney-General) (4.48): I move:

Page 4, subclause 6, lines 36 to 38, omit the proposed subclause and substitute the following subclause:

"(6) Where a person is under commitment or has been indicted for an indictable offence, the Attorney-General or the Director may decline to proceed further in the prosecution of the offence and may cause the prosecution to be brought to an end".

Amendment agreed to.

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

**DIRECTOR OF PUBLIC PROSECUTIONS (CONSEQUENTIAL PROVISIONS) BILL  
1990**

Consideration resumed from 31 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.

**RATES AND LAND TAX (AMENDMENT) BILL (NO. 2) 1990**

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

That this Bill be agreed to in principle.

**MS FOLLETT** (Leader of the Opposition) (4.50): Mr Speaker, I find this a very interesting piece of legislation being put forward by the Government, particularly in view of the debate that we have had for most of today concerning the integrity of government and the integrity of politicians. I am sure that everybody in this chamber would remember during the election campaign the various commitments that were given on the question of rates and taxes, and indeed it was an issue that was very dear to the hearts of the voters at the time. I myself gave a commitment on behalf of my party that I would not increase the level of rates in real terms, and last year in our budget I stood by that commitment. The level of rates that we set was on the basis that the total level of revenue from rates would not increase by greater than the rate of inflation.

The current Chief Minister, on the other hand, gave a much broader commitment than I did. He gave a commitment to the people of Canberra that he would not increase rates and that he would not increase business taxes either, and the Bill that we have before us breaks his commitment on both grounds.

The part of the Bill that I take exception to is that which increases the rates for ordinary Canberra citizens well beyond the level of inflation, and I can see no reason to do that. I did not feel called upon to do that in my budget. However, I do not think it will come as any great surprise to the people of Canberra, because this Government has a bit of a record at this point of slugging the ordinary Canberra citizen, the battler, and letting the rest of the business community off scot-free whenever it can. It is a sell-out of the Government's election promise on rates. I foreshadow that, on the question of rates, I have an amendment to clause 6 of this Bill which would bring the rates into line with the increase in inflation. I think that amendment has been circulated.

On the question of land tax, I actually support what Mr Kaine has done with land tax. I can do that while still keeping my election commitments. He cannot, but that is a problem for him, not for me. The movement in land tax that is proposed in this Bill does comprise a first step in bringing land tax into line with the States. Following the passage of this Bill, land taxes in the ACT will be brought up to, I believe, 50 per cent of the New South Wales rate of land tax. So there is still some way to go in order to prevent the Grants Commission from penalising us. I believe it would be about \$12m that we would be penalised because of our relative lack of effort in this area, but it is a first step, as I say, and it is one which we support.

7 June 1990

**MR DUBY** (Minister for Finance and Urban Services) (4.53), in reply: Mr Speaker, the Rates and Land Tax Act provides for the imposition of municipal rates and land tax in the Australian Capital Territory. This Bill will amend that Act by altering the urban, rural and land tax rates. It provides for changes in debt recovery and administrative measures which will complement the initiatives introduced last year by way of early payment discount arrangements and interest charges on overdue accounts.

Additional revenue from increases in the urban, rural and land tax rates is expected to gross \$14m in 1990-91 and provide a much-needed boost in funds required to meet the costs of providing municipal services in the Australian Capital Territory. In particular, the revenue will reduce the Territory's dependence on borrowings to fund capital works.

The recommendations in the Standing Committee on Conservation, Heritage and Environment's report on commercial and domestic waste management will also be dealt with from these funds. The overall effect of the increased rates will be to achieve a balanced municipal budget in accordance with Alliance policy, while ensuring that service costs in the Australian Capital Territory are comparable to the costs of comparable services elsewhere. For the future, lower debt levels will contain debt servicing costs and their negative economic aspects.

The opportunity has also been taken to further streamline rates and land tax administrative processes and compliance measures. The amendments which provide for debts to be recovered from a debtor of a ratepayer and prevent interest on unpaid rates and land tax from being reduced by judgment entered in a court will not only ensure the effectiveness of recovery measures but also provide for further consistency in recovery procedures under the ACT revenue laws administered by the Commissioner for ACT Revenue.

A longstanding anomaly in relation to the date of effect for rates and land tax purposes of alterations to the unimproved valuation of land has also been corrected. Under the proposals in this Bill, where valuations of land are changed because of clerical error or a change of circumstances, the date of applying rates or land tax charges will now be, in the case of a clerical error, the date that would have applied had the error not occurred and, in the case of any change of circumstance, the date of that change in circumstance.

Previously, in these situations rates and land tax charges would have applied from 1 July following the redetermination of the new land valuation in either case and resulted in rates and/or land tax charges prior to 1 July being forgone where the property revaluation was higher, or a remission of rates having to be processed for the period prior to 1 July where the property revaluation was lower.

The Standing Committee on Scrutiny of Bills and Subordinate Legislation has raised two issues on which I wish to comment. The committee is concerned that a possible injustice might occur to an innocent bystander in respect of clause 8, which inserts a new subsection that allows the Commissioner for ACT Revenue to recover moneys from a person who is in debt to a defaulting ratepayer. The committee's concern stems from proposed subsection (7) which allows the commissioner to recover from a debtor of a ratepayer money owed to the ratepayer by that debtor but which is not yet due or repayable to the ratepayer because a condition has not yet been fulfilled. The committee is of the opinion that the debt may never become due because the condition may never be fulfilled.

The effect of clause 8 and new subsection (7) is identical to that of subsection 43(7) of the Taxation (Administration) Act 1987 and to that of subsection 218(6A) of the Commonwealth Income Tax Assessment Act 1936. The intention of the provision is that where a debt exists between the defaulting taxpayer and another person the commissioner is not denied access to the moneys due to the defaulting taxpayer by reason of a condition which operates as between the defaulting taxpayer and his debtor. This is entirely reasonable. The debt exists and is delayed as between the parties only as to the time of payment. The provision is not intended to have the effect of creating a debt which has not arisen or will only arise in the event of some contingency. I trust this answers the committee's concerns, Mr Speaker.

The committee also commented on clause 12 dealing with the need for the transferor and transferee to provide details of transfer of rateable land to the Commissioner for ACT Revenue in a form approved by the commissioner. The committee is concerned that the form to be approved by the commissioner takes scrutiny and possible disallowance away from me and, of course, the Assembly.

The Government notes the committee's report but considers that, as recognised by the committee, the specification in the Bill of the detail to be included in the form provides appropriate Assembly control over the content of official forms. Given the many forms required in the administration of the Territory's revenue laws, this approach is a realistic balance between the need for the Assembly to exercise control over what information is required to be furnished in official forms and the necessary flexibility to make changes in the interests of taxpayer convenience and administrative efficiency.

In her speech Ms Follett raised the issue of the amount of rate that has been set by the Government. I should like the record to show that this Government derives no joy from having to raise the rate a substantial amount, even given the fact that with a CPI in the order of 8 per cent this rise will be some 8 per cent above the consumer price index

7 June 1990

or the rate of inflation. We get no joy from that, but the simple fact is that this Government found the economy of the ACT to be in such a shambles following the stewardship of the previous Labor Government that we felt drastic measures of this nature were required.

In addition, some of the moneys raised in this way, as I have already outlined, will be used in meeting the recommendations - costly recommendations, I might add - of the Standing Committee on Conservation, Heritage and Environment in its report on commercial and domestic waste management. Furthermore, the funds raised in this way will allow us to pursue the Government's policy of reducing municipal borrowings to some 50 per cent.

All in all, Mr Speaker, I believe that these are harsh measures, undoubtedly, but they are necessary, and at the end of the day I know that the people of the ACT will prefer to pay a reasonable rate. I might point out that the rate we are currently charging in the ACT under these proposals still means that the rate charged in the ACT is less than the rate charged in other capital cities and other urban areas of Australia. Indeed with the existing rate we compare quite favourably with many of the urban areas of the nation.

Ms Follett has foreshadowed an amendment to this Bill, as indeed I also have foreshadowed some businesslike amendments. Nevertheless, I believe that Ms Follett's foreshadowed amendments are financially irresponsible, and I say now that the Government will oppose them.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clauses 1 to 5, by leave, taken together, and agreed to.

Clause 6

**MS FOLLETT** (Leader of the Opposition) (5.02), by leave: I move:

Page 3, subclause (1), line 5, omit "1.312", substitute "1.204".

Page 3, subclause (2), line 10, omit "0.656", substitute "0.602".

The effect of this amendment is to maintain the increase in rates at the CPI figure. That was a commitment given by me as an election promise, it was a commitment given by Mr Kaine as an election promise, and I really can see no reason at this stage for Mr DUBY, the no self-government Minister, undoing the undoubtedly genuine commitment that Mr Kaine had on this matter.

Mr Speaker, you might ask yourself why Mr Duby proposes to raise the rates by a very large hike at this time, and I can only conclude that he is doing it for sheer political opportunism. Mr Duby is well aware that at the next budget he will be only six months or so away from an election and, frankly, the raising of the rates by a hike like this, within six months of an election, he would find totally politically unpalatable. So I believe this very large increase that he is proposing is a cynical act, but it is typical of him. He has taken a number of cynical acts since we have all come to know him. I think that by raising the rates by 16 per cent, which is a very large rise indeed, he is hitting hardest those people in the community who are least able to afford it.

I call on the Assembly to show some integrity in this matter. I am not opposing any increase in rates; I am a realist in that matter. I realise that municipal service charges and costs do not remain static; they move and so the rates must move. But he has advanced no reasons whatsoever why that movement should be twice the CPI rate. We are forced to conclude that he is doing it to put himself at an electoral advantage next year.

I find that kind of cynical behaviour totally unpalatable. I believe that members of the Government who do have some integrity will also find it unpalatable, and I commend my amendments to them. They do impose an increase in rates, but a reasonable increase that is in line with inflation. It gives me no joy whatsoever to be proposing any increase in the rates, but I think that this increase that I have put forward by way of my amendments is an acceptable level, and I call upon all members of the Assembly to support the amendments.

**MR DUBY** (Minister for Finance and Urban Services) (5.05): Mr Speaker, as usual we hear nothing but economic doubletalk from the Leader of the Opposition. How she can claim that the Alliance Government, and me in particular, are going to obtain an electoral advantage out of raising rates above the CPI is beyond me. Only the Machiavellian minds of members of the Labor Party would come out with something like that. It is clearly ludicrous. The simple fact is that the economic circumstances that this Territory finds itself in demand that sacrifices be made, and we believe that this is the appropriate and responsible response to the circumstances that we are in - that rates will have to be increased. Unfortunately, as has been recognised by numerous authorities who have examined the financial accounts of the Territory, the charges generally are required to be raised.

Strangely enough, in her argument against the raising of the rates above the CPI, Ms Follett seems to take it for granted that, if we do not raise them this year, there is no doubt that they will have to be raised next year. That was the sort of response we had from the Labor Opposition

7 June 1990

members when they were in power. They were terrified to take decisions and, instead, preferred to defer, defer, defer, hoping of course that one day the white knight would come riding over the hill and fix up the economic bungle that they were prepared to leave.

Also, I think it is worth noting that, strangely enough, I believe the Labor Party or their fellow travellers, in the form of many people throughout the community, have been screaming out at public meetings that, rather than taking hard decisions in relation to our schools, our hospitals and other services throughout the community, this Government should raise charges and rates in an effort to be able to provide those services.

I can assure the Opposition that, if these charges do not go up by the level proposed in the Government's Bill, the drastic effect that we shall see on the community will be far worse than anything she or anyone in her party could possibly imagine. Indeed, it would be an act of economic suicide not to approach these charges in the responsible way that the Government is doing.

I think I have shown the economic necessity for the rate that the Government has prudently and judiciously selected, and I have also shown that the Opposition recognises that an increase is warranted. That is not just a view of the Opposition; it is a view of the community as a whole. Without these charges being raised in a prudent fashion, there is no question about the fact that community services throughout the ACT will be seriously endangered. I therefore speak against Ms Follett's amendment.

**MR BERRY** (5.08): That takes the cake today. You get the belt.

**Ms Follett**: It is a pack of lies.

**Mr Duby**: I raise a point of order. Ms Follett has interjected that I have just spoken a pack of lies. I would like it withdrawn.

**MR SPEAKER**: Please withdraw that, Ms Follett.

**Ms Follett**: I withdraw, Mr Speaker, but I will be making a personal explanation.

**MR SPEAKER**: Thank you.

**MR BERRY**: Mr Speaker, Mr Duby gets the belt after that. That could be called "tall tales and true from the legendary past" - classic Duby style.

