



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

27 November 1990

**Tuesday, 27 November 1990**

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**Tuesday, 27 November 1990**

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

### **QUESTIONS WITHOUT NOTICE**

#### **Private Members' Bills**

**MS FOLLETT:** Mr Speaker, my question is to you. Have you received the legal advice on the operation of section 65 of the Australian Capital Territory (Self-Government) Act which the Administration and Procedures Committee requested last Tuesday?

**MR SPEAKER:** I can answer the question, Ms Follett. The answer is that the papers have been presented with a letter for onforwarding to the Minister for Territories. That letter has gone to the Chief Minister and I am not aware of just where it has gone from there, but it certainly has gone from me for onforwarding.

**MS FOLLETT:** I ask you a supplementary question, Mr Speaker. What further action will you take to ensure that the matter is dealt with urgently so that private members' business can proceed?

**MR SPEAKER:** I will certainly be requesting an update on the actions taken from the Chief Minister's Department through the Chief Minister, and I can assure members that I will keep a close watch on the proceedings.

#### **Alliance Government**

**MR STEFANIAK:** My question is to the Chief Minister. Is there any truth in the allegation made by the Leader of the Opposition in this morning's newspaper that the bureaucracy is driving the Alliance Government's political agenda?

**MR KAINE:** I am pleased to get that question. I must say that I found the comments of the Leader of the Opposition on this matter rather fascinating, indeed curious, because, if ever she could be guaranteed of shooting herself in the foot in terms of getting votes from the vast majority of people in the ACT who happen to be public servants, then she did it with that statement. I cannot imagine why any person who was switched on to the politics of Canberra would even suggest that the public servants are less than professional in the way they do their work. Of course, to suggest that they are in fact driving this Government's

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policies is absolutely absurd and ludicrous. I think that the Government has demonstrated its ability to face up to issues which the Labor Government could not face up to when it was in office - and that has nothing to do with whether it is being driven by the bureaucracy, just as it had nothing to do with being driven by the bureaucracy when the Labor Government was in office for a short period of time.

I believe that I have made my position quite clear on a number of issues and in no way does this involve being driven by senior public servants. In fact, I would refer members to my response to Ms Follett's budget speech last year, which I made to the Assembly on 28 September when I was Leader of the Opposition. I outlined very briefly things that I thought that the government of the day should have done to address the hospitals issue. I will read it into the record in case people have forgotten it. I would remind people that when I made this statement I did not have public servants to advise me, so it was not a question of being driven by public servants.

**Mr Berry:** On a point of order: Is there some relevance?

**MR SPEAKER:** On the point of order, Mr Berry: I have not heard the point yet, so could we let the Chief Minister proceed.

**MR KAINE:** The point is that the Leader of the Opposition says that this Government is being driven by the bureaucracy and that it is powerless to make its own decisions, and I would just like to read into the record what I said once before. I said then, in connection with the hospitals situation - and I know Mr Berry will hate this because he does not really understand it - that what was needed was "to get away from nibbling at the periphery and to really attack the heart of the problem", and I was talking specifically about our health system. I said:

... let me pose a radical scenario in health delivery.

It was radical for the then Chief Minister, of course, because it would never have crossed her mind. I said:

... face up to the principal hospital dilemma and retain the Royal Canberra Hospital as a low intensity care, low cost community hospital facility.

I said that we could thereby preserve it for later exercise of "options relating to upgrading it to major hospital status when the population can sustain it or even to a teaching hospital in conjunction with a medical faculty of the ANU". I said:

... sell Jindalee, the Queen Elizabeth II nursing home and the Taj Mahal on Moore Street ... transfer ... the patients ... to the Royal Canberra Hospital community hospital ... place hospital management totally in the hands of hospital boards; eliminate imbalance between public and private beds by permitting private development of another hospital like John James on the north side ... transfer bureaucrats ... to ... the unused capacity of the ... Royal Canberra Hospital.

I said that this would achieve both capital gains and reduced operating costs simultaneously, yet "retain the Royal Canberra for future development".

That was a statement that I made in September last year. I did not need public servants to drive me, to use the words of the Leader of the Opposition. That is exactly what the Government is doing now. In fact, if I had written the script then for a policy for this Government, there it is. Yet the Leader of the Opposition says that we are driven by the bureaucracy in terms of hospital development and health - her words, not mine. It is another one of these efforts on the part of the Opposition to distort the truth, and this time she has shot herself in the foot because there are approximately 17,500 public servants out there who have taken as a slur the implication that she regards them as being so incompetent and unprofessional that they would attempt to determine the Government's policies for it.