**Ms Follett**: Very close to lies.

**MR BERRY**: Yes. Mr Speaker, it was a stupid speech and this is a stupid move, although I have to say that it does not matter in political terms to the former No Self



Government Party member that this move will be treated with anger and dismay by the community. This person who supported these moves to increase rates is somebody who has fooled the electorate once and has no conscience. That is clear as a result of his actions and as a result of his being found out. He was rightly called upon to resign because - - -

**MR SPEAKER:** Order! Mr Berry, surely this is not relevant.

**MR BERRY:** Mr Speaker, this is talking about the quality of this decision.

**MR SPEAKER:** Well, that is not what it sounded like to me. Please proceed.

**MR BERRY:** And the quality, of course, has a lot to do with the background of this Minister. This Minister has paraded himself as a Minister in a government that set out to be a responsible government, and in that parade he has disgraced himself on a number of occasions.

**MR SPEAKER:** Order! Mr Berry, that is not relevant. Please get to the point at issue.

**MR BERRY:** This is the next step in that parade of disgraceful conduct. This Minister has no mandate to do anything in relation to self-government. He certainly has no mandate to destroy the credibility of the future of government in this Territory by such stupid actions. There was no need for this additional rate hike. It is simply because of the Liberal philosophy which the Government members opposite have adopted. It is a Liberal philosophy which requires ordinary working people to pay more and big business to pay less. That is what this Liberal philosophy is about.

Here is a man who just talks about doing something responsible; here is somebody who has been rounded up for short breaths and has been roundly criticised for his behaviour as a Minister - and he talks about responsibility! Well, that is a joke. This callous move will be seen for what it is, the Chief Minister will wear it, and it will add to the large crop of arguments that will be supported amongst the community for his eventual dismissal.

The Labor Party made an election pledge, and the Labor Party in the ACT is known for sticking to its pledges.

**Mr Kaine:** This is hypocrisy.

**MR BERRY:** Well, I see the Chief Minister is getting a bit agitated. This is the accountant who behaves like a bookkeeper. Mr Speaker, this is the Chief Minister who in his election campaign said he would look closely at the books and all of the debts that were owed by the Territory, and he reckoned there was no need for any increases in

7 June 1990

rates. What rot! The people opposite have misled the people of the ACT in a number of respects, and I will just focus on one of them for the moment. I refer to the hospitals. They have said that what they plan - - -

**MR SPEAKER:** Order! Mr Berry, this is not relevant to the debate on these amendments.

**MR BERRY:** These are revenue raising amendments, Mr Speaker, and the revenue will be intended to cover government expenditure.

**Mr Kaine:** On a point of order, Mr Speaker; this Bill talks about the collection and levying of rates. It has got nothing to do with the hospitals or anything else.

**MR SPEAKER:** Please be relevant, Mr Berry.

**MR BERRY:** I will, indeed, Mr Speaker, and revenue is important when it comes to the funding of other services, as Mr Doby rightly said. I am surprised that the bookkeeper opposite cannot see that. This Government has said that it will adopt a particular course in relation to our hospitals. It has said that it will cost so much, and it talks about \$154m in relation to its redevelopment plan. The figures demonstrate that it will cost more than the Government says it will, indicatively speaking, and this Government knows that it will have to raise more money through measures like this than would otherwise be the case - and it will be because of its mismanagement of the economy generally.

This is a Government that has not done its sums correctly. It is a Government that does not know how much the ACT owes, because the Chief Minister - the chief bookkeeper - has never done the figures, on his own admission.

**Mr Kaine:** That is not so. You are distorting and misrepresenting again.

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

**Mr Kaine:** He keeps saying it and I will keep contradicting it.

**MR SPEAKER:** Order! Please make a personal explanation later when you have leave.

**Mr Kaine:** No. Tell him to tell the truth, Mr Speaker. I do not see why I should have to keep correcting him when he tells lies.

**MR SPEAKER:** There is an imputation there, Chief Minister. Would you please withdraw the bit about telling the truth.

**Mr Kaine:** Speak the truth for once; come on.

**MR BERRY:** Withdraw it.

**MR SPEAKER:** Order! Chief Minister, please withdraw the statement.

**Mr Kaine:** When he speaks the truth, I will stop contradicting him.

**MR SPEAKER:** Order! Chief Minister, please! You are putting me in a position that I do not wish to find myself in. Please withdraw the imputation that the member lied; otherwise raise a motion of substance on it.

**Mr Humphries:** Mr Speaker, on a point of order; it is customary for the term "lie" or "liar" to be considered unparliamentary, but merely to suggest that someone is not making truthful statements is not of itself an unparliamentary expression or phrase.

**MR SPEAKER:** No, it is not a parliamentary expression that I am worried about, Mr Humphries; it is about a substantive motion. Otherwise we can all accuse one another across the floor, and this is not parliamentary procedure. I would once again ask the Chief Minister to withdraw the statement he made.

**Mr Kaine:** Mr Speaker, I do not withdraw anything. I asked him to tell the truth and I will ask him again. Please tell the truth.

**MR SPEAKER:** Order! I hereby suspend the sitting for 10 minutes.

**Sitting suspended from 5.18 to 5.28 pm**

**Mr Berry:** I would like to raise a point of order, Mr Speaker. Under standing order 202(e) I call on the Speaker to name the Chief Minister.

**MR SPEAKER:** Thank you, Mr Berry, for your observation. Chief Minister, I will again give you the opportunity to withdraw.

**Mr Kaine:** Mr Speaker, I apologise to you for causing you such stress. Under the circumstances I will let Mr Berry have his petty point, and I withdraw.

**MR SPEAKER:** Thank you.

**Mr Berry:** Now, even though there has been a withdrawal, I raise the issue of standing order 202(e) again and ask the Speaker to name the Chief Minister.

**MR SPEAKER:** Overruled.

**Mr Berry:** Mr Speaker, I have to - - -

**MR SPEAKER:** Do you seek leave to address the Assembly?

7 June 1990

**Mr Berry:** I reluctantly move dissent from your ruling.

**Mr Duby:** On a point of order, Mr Speaker; I draw your attention to standing order 202(e). It would appear to me that Mr Berry is persistently and wilfully disregarding the authority of the Chair.

**MR SPEAKER:** I would like the proceedings to proceed without any more acrimony, Mr Berry. You have received your withdrawal and I would ask you to proceed with the debate you are involved in.

**Mr Berry:** Thank you, Mr Speaker. My motion of dissent from your ruling is most reluctantly moved because I think - - -

**MR SPEAKER:** What standing order are you speaking to now?

**Mr Berry:** Standing order 275, Mr Speaker. I would refer you to House of Representatives Practice.

**Mr Humphries:** On that point of order, Mr Speaker - - -

**MR SPEAKER:** Just a moment please, Mr Humphries. I am trying to catch up with Mr Berry's logic. Under the circumstances, Mr Berry, there is no provision under our standing orders, and I would submit to you that we get on with the job before us without further ado. I ask you not to persist with this position you find yourself in.

**Mr Berry:** Mr Speaker, I respect your request. However, I am forced to resist it by the circumstances that I find myself in, Mr Speaker, and those circumstances of course arise from your ruling.

**MR SPEAKER:** As we do not have a standing order to cover it, I do not believe there is anything you can do other than to resume your seat and let us get on with the business before the house.

**Mr Berry:** Mr Speaker, I raise a point of order in relation to 275 which makes it very clear that, if there are no provisions in our standing orders, then one refers to the prevailing practice in the House of Representatives.

**MR SPEAKER:** I will take advice on this matter.

I refuse to accept your proposition, Mr Berry, and I again appeal to members. If you find that our standing orders are not sufficient to meet the needs of this Assembly, you should amend them, as I have requested on a number of occasions. Mr Berry, on this occasion I rule that you are out of order and I would ask the Assembly to get on with the business before it.

**MR BERRY:** I seek an extension of time, Mr Speaker.

**MR SPEAKER:** All members are allowed to speak to an amendment twice. Please proceed, Mr Berry.

**MR BERRY:** Mr Speaker, the extension of time was in relation to the 15 minutes. I would be entitled to seven and a half minutes, but I can come back for another 10 later. Mr Speaker, I will not be too long. The issue is about parties who have deserted their policies, abandoned the people of Canberra and seek to impose an unnecessary cost on taxpayers in this Territory. The first and most prominent of those is the Liberal Party guided by Mr Kaine. They, as I have said, Mr Speaker, made it clear to the people of Canberra that there was no need for a rate increase. Now the "Liberal" Government opposite - and I say that advisedly because that has become a clear position - has adopted those Liberal philosophies and it is going to be the ordinary working people who pay for the economic madness that is being followed by these people.

This rate increase is unnecessary. There has been no justification for it placed before this house. There are no figures before this house which suggest that a certain number of dollars are required to fund certain obligations of the Government - I suggest, because the Government probably has not checked its figures, which is something that is repeatedly the case with this Government. This occurred in the education debate where the Minister responsible, Mr Humphries, was found out this morning on ABC radio. I wonder whether he has bothered to study the figures since that expose of his own inadequacies and whether those costings will become available for the people of the ACT to scrutinise. On the basis of the performance of the Save Our Schools group, they will probably batter him around the head with it.

**Mr Duby:** To save ourselves we will ask for a rate increase.

**MR BERRY:** The no self-government phoney opposite gets a bit edgy about this because he knows that there are no principles where he is coming from, and he would not have a conscience in relation to the imposition of this tax because he has nothing upon which to base such a conscience.

**Mr Humphries:** On a point of order, Mr Speaker; I think Mr Berry referred to Mr Duby as a phoney. I think he should be asked to withdraw that.

**MR BERRY:** The evidence is pretty strong.

**MR SPEAKER:** I believe that is unparliamentary. Please withdraw it, Mr Berry.

**MR BERRY:** I withdraw it if it offends the Speaker - and see how quickly I responded to your ruling, Mr Speaker. Mr Kaine could learn a little bit from that. Mr Speaker, the issue is about misleading the electorate. The electorate

7 June 1990

will feel misled by this Government opposite because there were so many promises about how good it would be under self-government. There were so many promises about how self-government would be abolished by one course or another. They now know of course that abolition was furthest from the minds of those who ran for this place, as has been demonstrated by their behaviour after they were elected. But the major parties, the Australian Labor Party and the Liberal Party, made it very clear to the electorate that they would not increase rates.

It is going to be very clear to the electorate next time these two parties go to it that there is one group of people who misled the electorate, and that is the Liberal Party. They will know that there is one party which stood by its guns, and clearly that is Rosemary Follett's Labor Opposition.

We intend to stand by this and ensure that the Liberal Government members opposite - and I include all of them - pay for this imposition that they intend to place on the shoulders of ordinary working people in the street. We will ensure that even the laughing Mr Humphries will pay for this. Mind you, he gets off a bit scot-free in this. I suppose he could be arguing that he was very lucky not to get the top spot, even though he polled better amongst the Liberal Party, because now Trevor Kaine is going to wear it and he might get the chance to be Chief Minister one day. Well, I think the chances are pretty slim.

**Mr Doby:** He might, but you never will, Wayne.

**Mr Humphries:** That is right. I have got some chance at least.

**MR BERRY:** You have got a pretty slim chance. He has got none.

**Mr Doby:** I never claimed any.

**MR SPEAKER:** Order!

**MR BERRY:** I do not want to be Chief Minister because we have got our candidate here for Chief Minister. She will be Chief Minister. She was a good one and she will be a good one again. Mr Speaker, it is entirely relevant to talk about the appropriate person for the Chief Ministership of this Territory because, on the one hand, we have got a person who has betrayed the electorate and, on the other hand, we have a person who has supported the electorate and their wishes.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (5.40): I feel compelled to make a few comments, Mr Speaker, that I think will pretty simply demolish what Mr Berry has just said. In the first place, he indicates there is no evidence that a certain number of dollars are required. I wonder what evidence he or his government ever

gave that particular numbers of dollars were required to run services when the Follett Government sought increases in rates or charges. I wonder what justification was provided then.

**Ms Follett:** We used the CPI.

**MR HUMPHRIES:** Well, you did not indicate the CPI.

**Mr Duby:** They upped the value of everything.

**MR HUMPHRIES:** Yes, that is right. That is hardly to be sustained, Mr Speaker. Ms Follett made no justification whatever when she introduced, for example, the increases in payroll tax. She provided no evidence of what the need for that was. She said that she felt it was a requirement of her Government that she have more money in that area. It was as simple as that.

Ms Follett and her former Government are obviously severely out of touch with what people out in the community are saying. From all the meetings I have been to in the last few weeks - and Ms Follett has been to some of those as well - I gained the very strong impression from those that I have spoken to and those that have spoken to me that there is a belief that rates ought to increase in this Territory, or at least that government revenues ought to increase, to prevent too many public services being threatened with cutback. That is precisely what this Government is doing. We are attacking the problem of diminishing resources from both ends; that is, we are looking at the expenditure of government and at the revenue of government.

These people opposite, of course, have no regard for the realities that are imposed on a government. They are quite happy to say, "We oppose any rate increases, we oppose any increases in taxes or charges, but we also oppose any cuts to public services". That is a position that comes entirely from being in opposition. It is a position that no government can possibly sustain. It was not even a position that they sustained when they were in government. They themselves reduced services and increased taxation. So their hypocrisy on this matter ought to be clearly exposed.

I think it is very fair for us to ask exactly what solution the Labor Party is offering to the ACT's financial problems. What solution is it offering? It is saying, "Trust us to find some solution and everything will be all right. When we come into government, whenever it might be" - it is probably the year 2020 but they think it is 1992 - "somehow we will be able to sort these problems out". Labor members have not indicated one single way in which they will do that. They have vaguely alluded to increased taxes on business but they have not been brave enough to spell that out, so we do not know exactly what that means. We have had all sorts of helpful suggestions

7 June 1990

from the Federal members, who say, "Reorder your priorities", or, "Think again about what you should be doing", and things like that. It really does not add up, Mr Speaker. We cannot rely on that kind of advice. We have got to make some hard decisions, and that is what this Government is doing in this Bill.

**MRS GRASSBY (5.43):** Mr Speaker, the Liberal Party again has misled the electorate by this increase of 16 per cent, an enormous hike. The Labor Party did say charges would go up, but at CPI figures. The figure of 16 per cent is well above CPI figures. The fact is that they are going to learn that some of their friends who live in Forrest and the areas where those opposite think they have the vote will be paying an extra \$1,000 on their rates and taxes. Unfortunately, though, there are not a lot of them. The people who are going to be hurt are the people in the outlying suburbs who will find their rates and taxes going up by \$200 and \$300 a year. That might not seem very much to people sitting in this house, but if you have a mortgage and you are barely meeting your mortgage repayments with the interest rates as they are today, then an extra \$300 to \$400 a year will make payments out of their pay-packets unbearable. People will not be able to meet these. An increase of 16 per cent is an enormous hike, Mr Speaker. If it were 10 per cent I could understand it, but not 16 per cent. It is the little people - and there are a lot of them in Canberra - who will be hurt by this Bill. And will it do any harm to the big people? Yes, it will.

They will find at the next election that the people from whom the Liberal Party normally get a vote - people from Red Hill, Forrest and the new area of Griffith, who will suffer an enormous hike - will vote against these people because they promised them that they would not put up rates and taxes. Yet here they are putting them up 16 per cent. There is one person I know in Forrest whose rates and taxes will go up \$1,000.

**Mr Kaine:** Well, their rates bills must be pretty heavy.

**MRS GRASSBY:** They are pretty heavy. They are the ones who realise what you are doing. You have not been talking to these people. They are very savage about it, and they are supposed to be your voters, not our voters. But it is our people out in the suburbs whom you are hurting who are already suffering and bleeding from paying large interest rates on housing mortgages. Now they are going to be hit with another \$200, \$300 or \$400 in areas where they can barely afford it. Mr Speaker, I support Ms Follett's amendments on this and will vote for them because I find this provision absolutely horrifying. A 16 per cent hike is unbelievable.

**MR MOORE (5.46):** I rise to support Ms Follett's amendments. I have considered the matter carefully and it seems to me that, if you take Mr Humphries' argument about needing to raise revenue, the first step is to raise



betterment tax to 100 per cent instead of the shonky system that they put on. When you can start raising your money appropriately from those that suffer least, then I will be prepared to start considering the need to raise rates.

**Mr Humphries:** Where does the other \$98m come from?

**MR MOORE:** I am glad Mr Humphries interjects, "Where is the other \$98m?". I take this opportunity to say that that figure of \$98m is absolute bunkum, and you know it is bunkum. It is misleading the people of Canberra, and you have been doing that for long enough. If you believe it yourself, then you are being misled by the Chief Minister. If you had given me the opportunity to speak on the Priorities Review Board report yesterday, I would have been prepared to explain to you why that \$98m, or \$100m, or whatever you would like to call it, is absolute bunkum. The Chief Minister is sitting there "hanging his head in shame", as Dennis would say - but he is probably writing something. He is the one that has been misleading the people in Canberra in order to implement the agenda of the Liberal Party in moving things out of the government service delivery sector into the private sector. I think that this business of raising the rates beyond CPI is not acceptable and I shall support the amendments.

**MS FOLLETT (Leader of the Opposition) (5.48):** Mr Duby has offered not one jot of factual evidence to support his proposal to increase the rates by 16 per cent. Mr Speaker, Mr Duby has the very great advantage of having the Commissioner for ACT Revenue and another departmental adviser present in the chamber. I feel quite sure that those very capable officers would have given Mr Duby the evidence if there had been any.

I think it speaks volumes that all Mr Duby did, in responding to my amendments, was get up and badmouth me. That is about all we can expect from this man in this house, and it is an absolute disgrace, but he is the Minister for Finance, for better or for worse - for much worse in this case - and I expect a reasoned argument from him. We have not had it.

The fact is that the increase of 16 per cent that is being proposed by the Government is an increase of some 8 per cent over CPI and it has not been justified on any grounds whatsoever by the Minister responsible. Moreover, the increase of 16 per cent is a direct denial of the election promises given by Government members with regard to rates. As I said before, we have spent most of the day talking about integrity and keeping promises, and this is just another example of the total abandonment of principle by Government members. I think it is a disgrace.

Mr Humphries referred to the question of increasing revenue, and indeed that is a matter that I have spoken on many times. But it should not really come as a surprise to Mr Humphries to know that the rates are not the only source

7 June 1990

of revenue. In fact, there are numbers of other revenue sources which are available to the Government.

**Mr Humphries:** Well, what are they? Tell us, please.

**MS FOLLETT:** In fact, the Government has taken one today. Mr Speaker, I respond to you and not to Mr Humphries' constant interjections. It has taken one today with regard to the land tax.

What we are looking at in this Bill as a whole today is the question of balance. The fact is that the Liberal Government opposite has come down very much against the average ACT householder. It has imposed a very large hike in rates on average ACT households. On the question of imposing land tax, on the other hand, it has not gone nearly as far as other governments have. Land tax, on the whole, is imposed on businesses - the Government's friends, its supporters, the people who are mounting an ad campaign to support the current Government and the PRB.

Mr Speaker, it is very clear to me where this Government's loyalties lie, and it is clearly not with the average Canberran. It has hit the people with this enormous rates slug and yet, by comparison, it has looked after the business sector very well. So, as I say in response to Mr Humphries' remarks about revenue, it is a question of balance. We, on the Labor side of this Assembly, will always weigh the needs and the interests of ordinary Canberra people much more highly. We would certainly weigh our own election commitments and our own integrity much more highly than the current Government appears to do.

Mr Speaker, I would say again that the amendments that I am proposing are for increases in the rates which would be in line with CPI, and I commend them to the Assembly. We have had a number of interjections - it seems as if nobody will address the situation in any sort of informed way - about the revaluation exercise that took place over the previous three years before we came into government last year. It is a fact that, as a result of that revaluation, some people's rates increased. But, of course, what has completely escaped the members opposite is the fact that, as a result of that revaluation, the rates in a large number of areas of Canberra actually fell - areas in Tuggeranong and Belconnen, in particular. Mr DUBY, of course, has not sought to comment on that.

It is also a fact that, following that revaluation exercise, I actually dropped the rate in the dollar at which rates are levied in order to ensure that overall the rise in the rates take would not be above CPI. I kept my election promise, and I went to considerable trouble to do so. Therefore, I do not appreciate Mr DUBY's constant badmouthing and harassment of me across the chamber.

He has not got a clue what he is talking about on these matters. He is a churlish and ill-mannered man. With his

increase in the rates to average Canberra people - a large number of whom supported him, ill-advised though that might have been - I think that Mr Duby stands condemned. I have no doubt that ordinary Canberra citizens first supported Mr Duby because they thought he was going to try to abolish self-government. Now they know that he is not going to do that. They also know that he does not really care two hoots about their own private economic situation. Now he is going to hike up the rates at any time he likes, particularly when there is not an election in the offing. I think that Mr Duby's credibility in the electorate has really reached an all-time low - if it could have gone any lower - as a result of his action in regard to rates.

Mr Speaker, I commend the amendments to the Assembly. They are reasonable amendments. As I say, they recognise that the rates do have to move with CPI, but they do no more than that.

Question put:

That the amendments be agreed to.

The Assembly voted -

AYES, 7

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

NOES, 9

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

Question so resolved in the negative.

Clause agreed to.

Clause 7

**MR DUBY** (Minister for Finance and Urban Services) (5.56): I move:

Page 3, proposed new subsection 22(4A), line 14, omit the proposed new subsection, substitute the following subsection:

"4(A) Where a court enters a judgment for the payment of an amount of rates -

- (a) the amount, or the relevant amount, shall not be taken, for the purposes of subsection (3), to have ceased to be due for payment only because the judgment was entered; and

- (b) if interest is payable on the judgment debt - the amount that, but for this paragraph, would have been payable under subsection (3) shall be reduced -
- (i) where the judgment is for an amount of rates - by the amount of interest on the judgment debt; or
- (ii) where the judgment is for an amount that includes an amount of rates - by the amount that bears the same proportion to the amount of interest on the judgment debt as the amount of rates bears to the amount of the judgment debt."

This Bill provides for changes to the urban, rural and land tax rates and the improvement of debt recovery and administrative measures. Clause 7, on page 3 of the Bill, deals with the continuation of the interest charges imposed on unpaid rates after judgment is entered in the courts. This amendment replaces subsection 4(A) under clause 7 with a similar subsection that provides for a situation where the court enters judgment for payment of an amount of rates or an amount that includes an amount of rates. New paragraph 4A(a) provides that the amount for rates or for a relevant amount, which may include other charges, is still due and payable notwithstanding that judgment was entered. New paragraph 4A(b) provides that, if interest is payable on the judgment debt, the amount which may include other charges which but for this paragraph would have been payable under subsection (3) shall be reduced.

In subsection 4A(b)(i), where the judgment applies to rates, the reduction will be by the amount of the interest applied to the judgment debt; in 4A(b)(ii), where the judgment is for an amount that includes an amount of rates which may include other charges, it will be by an amount that is in proportion to the amount of interest on the judgment debt as the amount of rates bears to the amount of the judgment debt.

Mr Speaker, these housekeeping provisions, which have been recommended by the Commissioner for ACT Revenue, tighten up the anomalies which occurred relating to interest on debts in a comparison between that charged by the ACT Government and that entered into in courts. I commend the amendment to the house.

**MS FOLLETT** (Leader of the Opposition) (5.58): Mr Speaker, I do not really oppose this amendment but I certainly do oppose the way in which it has been presented and explained. I do not have the explanatory memorandum on the amendment with me at the moment because I sent it out to try to get a bit of advice on it, but I have to say that even that is no more than a reiteration of the legalese that is in the amendment itself. It is no more explanatory than if it were written in Greek.

If we are to get these sorts of amendments at very short notice, such as we did today, there has to be a genuine attempt to explain what on earth they mean or else we have to be given some notice of the amendment. As I say, I do not oppose it, but nor do I understand it.

Amendment agreed to.

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

### **STATUTORY AUTHORITIES (AUDIT ARRANGEMENTS) BILL 1990**

Debate resumed from 5 June 1990, on motion by **Mr Kaine**:

That this Bill be agreed to in principle.

**MS FOLLETT** (Leader of the Opposition) (6.00): I will be very brief on this matter because the Opposition supports this legislation. I am very pleased to see that there is some degree of financial rigour being exercised in the expenditure of taxpayers' money. It is more or less just a housekeeping piece of legislation that really sets out to regularise some of the auditing arrangements for statutory authorities and to make provision for them to report from the period of self-government until the end of this financial year.

It is a fairly uncontroversial piece of legislation and, as I say, we will be supporting it. However, it does lead me to wonder - as a bit of an aside, while I am on my feet - what has become of the Government's response to the need for some sort of an inquiry into corruption in the ACT. It has been a very long time coming. When you consider that Mr Collaery, in particular, has made such an enormous play of corruption in the public sector in the ACT - - -

**Mr Humphries**: Mr Speaker, I rise on a point of order. I have no understanding of what an inquiry into corruption could possibly have to do with this. It is totally beyond me.

**MR SPEAKER**: Thank you. Please speak to the point.

**MS FOLLETT**: I can explain that to you. Mr Speaker, the connection here is that the whole role of auditing is to be accountable for the organisation, for the expenditure of money within that organisation, and so on. Surely, if corruption has got anything to do with anything - and you would have to talk to Mr Collaery about that - it concerns questions of accountability. I ask again: what has become of the Government's response to that question of corruption?

7 June 1990

I believe we had a committee report quite some time ago now and, considering the enormous weight that Mr Collaery placed upon the issue of corruption, time after time, ad nauseam, in this house, I would have thought that, now that he is in government, he would have been much quicker to respond than has been the case.