#### **Private Members' Bills**

**MR WOOD:** Mr Speaker, I direct a question to the Chief Minister. Have you written to the Federal Government in accordance with the Speaker's request to ask for legal advice on section 65 of the self-government Act? And has the Government briefed the queen's counsel in accordance with the action it promised in the Assembly last week?

**MR KAINE:** Mr Speaker, as at the time of leaving my office a few minutes ago, I had not received the request that you referred to; so the answer is, no, I have not yet written because I have not received your proposal. I repeat, Ms Follett, that I have not received the request from the Speaker. When I get it I will act upon it; but I am not clairvoyant and I am not going to act upon something until I have received it. Is that clear enough?

As to the second part of the question, that is a matter for the Attorney-General and I suggest that you ask the Attorney-General if you want an answer to it.

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**MR WOOD:** I ask a supplementary question. Things are obviously moving very slowly, whether deliberately or otherwise. Will the Government, Mr Chief Minister, undertake to obtain the two opinions before the next sittings of the Assembly?

**MR KAINE:** Mr Speaker, as soon as I receive your request, I will address a communication to the Commonwealth Parliament. What it does with it is not within my power to determine. If it takes it three months to respond, then I suspect that that is how long it will take.

### **Transitional Funding Trust Account**

**MRS NOLAN:** Mr Speaker, my question is also to the Chief Minister. Mr Kaine, has the Government received a response from the Prime Minister or, because you as Chief Minister would have written the letter, have you received a response from the Prime Minister to your request for the release of \$18.6m from the ACT transitional funding trust account this financial year?

**MR KAINE:** Mr Speaker, my letter was dated 11 September. The Prime Minister responded to it about a week ago. To my absolute astonishment, he has rejected the Government's legitimate request for the release of funds - our funds - for essential restructuring. I say "astonishment", Mr Speaker, because this is despite a clear invitation that was issued to the ACT at the Premiers Conference to make such a claim for the release of those funds for projects which assisted the Territory's transition.

The ultimate point made by the Prime Minister in his response - which, quite clearly, is agreed upon by the Treasurer and the Minister for Finance at the Federal level - is that these projects can be financed by borrowing. I find it absolutely incredible that, when this Government is exercising prudent financial management and is attempting to keep its borrowing down to the lowest possible level, the answer from the Prime Minister is that, rather than release our funds for transitional purposes, we should borrow.

It is quite clear, Mr Speaker, that poor financial management such as has been identified in Tasmania is viewed sympathetically by the Commonwealth and is rewarded, because additional funds have been made available to Tasmania, and the Prime Minister acknowledges that. But prudent financial management is dealt with unsympathetically and, in fact, is dealt with punitively because it seems that, if you set about your business in a prudent way and try to manage your resources and not increase your public debt, then you will be refused your own money. If you waste your money, such as has been the case in Tasmania, then the Commonwealth is only too happy to give you some more. I find that absolutely incredible,

and I can only say that the Prime Minister's response - that we can borrow additional money to cover the transitional restructuring period that we are going through - is merely going to make the financial future of the ACT resident less secure and is going to add to the public debt, if we follow the Prime Minister's advice.

### **Allara Street Construction Work**

**MRS GRASSBY:** My question is to Mr DUBY, as Minister for Urban Services. What steps has the Minister taken to ensure the safety of traffic and pedestrians using Allara Street while the northbound lane and footpath are closed due to construction work? By what authority has the road been closed, and when will this traffic hazard cease?

**MR DUBY:** I thank Mrs Grassby for the question. It amazes me why matters like this are raised in a possible Assembly question when, clearly, it is a matter of some technical detail with which I am not familiar at the moment. I shall undertake to find out the reasons and the circumstances surrounding the roadworks and reconstructions that Mrs Grassby refers to, and get back to her.

### **Rivett Primary School - Letting of Space**

**MR STEVENSON:** My question is to Gary Humphries. What percentage of Rivett school is intended to be let for non-educational purposes?

**MR HUMPHRIES:** Mr Speaker, I think Mr Stevenson was either not listening or not in the chamber on the previous occasion when I answered a very similar question about the use of space at Rivett school. To refresh his memory, what I said on that occasion was that, with the decision to leave the school open, there was still some possibility that some proportion of the space in the school could be let out or be made otherwise available to groups other than the school itself. We will negotiate with the groups concerned and with the school, which, I might say, is very enthusiastic about the concept, to see how this might occur.