I think there is a definite link between the question of accountability and auditing and the general question of corruption and the allegations of corruption within public sector organisations. I am surprised that Mr Humphries does not see that. I am sure that Mr Collaery, with his conspiracy enriched lifestyle, would have known that right off. As I say, Mr Speaker, we do not oppose the legislation. It is a housekeeping matter and we are happy to support it.

**MR DUBY** (Minister for Finance and Urban Services) (6.02): Mr Speaker, the Government welcomes the Opposition's support on this Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **CULTURAL ACTIVITIES - SELECT COMMITTEE Interim Report**

**MR WOOD** (6.03): I move:

That:

- (1) the Assembly authorises the Select Committee on Cultural Activities to submit an interim report on performing arts facilities.
- (2) if the Assembly is not sitting when the select committee has agreed to its interim report, it may submit that interim report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation; and
- (3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

I seek leave to speak to the motion.

Leave granted.

**MR WOOD:** This is by now a routine matter. Numbers of other committees have sought the availability of reporting

in between the times when the Assembly is sitting. It may become necessary for us to report. We are looking particularly at theatre spaces at this stage and it might be appropriate if we were to bring down an interim report in case anything is to be decided about the casino and the use of spaces on section 19.

Question resolved in the affirmative.

#### **STANDING ORDER 229 - AMENDMENT**

**MR JENSEN** (6.05), by leave: I move:

That standing order 229 be amended by omitting the words "within the Territory".

I understand that there has been some concern about the standing order. My motion would enable members to carry out committee business outside the ACT.

Question resolved in the affirmative.

#### **DAY OF NEXT MEETING**

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

That the Assembly, at its rising, adjourn until Tuesday, 7 August 1990, at 2.30 pm, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of members.

#### **BELCONNEN REMAND CENTRE Discussion of Matter of Public Importance**

**MR STEVENSON:** A short while ago Mr Collaery misled this house. He said that the matter that I raised as a matter of public importance should not be heard today because it is sub judice. That is not correct; the matter is not sub judice.

**MR SPEAKER:** Thank you, Mr Stevenson, for your advice there. In that case I will call on the MPI. I have received a letter from Mr Stevenson requesting that a matter of public importance be submitted to the Assembly for discussion, namely:

The mismanagement of the Belconnen Remand Centre, the apparent victimisation and set-up of staff members Barry Albrighton, Carol Connelly and possibly others, and the lack of investigation of these matters by the Attorney-General, Bernard Collaery.

7 June 1990

**MR STEVENSON (6.06):** Mr Speaker, the matter that I raised as a matter of public importance is indeed one of public importance. It named Mr Collaery as possibly failing to instigate a correct investigation into this matter in his role as Attorney-General. When the matter was due to be raised, Mr Collaery moved that the Executive business of this house be heard immediately. That would have effectively blocked the matter of public importance. So the matter of public importance, which named Mr Collaery, was moved by Mr Collaery to be not heard today, and that would put it off, no doubt, for some nine weeks.

There was a vote taken on whether or not the matter of public importance would be heard today and, apparently, because two or three of the members opposite voted incorrectly, it was allowed to proceed. Prior to my getting up to talk on the matter of public importance, Mr Collaery stood up in this Assembly this afternoon and said that the matter should not be heard because it was sub judice for two reasons. The first was that there is a quasi-judicial hearing and the second was that Mr Albrighton had issued seven writs against people working in the Belconnen Remand Centre. Neither of those statements is correct. Mr Speaker, let me read a letter from Mr Albrighton with today's date. It states:

I, Barry Albrighton, have not issued writs for defamation as claimed in the Legislative Assembly this afternoon -

I add, by Mr Collaery -

and I have checked with my solicitors who advise me that they have not issued any writs on my behalf.

That was signed by Mr Barry Albrighton today. I spoke to Mr Albrighton's solicitor. She said that she had not issued a writ on Mr Albrighton's behalf. Barry Albrighton had asked his solicitor to write a private and confidential letter, dated 2 February this year, alleging that certain people had made statements that were defamatory. It lists those statements and at the end of the letter it says:

Our client denies the truth of your allegations. We are instructed to request that you apologise to our client within seven days of the date of this letter for the defamatory remarks you have made in the letter of 27 November 1989, and that you write another letter to be sent to all those persons who received the first letter, withdrawing the defamatory remarks you have made about our client. If this apology and retraction is not forthcoming, our client will consider litigation in court. Yours faithfully, Pamela Coward and Associates.



I stress these words "will consider litigation in court". Wanting to get to the bottom of the matter, I asked Mr Collaery for the evidence that a writ had been issued. He showed me something written that he claimed was from his department that said that writs had been issued on seven people. I said something to the effect of, "Yes, but where's the evidence?". He repeated that it was there in writing. I said, "I don't accept that as evidence". Mr Collaery then took me to a gentleman, who I believe is Peter Chivers, who said these words: "I have seen the writ". I thought, "Well, that is interesting; I had better go and check on the matter". As I have indicated, there has been no writ issued.

Since that time Mr Chivers has told me that he did not see a writ; he saw a letter. A letter is not a writ, and it is absolutely atrocious that I have been misled by Mr Chivers by his saying that he had seen a writ when he had not. If he or someone else has misled Mr Collaery, which is a possibility, then that also is an absolutely appalling situation.

After that, I was then told by Mr Jensen that the letter constituted something that was sub judice. In other words, it was a statement that the client would consider litigation in court. He said - and I do not doubt he would be prepared to stand up in this Assembly and make the point - that that matter was sub judice.

I quote Dr David Mitchell, who is a Bachelor of Arts, Bachelor of Laws, Master of Laws, Doctor of Philosophy, has a Diploma of International Law, a Diploma of Human Rights Law and is a senior constitutional lawyer. He advised me that the matter is not sub judice unless writs have actually been issued. The letter dated 2 February 1990 from Barry Albrighton's solicitors does not create a sub judice situation. One cannot stop a matter from being raised in parliament by issuing writs. If that were the case, then any citizen could inhibit the operation of parliament by issuing writs.

**Mr Humphries:** I rise on a point of order, Mr Speaker. Mr Stevenson is attempting to argue that there is no reason why the Assembly should not discuss this matter, and that has been, with respect, accepted by the Assembly, since no-one is preventing him from raising this matter of public importance. We are now debating the matter of public importance. I think, therefore, that arguments about whether it is sub judice or not are irrelevant to the matter under consideration.

**MR SPEAKER:** Yes; your time is running out, Mr Stevenson. Please get to the issue.

**MR STEVENSON:** A member of parliament is not prevented from raising a matter in parliament due to court proceedings. I make the point, Mr Speaker, that the - - -

7 June 1990

**Mr Humphries:** Mr Speaker, on the point of order; Mr Stevenson is not adhering to your ruling.

**MR SPEAKER:** Thank you. I recognise that he was concluding the last few words of that statement, Mr Humphries. Please proceed, Mr Stevenson.

**MR STEVENSON:** Indeed, the other matter that was said to be sub judice is not sub judice either - and that is the matter of the Merit Protection and Review Agency. It is not a judicial - - -

**Mr Humphries:** Mr Speaker, I raise a point of order. I think that your ruling has clearly established that we are not debating issues of sub judice; we are debating the substantive matters outlined in the matter of public importance. I ask you to bring Mr Stevenson to order.

**MR SPEAKER:** Please, Mr Stevenson, I would ask you to address the MPI before the house, not what happened elsewhere.

**MR STEVENSON:** I am concerned about it because the wording of the MPI talks about the lack of investigation into these matters by the Attorney-General, Bernard Collaery, who first of all tried to prevent the MPI being heard by jumping over it and secondly tried to prevent it going ahead by making a false statement in this house. When someone comes along to you, as Mr Albrighton, a shift supervisor at the Belconnen Remand Centre, came to me, it is very important that you have an understanding of whether or not that person is telling you the truth.

During the last three months I have had a number of occasions to talk to Mr Albrighton and I believe indeed that he is telling the truth, while obviously some other people are not. I have a document here signed by 23 people - their signatures were collected in January and February of this year - which states:

We, the undersigned officers of Belconnen Remand Centre, wish to express our concern over the transferring out of the centre of Mr Barry Albrighton. The officers whose signatures appear below have worked with Mr Albrighton for going on a year or just over and a number of us have worked for him for nearly three years. During this time we have always found Mr Albrighton to be competent in his duties as senior officer of the Remand Centre.

They go on to talk about the good relationship he has with other people. So that bears out what I believe from my discussions with him. He said that last September he contacted Mr Stefaniak, and later Mr Collaery, to try to get assistance in handling what he alleges are grievous injustices. He said that no assistance that resulted in anything was forthcoming. Indeed, he said he wrote to Mr Collaery and has not received a letter.

About one month ago, after speaking to Mr Albrighton yet again, he told me that he had been sacked from his job and transferred out of the department. I told him that once again I would be prepared to represent him. I contacted Mr Collaery's office and spoke to David Rossiter, who would not let me speak to Mr Collaery. Mr Rossiter then wrote me a letter suggesting that the matter was sub judice - which it is not - and that it was not appropriate to talk about it.

At the end of the letter he said, "I'd be happy to speak to you again on any occasion". I did not want to talk to David Rossiter; I do not want to talk to David Rossiter about the matter. I wanted to talk to the Attorney-General about a matter that I have looked at for three months and have done nothing about, but members opposite have accused me of doing things for publicity. If that had been true, and they should know it is not, I would have immediately rushed out to the media and said, "Look, there's some terrible injustice here; let's get a good story so I can get my picture in the paper", or whatever.

What I tried to do was go to the right person about it, Bernard Collaery, and he refused to see me on the matter. So finally I spoke to Mr Albrighton. I said, "As nothing else has happened, I am prepared to take it to the Assembly" - hence the matter of public importance. It is appalling, first of all, that I cannot get to see the Attorney-General if I want to discuss a matter of importance. It is appalling that I have to bring something up in this house and it is attempted to be stopped on two occasions, once by misleading the house, by the Attorney-General - the Attorney-General; not just any member. He is supposed to be the senior law-maker in this Assembly, a man who should know the law, who suggests to me and this Assembly that it is sub judice when it is not.

**Mr Humphries:** Mr Speaker, I really have to draw the line at some point. Mr Stevenson continues to suggest that the Attorney-General has misled the house. If that is his view, he should move a substantive motion to that effect. But, since that is not the subject of this particular debate, I believe that allegation ought to be withdrawn.

**MR SPEAKER:** Yes, thank you.

**MR STEVENSON:** I have already said it may have been that he was misled. I do not know. Until I do know, I will only say that I do not know, as I already said before Mr Gary Humphries got on his feet. I do not seek to make political gain out of it. I simply report the facts. Let us have a look at the possible facts of the matter with Barry Albrighton.

**Mr Humphries:** Mr Speaker, Mr Stevenson has not withdrawn the statement and I ask you to direct him to do so.

7 June 1990

**MR SPEAKER:** Yes. I think you cannot rely on words said earlier in the debate to qualify your later statement that he misled the house. I would ask you to withdraw that, Mr Stevenson, and, if you so desire, to move a substantive motion against the Attorney-General on that basis.

**MR STEVENSON:** I do not quite understand. Clearly what Mr Collaery said was not true, so I said he misled the house. I had already acknowledged that it may have been because he was misled.

**MR SPEAKER:** Order! There is a parliamentary procedure for bringing that matter to the Assembly, and that is a substantive motion. Therefore, I would ask you to withdraw the expression that he misled the Assembly because you did not qualify it when you said "at that time". Previously you said he may have. That time you said he did.

**MR STEVENSON:** Indeed, I do so.

**MR SPEAKER:** Thank you.

**MR STEVENSON:** Mr Albrighton alleges theft of public property out of the Belconnen Remand Centre, and Carol Connelly also alleged theft. Mr Albrighton says that these matters have not been investigated. He alleges assault of a detainee by three officers with the superintendent, Mr Keith Brightman, standing nearby in apparent consent. Was this the case? We need to look at that. He alleges and Carol Connelly alleges that she was charged with an assault on detainee K. Cox, which did not occur - another matter that needs to be investigated. We need to understand whether or not Margaret Warren's complaint about sexual harassment by Mr Eric Ebsworth has been investigated and, if so, we need to have an understanding of that.

We need to understand whether or not Barry Albrighton was simply doing his job as a union representative in asking questions about the matter, after which he was charged with the suggestion that he did attempt to persuade Eric Ebsworth to change a statement previously prepared. We need to understand whether various allegations by Mr Albrighton are true or not. They make sense from what I have seen.

I have two pages of questions that should be asked in the matter. Indeed, we have a time problem. What I request is that this matter be immediately investigated. There are serious allegations about management and propriety at the Belconnen Remand Centre which, to my knowledge, the Attorney-General has not investigated, and I ask that this be done immediately.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (6.23): Mr Speaker, I will say only two very brief things in this matter. One is that the Government regrets that this matter has been raised in this fashion and believes that it was inappropriately done. The second is that,

although it may be the case - and I say so advisedly - that some of the things that Mr Collaery, the Attorney-General, said to the house were not true, it is not the case that Mr Collaery deliberately misled the house.

Discussion concluded.

### **ADJOURNMENT**

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

That the Assembly do now adjourn.

### **Rulings from the Chair**

**MR BERRY** (6.24): Mr Speaker, during the debate today on the Liberal Alliance's plan to take rates and taxes through the roof, I outlined the outrageous 16 per cent hike in rates. The Chief Minister accused me of not telling the truth. He was totally out of control. He was ordered on more than one occasion to withdraw the imputation that I was lying. He refused each and every time, at which point, Mr Speaker, the only option left was for you to name him. The house was in turmoil and the Speaker left the chair and suspended proceedings - I suggest, to allow the Chief Minister to cool down.

When the Speaker returned I requested, as the standing orders provide, that the Chief Minister be named for disorderly behaviour. Mr Speaker, you overruled that request. I then moved dissent from the Speaker's ruling. This was also disallowed. This is an unprecedented move in Westminster parliamentary practice. In every parliament across Australia and in the Western democracies there are clear rules, precedents and conventions about the conduct of parliamentary proceedings. I believe, Mr Speaker, that you have today thrown centuries of parliamentary practice out the window. I accept that you were under considerable pressure, and I ask you to consider the matter carefully.

I raise this matter in this debate because it is a fundamental issue about the operation of this Assembly and the light in which it is held throughout the country. Mr Speaker, the reprehensible behaviour you have displayed in your handling of these Assembly duties - - -

**Mr Jensen:** On a point of order, Mr Speaker; I think you have already indicated your view in relation to a matter of this nature being the subject of a substantive motion. I would suggest that it is appropriate, if Mr Berry wishes to raise any suggestion that you are not doing your job, for him to do so by way of a substantive motion.

7 June 1990

**MR SPEAKER:** Order! Mr Jensen, you are debating the issue. Please proceed, Mr Berry, if you must.

**MR BERRY:** Mr Speaker, the reprehensible behaviour you have displayed in your handling of these Assembly duties is beyond tolerance.

**Mr Humphries:** Mr Speaker, on a point of order; that is clearly an imputation on you as Speaker. I ask him to withdraw.

**MR SPEAKER:** Your objection is upheld there, Mr Humphries. I would ask you to withdraw that, Mr Berry.

**MR BERRY:** Mr Speaker, your handling of these Assembly duties is beyond tolerance and further lowers the dignity of this place. I therefore call on you to resign.

**MR SPEAKER:** Mr Berry, under standing order 202(e), I ask you to withdraw that immediately. If you want to do something along these lines, there is provision for a substantive motion and you have the opportunity to do that. You are flouting the rules of the house itself.

**Ms Follett:** You would not let him move a motion.

**MR SPEAKER:** He can move a substantive motion. Under 202(e), I ask the member to withdraw that.

#### **Member Named and Suspended**

**MR SPEAKER:** This member is persistently and wilfully disregarding the Chair. I hereby name the member.

Motion (by **Mr Humphries**) put:

That Mr Berry be suspended from the service of the Assembly.

The Assembly voted -

AYES, 8

NOES, 7

Mr Duby

Mr Berry

Mr Humphries

Mr Connolly

Mr Jensen

Ms Follett

Dr Kinloch

Mrs Grassby

Ms Maher

Mr Moore

Mrs Nolan

Mr Stevenson

Mr Prowse

Mr Wood

Mr Stefaniak

Question so resolved in the affirmative.

Mr Berry was, therefore, suspended at 6.34 pm for three sitting hours under standing order 204, and he accordingly withdrew from the chamber.

**Belconnen Remand Centre**

**MR STEVENSON (6.34):** I seek leave to table the statement from Barry Albrighton, the solicitor's letter and two pages of questions.

Leave not granted.

**Rulings from the Chair**

**MR MOORE (6.35):** I think, in the adjournment debate, Mr Speaker, it is incumbent upon me to speak on an attempt earlier today by Mr Berry to move dissent from a ruling of the Chair. You had made a ruling; Mr Berry moved dissent from the ruling; and I believe at that stage your ruling was that you would not allow dissent from the Chair's ruling. I suggest that it is totally inappropriate, totally unparliamentary, and against parliamentary practice, once dissent has been moved, with due respect, Mr Speaker - - -

**Mr Humphries:** Mr Speaker, I raise a point of order under standing order 52. Mr Moore is reflecting on an earlier vote of the Assembly.

**MR SPEAKER:** That point is overruled.

**MR MOORE:** Thank you for that. I shall avoid talking about a vote. I am talking about a situation where a member attempted to move dissent and was given a ruling that he could not move dissent. I think that we should look at that situation very carefully, Mr Speaker. I accept that each one of us here is going through a learning curve, and I compliment you for your handling of the situation with the Chief Minister earlier. I was disappointed that the same time was not extended to Mr Berry.

**Mr Duby:** No, never.

**MR MOORE:** And as for that revolting little man there, Mr Speaker, who ought to be kicked out of his position - - -

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

**MR MOORE:** The revolting little man, Mr Speaker.

**Mr Duby:** On a point of order, Mr Speaker; surely under standing order 52 he is reflecting upon the vote of the Assembly quite categorically.

**MR SPEAKER:** Order! Mr Duby, I believe it is valid to try to clear the air on the matter, and I believe Mr Moore is quite right to do so.

7 June 1990

**Mr Jensen:** On a point of order, Mr Speaker; I would have thought that standing order 54, dealing with offensive language, would have applied in that case.

**MR MOORE:** Do not be ridiculous.

**Mr Jensen:** Or 55, dealing with personal reflections.

**MR MOORE:** I have not used any offensive language at all, Mr Speaker. "Revolting" is hardly offensive.

**MR SPEAKER:** Order! The member became excited. Please retain your cool, Mr Moore. Please proceed.

**MR MOORE:** Mr Speaker, I hope that you will look carefully at parliamentary practice after this session, and you will have two months to do so. As I started to say, the situation that was handled very well with the Chief Minister I believe could have been handled equally well with Mr Berry. I suggest that, in the earlier stage when there was an attempt to move dissent from the Chair's ruling, it should have been the member's prerogative to so move. I believe that is an area that you will need to look at very carefully. There certainly was a ruling - Hansard will show it - but the situation certainly needs to be cleared if this Assembly is to work well.

It is not good enough for the Government simply to use its numbers to bully its way through. By and large, Mr Speaker, you have not allowed that during the year or so of your Speakership, and we would expect that to continue. Clearly, if there is dissent from the Chair's ruling, then it must be the prerogative of members on this side of the house to move a substantive motion and to be able to speak to it accordingly. That provides time for tempers to cool and for the matter to be debated in an appropriate manner.

I think that the handling today of the Chief Minister and then the very different handling of Mr Berry was an unsatisfactory situation. After the Government has had time to think about this matter and to look at it in perspective, as I would expect from most members in the Government, I believe that we should reconsider the motion, as indeed the Chief Minister had time to reconsider his apology. If Mr Berry were prepared to write to the Speaker and withdraw his accusation of reprehensible conduct or whatever it was, I believe that we should consider reversing the motion that we have carried. That was done at the end of a long, hard day, at the end of a long sitting session.

### **Rulings from the Chair**

**MR DUBY** (Minister for Finance and Urban Services) (6.40): Mr Speaker, for Mr Moore to compare the behaviour of the Chief Minister with that of Mr Berry is absolutely - - -



**Mr Moore:** On a point of order, Mr Speaker; I believe that Mr DUBY is reflecting on a previous vote of the Assembly.

**MR SPEAKER:** Overruled, Mr Moore.

**MR DUBY:** I am commenting on your scurrilous closing - - -

**Mr Moore:** On a point of order, Mr Speaker; I think there is an imputation carried in that, and I would ask you to ask Mr DUBY to withdraw it.

**MR DUBY:** Mr Speaker, there is no imputation there whatsoever.

**MR SPEAKER:** It is late in the day. Let me think about it, for goodness' sake. I will take advice on it. I have had enough of this.

(Quorum formed)

**MR SPEAKER:** I am still trying to find out what the true meaning of the word "scurrilous" is. Mr DUBY, it is a borderline issue. I ask you to withdraw that word.

**MR DUBY:** I withdraw the word "scurrilous", and I will say again that the grossly unseemly, abusive tone of the final debate entered into by Mr Moore, when he tried to compare the actions of the Chief Minister of this Assembly with those of the supposed deputy leader of the Opposition, Mr Berry, was simply beyond belief.

**Mr Moore:** On a point of order, Mr Speaker; clearly, Mr Berry is the deputy leader of the Opposition. To put that tone on it is totally inappropriate.

**MR SPEAKER:** Thank you, Mr Moore, for your observation. It is not a point of order.

**MR DUBY:** As I said, Mr Speaker, any response by the Chief Minister to the taunting and, as I regard it, obnoxious behaviour that has been exhibited by Mr Berry in this Assembly in the last fortnight - - -

**Mr Moore:** Mr Speaker, I believe that is an imputation on Mr Berry. He is not here to defend himself and I ask on his behalf that it be withdrawn.

**MR DUBY:** It is not your place to support him.

**MR SPEAKER:** Order! That is an observation, not a point of order.

**Mr Moore:** Mr Speaker, I was actually referring to standing order 55, I think, which deals with imputations of improper motives and personal reflections on the members.

7 June 1990

**MR DUBY:** Mr Speaker, I must insist that this has gone far enough. These points of order that the people on the other side of the Assembly are making all the time are clearly a preordained move that they have worked out in Labor's party room. There is no doubt whatsoever that Mr Moore is in the Labor Party's pocket and Mr Moore has been working very, very closely with them for a long time, Mr Speaker, because he wants to get into - - -

**Mr Moore:** On a point of order, Mr Speaker; these are very clearly imputations of improper motives.

**MR DUBY:** Mr Speaker, it has nothing to do with motives. It is an imputation - - -

**Mr Moore:** That is not the case, and I ask him to withdraw those imputations.

**MR SPEAKER:** Order! Mr Moore, I do not believe that your being aligned with any party is improper.

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

That the question be now put.

Question resolved in the negative.

**MR DUBY:** Mr Speaker - - -

**Mr Moore:** On a point of order, Mr Speaker; I believe that Mr DUBY has already spoken in the adjournment debate.

**Mr Jensen:** He can speak twice.

**Mr Moore:** Well, under what standing order can you speak twice? I do not believe that is the case.

**Mr Jensen:** In the adjournment debate a member can speak more than once.

**MR DUBY:** I do not know what the point of order is and, seeing that Mr Moore cannot name the point of order, I intend to continue with my closing - - -

**Mr Moore:** It is Mr Jensen's point of order, not mine.

**MR SPEAKER:** Order! Under the circumstances, Mr DUBY, I believe that your time has expired and you do not have the right to speak a second time in the adjournment debate.

**MR DUBY:** Well, may I say, Mr Speaker, that in five minutes of speech, I had probably 20 seconds of talk.

**Ms Maher:** Can we give him an extension of time?

Leave not granted.

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

That Mr Duby be granted an extension of time for five minutes.

**Mr Moore:** Can I seek clarification first before we start speaking to it, Mr Speaker? Is that motion in writing? I believe it has to be put in writing, in accordance with normal procedure.

**MR SPEAKER:** Motions do not have to be put in writing and there can be no debate on the issue, if you have a look at standing order 69(j).

**MR DUBY (6.48):** Mr Speaker. I see now that the filibustering techniques being adopted by Mr Moore opposite once again - - -

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

**MR DUBY:** I refuse to accept the point of order. Mr Speaker, they are clearly - - -

**MR SPEAKER:** Order! Mr Duby, you cannot do that. Mr Moore, what is your point of order?

**Mr Moore:** I believe that the comment that I was only filibustering was an imputation, Mr Speaker. I do not think that is appropriate, and I ask that it be withdrawn.

**MR SPEAKER:** I do not think it is a valid point of order under the circumstances. Please proceed, Mr Duby.

**Mr Moore:** On a point of order, Mr Speaker; I draw the attention of the house to the lack of a quorum.

(Quorum formed)

**MR DUBY:** Mr Speaker, the situation is that we have seen the filibustering techniques adopted by Mr Moore in his blatant attempt to deny people the right - - -

**Mr Stevenson:** On a point of order, Mr Speaker; I call attention to the state of the house.

The bells having been rung -

**MR SPEAKER:** Order! A quorum not being present, the Assembly stands adjourned until Tuesday, 7 August 1990, at 2.30 pm.