Of course, the decision not to close the school was taken only last week, so it is obviously not possible to come into this place today and indicate what the results of the negotiations are with that affected school. However, I can repeat to Mr Stevenson my assurance that, when the Government has concluded those negotiations and it has agreed upon a suitable use for the surplus space and the percentage of that surplus space in the school, I will certainly come to the Assembly and advise it of such.

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**MR STEVENSON:** I have a supplementary question. Could I ask when it is expected, and also, when you say "when it is agreed upon", could I ask, agreed upon with whom?

**MR HUMPHRIES:** Mr Speaker, I cannot honestly answer when as it is a question of discussing with the groups concerned. If there is some reason why they need to consider their position, then naturally I would have to allow them the time to consider that position. I do not intend to make a decision and then tell them about it afterwards. As to the second part of your question, which was -  
- -

**Mr Stevenson:** Agreed upon with whom?

**MR HUMPHRIES:** Mr Stevenson asked me with whom I would be discussing these issues. Of course, I would have to discuss them with the school concerned and with the potential tenants. I think one such potential tenant I mentioned last week was the Weston Creek Community Service. That is still a possibility, and there may be other potential tenants of the space. Certainly, whatever tenants might be thought suitable would be contacted, and we would discuss the appropriate needs of those groups and whether there was any capacity to accommodate them in the Rivett school's surplus space.

#### **Royal Canberra Hospital North - Future Uses of Site**

**MR CONNOLLY:** My question is to the Chief Minister. I refer the Chief Minister to the policy statements that he read into Hansard in response to Ms Follett's question earlier this afternoon in question time. How many beds, Chief Minister, will be in this community hospital facility to be retained at the Acton Peninsula? Can we take it from your statement earlier this afternoon that the decision to close Royal Canberra Hospital North is, in effect, being reversed?

**MR KAINE:** No, the decision to close it as a principal or major hospital will not be reversed; but, as I said then - and that was a statement of intent at the time which has since been turned into a policy - that facility should continue to be used for health related services. I identified certain things that it could be used for. It could be used for convalescent care. It could be used to house the QEII home for nursing mothers. It could be used to house the functions currently operated - - -

**Mr Connolly:** You said "community hospital".

**MR KAINE:** Yes, I described it as a community hospital; but I also described the kinds of services that it could be used for, and we have not changed that view. They are still on the agenda. As to how many beds, the answer to that is that I do not know, because I am not sufficiently close to the health system to know how many convalescent - - -



**Ms Follett:** Ask your Minister.

**MR KAINE:** You asked me the question. I do not know how many beds would be required in the ACT for convalescent purposes, for example. I do not think anybody could argue that you should not provide convalescent care because none exists at the moment. It is sadly needed because people convalescing presently have to convalesce in our hospitals, which is a very high cost solution to the matter. In my view, it would be much better to identify what the total need for convalescent care is and use the Royal Canberra site partly to fill that gap, and take those people out of our major hospitals where the costs are high because they are designed to provide high level nursing and medical care.

**Mr Berry:** But you said "a community hospital".

**MR KAINE:** If you want to play with semantics, Mr Berry, we will go outside and we will play with semantics.

**MR SPEAKER:** Order!

**MR KAINE:** We will play with semantics as long as you like and we will take up as much of your question time as you care to indulge in, in a debate between you and me about words. I am quite happy with that, but the point that I made then and the point that I repeat is that, according to the front page of the Canberra Times this morning, Ms Follett says that the public servants are driving us in terms of our hospital restructuring. I say that is not so, because in September last year I outlined a potential use for the Royal Canberra Hospital site. When I was not in government, when I was not being driven by public servants, when I had no access to public servants, I outlined what we would do when we got into government. In fact, I criticised Rosemary Follett for not doing it last year when she should have faced up to it. If Mr Berry had given her the correct advice, which he was incapable of doing because he did not understand the problem, they would have done it last year. But, of course, they did not want to face up to the major problems. They nibbled around the edges. Mr Berry was so panicky that he could not figure out what to do with his \$7m overspend, let alone restructuring the hospitals. So I refute entirely the proposition that we are being driven by the public service on this.

I think I have made my point, and I think that Ms Follett has egg on her face, as very often is the case. We are doing exactly what I outlined then as a potential course of action. You can call it what you like. I call it a health related facility. You can call it a community hospital if you like.

**Ms Follett:** No, you called it that.

**MR KAINE:** That is fine. I do not mind, we will debate that if you like; but the point was that it should and will continue to be used as a health related facility. If you want to have a little smirk and a snigger about that, then you go and tell the convalescent patients that you do not want us to do that. Get up on your feet now and say that you do not think we should provide convalescent care. Get up on your feet and tell us that you do not think that we should use the Royal Canberra Hospital facilities for health related functions. If that is what you really think, get up and say it. I put the challenge on the table.