**Assembly adjourned at 6.54 pm until Tuesday, 7 August 1990, at 2.30 pm**

7 June 1990

**Blank page.**

**ANSWERS TO QUESTIONS**  
**MINISTER FOR FINANCE AND URBAN SERVICES**  
**LEGISLATIVE ASSEMBLY QUESTION**

**Organ Donors**

**QUESTION No. 134**

Mr Wood - asked the Minister for Finance and Urban Services -

(1) Will the Government provide for drivers licences to contain information indicating the holders willingness to donate his/her organs in case of death.

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

(1) The ACT photographic drivers licence has a space to adhere information in relation to organ donation.

The ACT Department of Health is developing a procedure to utilise this provision, by enabling the donor to attach a notice of their donor status to their licence.

2361

7 June 1990

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Griffin Centre**

**QUESTION NO. 141**

Ms Follett - asked the Minister for Finance and Urban Services

Why has the Minister called for a review of the use of the Griffin Centre site when extensive revision of this use has been carried out over the last four years by the former National Capital Development Commission and the Interim Territory Planning Authority - a revision that has resulted in the Griffin Centre site being formalised as a community facility precinct and confirmed as such.

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

The Government, announced its intentions with respect to the future of the Griffin Centre on 5 June last, when the Chief Minister announced it has given in principle support for the construction of a community centre in the vicinity of the existing Griffin Centre which will incorporate activities undertaken by the occupants of the existing centre.

When I met with representatives of the ACT Council of Cultural Societies which manages the Griffin Centre, I told them that a long term commitment could not be made until the Canberra Times site was resolved.

At that meeting, I proposed a working group to consider the future of the site. This group was to coordinate Government agencies' input with respect to the future of the site.

Since that meeting with the Council there has been extensive discussions with representatives of the Centre users. The views of the Friends of the Griffin Centre and the council have been incorporated into the decision making process. There will be further consultation to finalise the planning and design aspects of the proposed new centre.

The Interim Territory Planning Authority and the Office of Industry and Development will jointly prepare a development plan for this precinct in consultation with my Department and the Housing and Community Services Bureau. As the Chief Minister announced, that plan will be made available for public comment.

2362

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Griffin Centre**

**QUESTION NO. 142**

Ms Follett - asked the Minister for Tenancy and Urban Services

In view of the Ministers answer to a question without notice by Mr Moore on 24 April that he would not grant a ten year lease on the Griffin Centre to the Council of Cultural Societies because he "could not give any guarantee that the Griffin Centre - the bricks and mortar that are on the site would be there in ten years time" can the Minister advise

- (1) Whether there are any proposals under consideration to demolish the building, or sell or exchange the site with any other party.
- (2) If the Council of Cultural Societies is prepared to accept a ten year lease of the existing building and site, without the guarantee the Minister referred to, will the Government Issue the necessary lease.

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

- (1) As I referred to in my response to question 141 the Government has given in principle support for the construction of a community centre in the vicinity of the existing Griffin Centre.

The current Griffin Centre has reached the end of its economic life. It requires extensive repairs. There are over \$300,000 worth of external repairs required. The building was not designed for community use and does not meet the requirements of its users.

The proposal to construct a new centre will ensure the community has access to a more built facility designed for their needs. The occupants of the Griffin Centre will retain their current accommodation whilst this project is developed.

- (2) Given the Governments announcement of 5 June 1990, it is not appropriate to issue a long term lease for the current building. We are in the process of formalising the current management arrangements for the Centre which will remain in place until the longer term arrangements are entered into with a new facility.

2363

7 June 1990

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Griffin Centre**

**QUESTION NO. 143**

Ms Follett - asked the Minister for Finance and Urban Services

- (1) When will the Griffin Centre review committee have its first meeting.
- (2) What date is this committee due to report.
- (3) Have arrangements been made for the council of Cultural Societies to be a member of the committee.
- (t) Does the Minister agree that the Council is in the best position to advise the committee on the way the site is currently being utilised.

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

- (1) As I mentioned in my response to Question No. 141, at a meeting with representatives of the council for Cultural Societies I proposed that a group of officers representing the relevant agencies consider the future of the Griffin Centre site. It was intended that the group would enable the agencies to develop a co-ordinated view with respect to the future of the site. Discussions have taken place on an informal basis between agencies and with representatives of the users of the Centre.
- (2) Now that an announcement on the Canberra Times site has been made by the Government, the Chief Minister has directed that these agencies jointly prepare a development plan for the precinct. There has been no time frame placed on the plan at this stage. However, the Government is committed to expedite the process to ensure the community benefits as quickly as possible from the proposal.
- (3) The Council for Cultural Societies and representatives of the users of the Centre as well as the broader community will be fully consulted in both the development of the new Centre and the Development plan for the precinct.

2364



7 June 1990

The Council has provided excellent advice on the needs of the Griffin Centre and its users in the past and the Government recognises the valuable contribution they will make to the development of these proposals. The Council and other groups will be consulted in developing the final plan and design of the new Centre.

2365

7 June 1990

**ATTORNEY GENERAL FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Regulations**

**Question No. 144**

Ms Follett - asked the Attorney General:

Has any regulation been made by the Governor-General under the Australian Capital Territory (Self-Government) Act 1988 for the purposes of paragraph 27 of that Act, and if so, what are the details.

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

The Commonwealth Governor-General has made the Australian Capital Territory (Self-Government) Regulations (Amendment) [Statutory Rule No. 87 of 1989) under section of the Australian Capital Territory (Self-Government) Act 1988.

As a consequence, to the extent that the Crown is bound or affected by the the following ACT Acts, the Crown in right of the Commonwealth is bound or affected:

Adoption of Children Ordinance 1965 .air Pollution Ordinance 1984 Arbitration Act 190?, of New South Wales. in its application to the Territory City Area Leases Ordinance 1936 Commercial Arbitration Ordinance 1986 Credit Ordinance )985 Dangerous Goods Ordinance 1984 Dividing Fences Ordinance 1981 Dog Control Ordinance 1975 Electricity and greater Ordinance 1988 Low Reform (Afiseelloneous Provisions) Ordinance 1955 Machinery Ordinance 1949 .4lotor Traffic Ordinance 1936 „stairs Conservation Ordinance 1980 Noise Control Ordinance 19SS Radiation Ordinance 19S9 Sole of Goods Wienno Convention) Ordinance 1957 Scaffolding and Lifts Ordinance 1957 Water Pollution Ordinance 195: Weight.t end .4fc•at:rrrt Ordinance IO:9,

2366

**ATTORNEY GENERAL FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Regulations**

**Question No. 145**

Ms Follett - asked the Attorney General:

Has any regulation been made by the Governor-General under paragraph 74(c) of the Australian Capital Territory (Self-Government) Act 1988, and if so, what matters were added to Schedule 4 of that Act.

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

The Commonwealth Governor-General has made regulations under section 74(c) of the Australian Capital Territory (Self-Government) Act 1988. The following powers were added to the ACT Executive by the Australian, Capital Territory (Self-Government) Regulations [Statutory Rule No.86 of 1989]:

- Law and Order (commenced 10 May 1989);
- Legal Practitioners (to commence 1 July 1990);
- Magistrates Court and Coroners Court (to commence 1

July 1990):

- Courts (other than the Magistrates Court and

Coroners Court) (to commence 1 July 1992);

2367

7 June 1990

**MINISTER FOR FINANCE AND URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**Vehicle Workshop**

**QUESTION NO. 158**

Mrs Grassby - asked the Minister for Finance and Urban Services

- (1) Is the Minister aware of the document "Future of the Special Duty Vehicle Workshop" produced by the workers at Special Duty Vehicle (Soy) Workshop.
- (2) At page 3 of that document is a price comparison, for a major service, between the SDI Workshop and other major car service centres in Canberra. Does the Minister agree that the SDI Workshop charges compare more than favourably with private enterprise charges for a major service. If not, why not.
- (3) Is the Minister aware of claims that private contractors quote a low hourly rate to get work but recoup the difference by claiming excessive hours. What action has he taken to prevent this practice occurring.
- (4) At page 4 of that document is a table titled "SDI Cost/ Recovery Statement as at 30 April 1990". Is the Minister aware that this statement was supplied by ACTION. How does the Minister explain the June 1990 projection of \$445,000 for "Vehicle Costs/Parts and Consumable" when the workshops own records indicate charges for this item for the six month period 1/11/89 - 30/4/90, including a 15\$ mark up, were only \$220,000.
- (5) Is it a fair assumption that in actual fact the item "Vehicle Costs/Parts and Consumable" to June 1990 should be reduced by approximately \$70,000. If not, why not.
- (6) At the same table on page 4 a deficit of \$228,800 is projected to June 1990. Would the Minister therefore agree that projected income to June 1990 is approximately \$890,000. If not, why not.
- (7) If yes to (6) how does the Minister explain workshop records which show income of slightly in excess of \$500,000 for the six months November 1989 to April 1990.
- (8) Does the Minister agree that on the basis of income for the six months mentioned in question (7), that in actual fact income to June 1990 will be in excess of \$1 million. If not, why not.

2368

- (9) Does the Minister agree that if the hourly rate was increased from \$38 to \$48 income would cover expenditure. If not, why not.
- (10) Is the Minister prepared to approve this increase in the hourly rate mentioned above. If not, why not.
- (11) Will the Minister give the Special Duty Vehicle Workshop a chance to prove it can compete efficiently with private workshops or does he simply plan to privatise the Workshop no matter what.

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

- (1) Yes. The Chief Minister and I were given a copy of the document when we met with the unions on 22 May 1990.
- (2) No. Before any meaningful comparison could be made there would need to be a more detailed analysis of the composition of the charges and the work performed.
- (3) While the union representatives at the meeting of 22 May 1990 made general statements to this effect, I am not aware of any specific claims in this regard.
- (4) I am aware that the Finance area of ACTION provided some information on costings at the request of Workshop members. The contents of page 4 I understand was based on that data.

ACTION's projection of vehicles costs/parts and consumable is based on actual costs recorded in accordance with normal commercial accounting practices and costing systems. I am unable to comment on the accuracy of the unions figures as those have not been provided for scrutiny. It appears however that they are not significantly at variance from ACTION'S records.

- (5) There is no evidence on which to base such an assumption.
- (6) Yes. A figure of \$889,100 was provided by ACTION but not included in the table.
- (7). I am unable to comment on the validity of the unions figures as they have not been provided for scrutiny.
- (8) No. ACTION'S records do not support such a projection.
- (9) No. An increase in the hourly rate from \$39 to \$48 would result in an estimated increase in revenue of only \$90,000. This would be insufficient to offset the projected loss.
- (10) Consideration of what could be an appropriate hourly rate will be undertaken in the context of the Government's consideration of the future of the Special Duty Workshop.
- (11) As indicated in (10), the future of the Workshop is under review by the Government in consultation with the appropriate unions.

2369

7 June 1990

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Household Waste Disposal**

**QUESTION NO. 159**

Mrs Grassby - asked the Minister for Finance and Urban Services:

- (1) Does the Minister agree that residents of Ainslie, Hackett and Downer who previously used the Ainslie Transfer Station to dispose of household garbage and garden waste now have to travel to Belconnen tip to dispose of this refuse.
- (2) Does the Minister agree that the Belconnen tip requires a round trip of approximately 40 kilometres extra for residents of Ainslie, Hackett and Downer than for a trip to the Ainslie Transfer Station.
- (3) Would the Minister agree that if 500 trips per week were made to the Ainslie Transfer Station and these trips now have to be made to the Belconnen tip, ACT residents are now required to travel in excess of one million kilometres extra per annum to dispose of their rubbish.
- (4) How can the minister justify this extra use of fuel in light of the Governments alleged support for a reduction in greenhouse gases.

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

Residents who previously used the Ainslie Transfer Station have a number of choices to dispose of household garbage and garden waste.

For accepted household garbage they can utilise their entitlement for disposal through the twice weekly domestic service provided by the Government. Waste in excess of this entitlement and garden waste can be delivered to Mugga Lane or Belconnen tips either by the resident or by arrangement with the various commercial operators providing such a service.

The round trip distance for Ainslie, Hackett and Downer residents to Belconnen tip would depend on the residents location within the suburbs. It is not valid to make assumptions based on the use of Ainslie Transfer Station about the likely frequency of tip visits that individuals will make. It is also inappropriate to refer to round trip distances of 40km, as a distance such as this would be an extreme situation - it overlooks other residents of these suburbs who live-closer to Belconnen tip and also overlooks distances previously travelled to Ainslie Transfer Station.

Because of these factors, it is not possible to assess the likely net effect of householders changed patterns of tip usage. The matter of greenhouse gases has much broader concerns than trips to the tip and involves, amongst other things, general attitudes towards conservation held by motorists, other road users, and the community generally.

2370

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**ACTION Ticketing Equipment**

**QUESTION NO. 160**

Mrs Grassby - asked the Minister for Finance and Urban Services -

- (1) At what stage is the trial of the ACTION Bus Ticketing System.
- (2) Are the results of the trial to be made public; if not, why not.