### **Visiting Medical Officers**

**MS MAHER:** My question is directed to the Minister for Health. Can the Minister inform the Assembly as to what progress the Government has made to finalise new contracts for visiting medical officers in the ACT public health system?

**MR HUMPHRIES:** Mr Speaker, I thank Ms Maher for her question and I am pleased to say that negotiations with the Capital Territory branch of the Australian Medical Association on the terms and conditions of new contracts for visiting medical officers working in our public hospital system have recently been successfully completed. These negotiations have proceeded over recent months in a climate of cooperation, and agreement at this stage means that there will be no disturbance to the provision of normal services in our public hospitals.

I have to say, Mr Speaker, that this achievement stands in stark contrast to the protracted disputation which characterised the last round of negotiations in 1987 and which was managed by a Commonwealth Labor Government. It stands as a tribute to the commitment of all the parties, doctors most particularly, to find a solution which satisfied the requirements of the system in particular and patients in general. The new contracts will result in only a small increase of around \$55,000 in the budget for our public hospitals. This reflects an increase in the number of non-private Medicare patients treated over recent years. I am very pleased that the negotiations have been successfully concluded on such amicable terms.

### **Grass Mowing**

**MR MOORE:** Mr Speaker, my question is directed to Mr Duby as Minister for Urban Services. Minister, I refer firstly to your interjection in the house last week when you said "Shut up, fungus face" in reference to me, and further this morning when you commented that I had had a considerable amount of that growth cut away. I know that you can

actually see beyond the end of your nose. I must therefore assume that you can also see the hairy face of Canberra, and it needs a bit of a trim too. So, Mr Duby, what are you doing about the grass?

**MR DUBY:** That is certainly a roundabout way of getting to the issue of long grass.

**Mr Stevenson:** It is one of the green ones, Craig.

**MR DUBY:** Yes, do not worry. The simple fact is that this year, contrary to the disastrous state that we had last year - - -

**Mr Moore:** It looks the same to me.

**MR DUBY:** I can assure folks that it is not. We are all aware of the inability of the previous Government and the previous Minister to handle that situation properly, which was typical of the things that happened right through the administration of the Labor Follett Government. We saw what happened with the inability of Mr Berry to manage the hospital situation.

**Mr Berry:** Relevance, Mr Speaker.

**MR DUBY:** We saw the inability of Ms Follett to control the Ministers.

**MR SPEAKER:** Order! Relevance, Mr Duby.

**MR DUBY:** Of course, we saw the inability of Mrs Grassby to control what to me seems a relatively simple administrative thing to achieve, namely - - -

**Mr Berry:** Why do you not go out and tell it to stop growing?

**MR DUBY:** Mr Speaker, I demand that I be allowed the time to answer the question without interjections from this clown over here.

**MR SPEAKER:** Mr Berry, please desist from your constant nagging interjections.

**Mr Berry:** I think the word used by Mr Duby is unparliamentary and he should be asked to withdraw it.

**MR SPEAKER:** That is not unparliamentary.

**MR DUBY:** As a result of the problem that existed last year, there was widespread community concern throughout the whole town about the apparent lack of ability to coordinate a simple project like mowing the grass. Since I took over the administration of the parks and conservation area and the urban services area, a number of changes have been implemented in City Parks' mowing policy. The two main changes were to improve the mowing of ovals to better serve

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users, and to identify low priority areas where mowing could be reduced or withdrawn, which allows the suitable allocation of resources to areas of high priority. Mowing of strategic areas which are important for bushfire protection is not affected by changes in priority. Those areas are programmed to be mown before the grass dries off in December.

All mowing machines are now operational, and contractors have been engaged at levels similar to and higher than those of the 1989-90 financial year. This early commitment of resources has ensured that the long grass problems have been minimised. Indeed, if Mr Moore would like to go and consult with his constituents - which, given the type of questions that Mr Moore asks in this Assembly, I do not think he ever does; I think he only talks it over around the kitchen table with himself, or looks into the mirror when he is deciding whether to shave or not - he would have realised that people have commented that this year throughout the city the level of grass and the length of grass is substantially different to that of last year. A number of people have commented and written to me to say how appreciative they are of the fact that the city is not looking shaggy and overgrown as it was last year.

Direct expenditure on grass mowing in the 1989-90 financial year was \$4m and, of course, that was only because I made it a high priority and got additional funding into it. Expenditure in the 1990-91 financial year is expected to be \$4.1m. Mr Speaker, these plans have ensured that City Parks is coping as well as possible, and have avoided the long grass problems and the enormous number of complaints which were evident at this time last year.