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

- (1) Last year ACTION commenced trials of new advanced technology ticketing equipment which had the potential to reduce fare evasion and provide ACTION with better information regarding matters such as ticket .usage, loadings etc.

Unfortunately progress on this initiative was limited when the Transport Workers Union sought significant additional allowances for those of its members involved in the trial.

I understand that the Union has recently reviewed its stance and has since expressed a renewed willingness to co-operate in investigations of better ticketing arrangements, and that a number of joint ACTION Management/Union meetings have recently been held. Both long term and short term measures to improve ACTIONs revenue collection system are under consideration.

- (2) The results of the trial will be made public prior to any changes in ticketing methodology or the introduction of new ticketing systems.

2371

7 June 1990

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Recycling Depot**

**QUESTION NO. 162**

Mrs Grassby - asked the Minister for Finance and Urban Services:

- (1) What savings were incurred for 1989-90 and for the full financial year by the closure of the Ainslie Transfer Station.
- (2) What is the capital cost of establishing a recycling depot at Mitchell.
- (3) What is the estimated recurrent cost of a recycling depot at Mitchell.
- (4) When will the recycling depot at Mitchell open to the public.
- (5) What is the estimated additional cost of providing extra street cleaning services to the suburbs of Ainslie, Hackett and Downer following the closure of the Ainslie Transfer Station.

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

- (1) The operating cost of Ainslie Transfer Station for a full financial year (1989/90 costs) was estimated at \$200,000. On this basis, savings in 1989/90 since the closure of the Transfer Station would be \$33,000.
- (2) The capital cost for the establishment of the Mitchell recycling depot is approximately \$210,000.
- (3) Recurrent costs for the recycling depot at Mitchell will vary from year to year. Experience with similar recycling depots indicates on average \$10,000 per annum is required.
- (4) It is anticipated that the Mitchell recycling depot will be open to the public by October 1990, with landscaping works continuing to December 1990.
- (5) Street cleaning services across Canberra are being provided with the same workforce, vehicles and plant used prior to the closure of the Ainslie Transfer Station. The nature of the work requires it to be carried out on a prioritised basis and resources put into the areas of need.. This approach has resulted in there being no additional cost in carrying out street cleaning operations.

2372



**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 163**

**Oil Pollution**

Mrs Grassby: To ask the Minister for Finance and Urban Services -

- (1) Is the Minister aware of oil and diesel leaks from sumps in the Edmund Barton Building into Lake Burley Griffin.
- (2) What action has been taken to rectify this problem.

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

- (1) The matter was drawn to the attention of the Environment

Protection Service on 19 April 1990. A Pollution Control inspector visited Core 3, Barton Offices immediately. He detected a strong smell of diesel oil in a building sump which collects groundwater from the foundations of the building:- Sump pumps were immediately switched off and the sump allowed to fill. Later the contents were found to contain five litres of diesel oil.

The pumps are located in the basement of the building and normally discharge clean groundwater to the stormwater system. This stormwater system eventually drains into Lake Burley Griffin.

The source of diesel oil has since been found to be a disused underground tank. Although the oil tank has now been emptied a small residual seepage continues and this is being pumped to a mobile soilage tank for disposal. This method of disposal will continue until all diesel oil seepage ceases.

The building manager and contractor involved in refitting have been most co-operative in these investigations. Inspections of Lake Burley Griffin have not revealed any obvious pollution.

Incidents of this magnitude are regularly attended by inspectors of the Environment Protection Service. In most cases there is a logical explanation and simple solution.

Because of the experience of the Environment Protection Service with problems associated with underground storage in Canberra the Australian Institute of Petroleum has developed a draft code of practice and specifications for underground storage of petroleum products. When this is endorsed by environmental agencies throughout Australia it will prevent tanks and lines from leaking to the environment.

2373

7 June 1990

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**ACTION Liaison Advisory Committee**

**QUESTION NO. 164**

Mrs Grassby - asked the Minister for Finance and Urban Services -

- (1) Why did the Government abandon the ACTION Liaison Advisory Committee.
- (2) Does the Government intend to put alternative arrangements into place to seek public input on public transport issues or is this another example of the Government abandoning public consultation.

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

- (1) & The ACTION Liaison Committee was established in 1984 as a
- (2) consultative link between the then Commonwealth Government Minister responsible for the A.C.T., the Assembly and the community.

I decided not to make any new appointments to the ACTION Liaison Committee when the term of the existing members \ expired recently.

The Priorities Review Board has made recommendations on future arrangements for ACTION which the Government is to consider after appropriate consultation as indicated by the Chief Minister.

I am also conscious that ACTION Management has developed a firm policy, which is supported by Government, of wide public consultation where changes are proposed to route networks and timetables. This has been very successful in the past and will continue in the future.

In the circumstances and noting that attendance at meetings of the ACTION Liaison Committee had substantially declined in recent times I decided not to proceed with the Committee at this time.

I have written to the convener of ACTION for Public Transport advising him of my decision.

I gave an assurance that officers from ACTION would attend, on request, any meetings of that organisation.

2374

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Sewer Blockages**

**QUESTION NO. 168**

Mrs Grassby - asked the Minister for Finance and Urban services:

- (1) Was the Minister made aware of the ACT Electricity and Water Authority's proposal to charge leaseholders for clearing blocked sewer drains outside of the leaseholders boundary before the Authority agreed to the proposal.
- (2) What action does the minister intend to take to have ACTEW reverse this decision.
- (3) Failing the minister taking action to reverse this decision does he stand by Mr McGrath's undertaking that the Department of Urban Services will pick up the cost of fixing drain blockages caused by the roots of government-owned trees on nature strips.

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

The ACT Electricity and Water Authority had devised their current sewer choke policy in an attempt to redress unsatisfactory past practices, wherein more than four out of five households were needlessly required to expend up to \$500 simply to determine that liability was in fact theirs.

As these figures have been substantiated by the Master Plumbers Association and ACTEW have indicated that they will be accepting responsibility for those more costly service problems, such as when a drain crosses under a roadway, I believe that ACTEW should be commended in this instance for striving to achieve better customer service to the people of Canberra.

The matter of blockages to these drains by Government owned trees is simply a matter of liability wherein Government trees identified causing such problems do become the responsibility of the ACT Government.

However I do understand that the overall cost for these type of blockages has been historically quite small.

2375

7 June 1990

Blank page.

APPENDIX 1

(Incorporated in Hansard on 7 June 1990 at page 2317)

**TABLING SPEECH :  
DRAFT LAND (LEASES AND MANAGEMENT) BILL 1990**

MR SPEAKER, I SEEK LEAVE TO MAKE A STATEMENT.

BY LEAVE, MR SPEAKER, IT GIVES ME PLEASURE TO TABLE THE DRAFT LAND (LEASES AND MANAGEMENT) BILL 1990, TOGETHER WITH AN EXPLANATORY STATEMENT CONCERNING THE BILL.

THE TABLING OF THIS BILL MARKS THE FINAL STAGE IN THE PROGRESSIVE RELEASE OF THE GOVERNMENTS DRAFT PLANNING AND LAND USE LEGISLATION. THIS PROCESS COMMENCED WITH THE TABLING OF THE DRAFT PLANNING AND HERITAGE BILLS AND CONTINUED WITH THE PROGRESSIVE RELEASE OF THE DRAFT ENVIRONMENTAL ASSESSMENTS AND INQUIRIES BILL AND REGULATIONS AND THE LAND USE (APPROVALS AND ORDERS) BILL.

THE RELEASE OF THE LAND (LEASES AND MANAGEMENT) BILL FACILITATES THE ESTABLISHMENT OF AN INTEGRATED AND TRANSPARENT PLANNING AND LAND MANAGEMENT SYSTEM FOR THE A.C.T. WHICH MEETS THE STANDARDS REQUIRED OF US BY THE COMMONWEALTH SELF GOVERNMENT LEGISLATION AND IN PARTICULAR THE A.C.T. (PLANNING AND LAND MANAGEMENT) ACT

7 June 1990

.2.

THE SYSTEM PROPOSED BY THE GOVERNMENT, SEEKS TO RECOGNISE THAT THE PLANNING AND DEVELOPMENT OF OUR CITY MUST TAKE PLACE IN A BALANCED WAY. THIS INVOLVES SETTING IN PLACE ARRANGEMENTS WHICH ENSURE THAT THE OBJECTIVES OF ECONOMIC VITALITY, QUALITY OF LIFE AND COMMUNITY PARTICIPATION IN DECISION MAKING ARE GIVEN PRIORITY AND THAT A STATUTORY FRAMEWORK IS CREATED IN WHICH SUCH OBJECTIVES CAN BE PURSUED.

THE DRAFT LAND (LEASES AND MANAGEMENT) BILL FORMS THE FINAL MAJOR ELEMENT IN THE PACKAGE OF LEGISLATION DESIGNED TO MEET THESE AIMS. IT IS ESSENTIALLY A CONSOLIDATION AND UPDATE OF THE NUMEROUS LEASING ACTS THAT CURRENTLY EXIST, SUCH AS THE CITY AREA LEASES ACT, THE LEASES ACT, AND THE LEASES (SPECIAL PURPOSES) ACT.

EACH OF THE EXISTING LEASING ACTS HAS GOOD FEATURES THAT THE GOVERNMENT FEELS ARE APPROPRIATE FOR INCLUSION IN THE LAND (LEASES AND MANAGEMENT) ACT. FOR THIS REASON MANY PROVISIONS IN THE DRAFT BILL WILL BE FAMILIAR. SO TOO WILL BE THE BILLS OVERALL EFFECT WHICH IS TO CONFIRM THE LEASE PURPOSE CLAUSE AS THE ULTIMATE MECHANISM THROUGH WHICH LAND USE AND DEVELOPMENT IS CONTROLLED.

WHILE PROVIDING FOR CONTINUITY IN A BROAD SENSE THE DRAFT BILL ALSO INCORPORATES SIGNIFICANT INNOVATIONS WHERE EXPERIENCE HAS LED US TO CONCLUDE THAT CHANGE IS REQUIRED.

2378

.3.

IN THIS CONTEXT THE VARIATION OF LEASES IS AN IMPORTANT EXAMPLE. AT PRESENT, A LESSEE WISHING TO VARY A LEASE COVENANT HAS TO LIVE WITH THE POSSIBILITY THAT HIS OR HER APPLICATION MIGHT BE DEALT WITH IN ONE, OR A COMBINATION, OF THREE METHODS.

THE FIRST METHOD IS TO VARY A LEASE UNDER SECTION 11A OF THE CITY AREA LEASES ACT THROUGH APPLICATION TO THE A.C.T. SUPREME COURT, A PROCESS THAT CAN BE BOTH TIME CONSUMING AND CAN BE HIGHLY EXPENSIVE.

THE SECOND, IS TO VARY A LEASE PURPOSE CLAUSE BY ADMINISTRATIVE ACTION UNDER SECTION 72A OF THE REAL PROPERTY ACT. THE POLICY HAD BEEN TO USE THIS OPTION ONLY IN CASES WHERE THE VARIATION IS ACCEPTABLE TO THE MINISTER, IS NOT DEEMED TO BE A CONTENTIOUS VARIATION IN TERMS OF PUBLIC INTEREST AND WILL NOT ADD SUBSTANTIALLY TO THE FINANCIAL VALUE OF THE LEASE.

THE THIRD AND FINAL METHOD OF VARYING THE LEASE IS BY WAY OF SURRENDER AND REGRANT OF THE LEASE.

THE LAND (LEASES AND MANAGEMENT) BILL IN COMBINATION WITH THE LAND USE (APPROVAL AND ORDERS) BILL ESTABLISHES A SINGLE PROCESS FOR THE VARIATION OF LEASE CLAUSES. THE LEGISLATION ESTABLISHES A TRANSPARENT PROCEDURE TO BE FOLLOWED IN ORDER TO OBTAIN A VARIATION AND PROVIDES THAT THE MINISTER RATHER THAN A COURT MAY APPROVE A VARIATION, AS LONG AS THE APPROPRIATE CRITERIA ARE MET.

7 June 1990

.4.

THE LAND (LEASES AND MANAGEMENT) BILL ITSELF PROVIDES THE METHOD FOR CALCULATING BETTERMENT CHARGES ARISING FROM VARIATIONS OF A LEASE. AS MEMBERS WILL RECALL, I HAVE ALREADY ANNOUNCED THE NEW METHOD THAT WILL APPLY TO THE CALCULATION OF BETTERMENT AND THIS BILL WILL ENABLE MY ANNOUNCEMENT TO TAKE EFFECT FROM THE DATE PREVIOUSLY ANNOUNCED, THAT IS, MIDNIGHT ON 21 FEBRUARY 1990.

SEPARATE TRANSITIONAL AND CONSEQUENTIAL AMENDMENTS LEGISLATION WILL PROVIDE FOR THE OLD BETTERMENT FORMULA TO APPLY IN RELATION TO APPLICATIONS LODGED WITH THE SUPREME COURT OR THE GOVERNMENT BEFORE MIDNIGHT ON 21 FEBRUARY 1990.

THE LAND USE (APPROVALS AND ORDERS) BILL PROVIDES FOR THE CIRCUMSTANCES IN WHICH IT WILL BE POSSIBLE FOR AN APPLICANT TO APPEAL AGAINST DECISIONS REFUSING A VARIATION AND SIMILARLY, PROVIDES THAT IN SPECIFIED CIRCUMSTANCES THIRD PARTIES MAY APPEAL AGAINST THE MERITS OF A DECISION TO VARY A LEASE.

MR SPEAKER, I NOW TURN TO A BRIEF EXPLANATION OF WHAT ELSE THE BILL WILL COVER AND HOW THE PROCEDURES IT DESCRIBES WILL OPERATE.

AS MEMBERS WILL QUICKLY NOTE, THE BILL IS A SUBSTANTIAL DOCUMENT CONTAINING NEARLY NINETY SECTIONS. ACCORDINGLY IT WILL BE APPRECIATED THAT ITS PREPARATION AND DRAFTING HAS BEEN AN INTENSIVE PROCESS. AT CERTAIN POINTS IN THE BILL STATEMENTS OF THE GOVERNMENTS PROPOSALS TAKE THE PLACE OF FORMALLY DRAFTED PROVISIONS.



.5.

IN THIS REGARD THE GOVERNMENT RECOGNISES, AND WISHES TO MAKE CLEAR THAT THE DRAFT BILL HAS NOT REACHED THE SAME LEVEL OF REFINEMENT AS OTHER DRAFT BILLS IN THIS PACKAGE OF LEGISLATION.

HOWEVER THE CONCLUSION HAS BEEN REACHED THAT IT WOULD BE PREFERABLE AT THIS STAGE TO RELEASE THE DOCUMENT IN ORDER TO PROVIDE A FIRM GUIDE TO THE GOVERNMENTS BROAD INTENTIONS. THIS WILL CREATE THE OPPORTUNITY FOR THE COMMUNITY GENERALLY TO MAKE A SUBSTANTIAL CONTRIBUTION TO THE FINAL FORM OF THE BILL, AS WELL AS ALLOWING THE COMMUNITY TO COMMENT ON THE LEGISLATIVE PACKAGE AS A WHOLE AND SO ALLOW COMPLETION OF THE OVERALL PACKAGE TO NOW TAKE PLACE.

AS A RESULT OF THE SIZE AND COMPLEXITY OF THE BILL, I AM ALSO RELEASING A COMPREHENSIVE EXPLANATORY STATEMENT WHICH SUMMARISES THE INTENT OF EACH SECTION IN THE BILL IN CLEAR ENGLISH. I AM SURE THAT MEMBERS AND THE COMMUNITY AT LARGE WILL FIND THE EXPLANATORY STATEMENT A USEFUL TOOL FOR UNDERSTANDING BOTH THE INTENT AND CONTENT OF THE BILL AND IN PARTICULAR ITS RELATIONSHIP WITH EXISTING PIECES OF LAW.

THE BILL CONTAINS SIX PARTS. THE FIRST DEALS WITH MACHINERY MATTERS SUCH AS THE TITLE OF THE BILL, DEFINITIONS AND PUBLIC ACCESS TO INFORMATION RELATED TO THE LEASING PROCESS.

7 June 1990

AT THIS POINT IT SHOULD BE NOTED THAT AS THE COMMONWEALTH PLANNING AND LAND MANAGEMENT ACT VESTS RESPONSIBILITY FOR THE MANAGEMENT OF LEASES IN THE EXECUTIVE, THIS TERM HAS BEEN USED IN THE BILL INSTEAD OF THE NORMAL REFERENCE TO A MINISTER. HOWEVER, IN THE NORMAL COURSE OF EVENTS A SINGLE MINISTER WILL IN FACT BE RESPONSIBLE FOR THE ADMINISTRATION OF THE LAND (LEASES AND MANAGEMENT) BILL.

THE SECOND PART OF THE BILL PROVIDES THE MECHANISMS RELATED TO THE POWER OF-THE MINISTER TO GRANT LEASES. AMONG OTHER THINGS, THIS PART:

CONFIRMS THAT THE MINISTER HAS THE POWER TO GRANT AND REFUSE TO GRANT A LEASE;

PROVIDES FOR LEASES TO BE FOR TERMS OF A MAXIMUM OF NINETY NINE YEARS EXCEPT IN CASES WHERE THE REGULATIONS UNDER THE COMMONWEALTH PLANNING AND LAND MANAGEMENT ACT PROVIDE OTHERWISE;

PROVIDES FOR THE RENEWAL OF RESIDENTIAL LEASES UPON EXPIRY WITHOUT PAYMENT OF A FURTHER PREMIUM, PROVIDED THAT THE LAND IS NOT REQUIRED FOR ANY GOVERNMENT OR PUBLIC PURPOSE;

PROVIDES THAT NON RESIDENTIAL LEASES, MAY ALSO BE RENEWED AT EXPIRY ALSO SUBJECT TO THE LAND NOT BEING REQUIRED FOR GOVERNMENT OR PUBLIC PURPOSES. IN THE CASE OF NONRESIDENTIAL RENEWALS, THE REGULATIONS WILL PRESCRIBE THE CIRCUMSTANCES IN WHICH RENEWAL IS TO BE AVAILABLE AND THE BASIS OF CALCULATING THE REQUIRED PAYMENT OF PREMIUM;

PROVIDES THAT THE LEASE DOCUMENT WILL REMAIN THE SOLE DOCUMENT FOR SPECIFYING THE PURPOSE FOR WHICH A PARCEL OF LAND CAN BE USED;

PROVIDES THAT LEASES CAN BE ISSUED TO COMMUNITY ORGANISATIONS AT LESS THAN MARKET VALUE. TO BE ELIGIBLE FOR SUCH A LEASE, A COMMUNITY ORGANISATION MUST MEET CRITERIA THAT HAVE BEEN TABLED IN THE ASSEMBLY AS A DISALLOWABLE INSTRUMENT. THE BILL ALSO PROVIDES THAT COMMUNITY LEASES GRANTED UNDER THE LEGISLATION CAN NOT BE TRANSFERRED;

PROVIDES FOR SPECIAL LEASES THAT MAY BE ISSUED AT LESS THAN MARKET VALUE FOR THE PROPOSES OF ENCOURAGING CANBERRAS ECONOMIC DEVELOPMENT. AGAIN, THE CRITERIA FOR ELIGIBILITY FOR SUCH A LEASE MUST BE TABLED IN THE ASSEMBLY AS A DISALLOWABLE INSTRUMENT;

PROVIDES FOR LESSEES TO BE REQUIRED TO LODGE PERFORMANCE BONDS AS SECURITY THAT AN ACTION REQUIRED BY THE LEASE WILL OCCUR;

7 June 1990

.8.

PROVIDES FOR DEVELOPMENT AGREEMENTS WHICH WILL PRESCRIBE REQUIREMENTS THAT A LESSEE MUST MEET IN ORDER TO DEVELOP A LEASE TO THE NECESSARY STANDARD. SUCH AGREEMENTS WOULD BE PRIMARILY USED IN THE CASE OF DEVELOPMENT OF BROAD ACRE TYPE LEASES; AND

ESTABLISHES A FRAMEWORK IN WHICH LEASES WITH STANDARD LEASE PURPOSE CLAUSES WILL BE ISSUED.

PART THREE PROVIDES THE BASIS FOR THE LAND USE (APPROVALS AND ORDERS) BILL TO DEAL WITH THE VARIATION OF LEASES AS I HAVE ALREADY DESCRIBED. IT ALSO PROVIDES THE BASIS FOR THE CALCULATION AND COLLECTION OF BETTERMENT CHARGES.

PART FOUR DEALS WITH THE RECOVERY OF LAND IN CASES WHERE A LEASE HAS EXPIRED OR A LEASE HAS BEEN TERMINATED DUE TO BREACH OF LEASE PROVISIONS AND, IN EITHER CASE, THE FORMER LESSEE REFUSES TO RETURN THE LAND UNENCUMBERED.

PART FIVE PROVIDES FOR THE CREATION OF A CATEGORY OF LAND TO BE KNOWN AS PUBLIC LAND. PUBLIC LAND WILL BE DESCRIBED AND DEFINED IN THE TERRITORY PLAN AND WILL BE SUB-CATEGORISED INTO AREAS SUCH AS NATIONAL PARKS, NATURE RESERVES, WILDERNESS RESERVES, PUBLIC PARKS AND FOREST PLANTATIONS.

.9.

THE BILL ESTABLISHES MANAGEMENT OBJECTIVES FOR PUBLIC LAND AND PROVIDES THAT PLANS OF MANAGEMENT MUST BE PREPARED FOR A RESERVED AREA AS SOON AS PRACTICABLE AFTER AN AREA IS RESERVED.

A SCHEDULE ATTACHED TO THE EXPLANATORY STATEMENT OUTLINES THE GOVERNMENTS PROPOSALS FOR THE DESCRIPTION OF EACH CATEGORY OF PUBLIC LAND AND THE MANAGEMENT OBJECTIVES WHICH WOULD APPLY IN EACH CASE.

FINALLY, PART SIX DEALS WITH MISCELLANEOUS MATTERS SUCH AS:

THE SURRENDER OF LEASES;

THE DETERMINATION OF FEES; AND

THE POWER TO MAKE REGULATIONS.

AT THIS POINT, I EMPHASIZE THAT CONSEQUENTIAL AND TRANSITIONAL LEGISLATION WILL BE INTRODUCED WITH PROVISIONS WHICH SAFEGUARD AND PRESERVE THE INTERESTS OF LESSEES IN EXISTING LEASES. IN ADDITION, IN ITS FINAL FORM THE PLANNING AND LAND USE PACKAGE WILL PROVIDE FOR THE COMPULSORY ACQUISITION OF LAND FOR PUBLIC PURPOSES

7 June 1990

.10.

THE EXTENSIVE OPPORTUNITIES FOR PUBLIC INVOLVEMENT IN DECISION MAKING ADDRESSED IN THIS AND THE LAND USE (APPROVALS AND ORDERS) BILL SEEK TO PROVIDE APPLICANTS AND THE COMMUNITY WITH AN EVENHANDED APPROACH TO DEVELOPMENT IN THE A.C.T. THIS REFLECTS A KEY THEME THROUGHOUT THE LAND PLANNING SYSTEM - THAT IS, OF ACHIEVING A BALANCE BETWEEN THE COMPETING INTERESTS THAT ARE INEVITABLY INVOLVED IN PLANNING AND DEVELOPMENT MATTERS.

MR SPEAKER, I HAVE OUTLINED IN SIMPLE TERMS WHAT IS NECESSARILY A DETAILED PIECE OF LEGISLATION. FOR THIS REASON I PARTICULARLY URGE ASSEMBLY MEMBERS AND ALL INTERESTED PERSONS TO GIVE THE DRAFT BILL AND ACCOMPANYING EXPLANATORY STATEMENT DETAILED CONSIDERATION.

AS THE LAND (LEASES AND MANAGEMENT) BILL FORMS THE FINAL MAJOR ELEMENT IN THE GOVERNMENTS PACKAGE OF PLANNING AND LAND USE LEGISLATION IT IS APPROPRIATE THAT I INDICATE A DATE BY WHICH PUBLIC COMMENTS ON THE DRAFT BILLS ARE SOUGHT.

IN SETTING A DATE THE GOVERNMENT IS MINDFUL THAT THREE BILLS IN THE PACKAGE HAVE BEEN AVAILABLE FOR SOME TIME AND THAT MANY HAVE RESERVED EXPRESSING THEIR FINAL VIEWS UNTIL THE FULL PACKAGE IS AVAILABLE.

THE GOVERNMENT IS ALSO CONSCIOUS THAT FOLLOWING FORMAL INTRODUCTION OF THE BILLS IT IS EXPECTED THAT ASSEMBLY COMMITTEES WILL WISH TO EXAMINE THEM IN DETAIL AND, WHERE APPROPRIATE, CONSIDER PUBLIC COMMENT ON THEIR FINAL FORM.

.11.

AGAINST THIS BACKGROUND THE GOVERNMENT ASKS THAT PUBLIC COMMENT ON THE BILLS BE PROVIDED BY 5 JULY 1990 SO AS TO ALLOW THE GOVERNMENT TO GIVE CAREFUL CONSIDERATION TO THE VIEWS IT HAS RECEIVED AND PROCEED TO EARLY INTRODUCTION OF THE PACKAGE.

2387