#### **Royal Canberra Hospital North - Future Uses of Site**

**MR BERRY:** My question is directed to the Minister for Health, Mr Humphries. Mr Speaker, I would just like to note that the former name of the hospital formerly - - -

**Mr Collaery:** Is this a question, Mr Speaker?

**MR BERRY:** It is; indeed it is. The former name of the hospital formerly known as the Royal Canberra Hospital was the Canberra Community Hospital. I wonder whether the Minister could tell us how many beds will be in this community hospital which has been announced by the Chief Minister today. Is he aware that the closure of the Royal Canberra Hospital has been reversed, or is he concerned that the Chief Minister might not know what the proper interpretation of a community hospital is?

**MR HUMPHRIES:** Mr Speaker, I do not intend to answer a question which is entirely hypothetical because, as Mr Berry full knows, the Chief Minister has made no such announcement. Mr Berry clearly is so believing of his own

rhetoric that he is prepared to rise in this place and peddle the sorts of distortions that he is so fond of outside the chamber. Mr Berry full knows what the Government's plans are in this matter. Mr Berry has criticised them up hill and down dale, and Mr Berry, therefore, does not need to ask any questions in this place about what the Government is doing. He has decided for himself what the Government is going to do, and clearly nothing else this Government says is going to make any difference at all as far as that is concerned.

**MR BERRY:** I have a supplementary question. Would you tell us what is your interpretation of a community hospital?

**MR HUMPHRIES:** Mr Speaker, I have already answered the question.

### **Casino Project**

**MS FOLLETT:** My question is to Mr Kaine, the Chief Minister. Mr Kaine, why has the Government failed to announce a decision on the casino project, when you said to the Estimates Committee some six weeks ago that a decision would be made shortly? In fact, you said that it was imminent.

**MR KAINE:** Very simply, Mr Speaker, because the people doing the evaluation, under arrangements that were set up by the previous Government, have not yet come to the Government with a recommendation. When they do, the Government will make a decision on the matter.

### **Arts Funding**

**MR WOOD:** I direct to the Minister for the Arts a question about arts funding. I refer to your comments on the radio this morning that you accepted the advice of the Arts Development Board in deciding not to fund the Canberra City Opera. Minister, will you indicate what representations were made to you on behalf of each of the opera companies?

**MR HUMPHRIES:** Mr Speaker, I do not have the details of the requests in terms of dollar amounts sought by each of the companies. My recollection is that they were fairly similar, and that in both cases they were in excess of \$50,000. My recollection is that the Canberra City Opera's application was for more than that of Opera ACT. However, I am quite happy to - - -

**Mr Wood:** I am thinking of personal representations.

**MR HUMPHRIES:** I will come to that as well, Mr Speaker. I am quite happy to supply Mr Wood with any details of applications if he wishes to see them. In terms of

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personal representations, I recall having one meeting with representatives of Opera ACT, and having at least three personal meetings with representatives of Canberra City Opera, as well as numerous telephone conversations, numerous letters, several discussions with the Arts Development Board, and several other discussions with other people in the ministry on the subject.

There is no issue in the arts portfolio which has been better ventilated within the Government, that is, within my office, than the question of whether Canberra City Opera ought to have been funded. But the basic fact remains, Mr Speaker, that Canberra is a small place and we have limited resources - even more limited when the Commonwealth reduces funding for the ACT - and for us to fund two opera companies is quite simply a luxury we cannot afford. Quite frankly, we struggle to fund one opera company.

In the circumstances, as Minister for the Arts I have only one choice, and it is a longstanding policy, and that is to choose between the two applications. I expressly asked the Arts Development Board to address this particular issue and the arguments raised by the Canberra City Opera for funding. The view of the Arts Development Board was quite specific. Its members felt that the application of Canberra City Opera ought to be rejected in favour of the application of Opera ACT. I have exhaustively examined the evidence in this regard, and I fully support the ADB's advice to me.

**MR WOOD:** I have a supplementary question, Mr Speaker. In your last sentence, Mr Humphries, you said that you had taken the advice of the Arts Development Board. Why then did you reject the advice of the Arts Development Board in relation to the Canberra Theatre Company? Why cannot you be consistent?

**MR HUMPHRIES:** Mr Wood misunderstands the nature of the process. There are two processes to go through. One is for the Arts Development Board to consider applications for funding and to make suitable recommendations to the Government. The second process, which is a very important part of the overall process of making allocations to arts organisations, is for the Minister, himself or herself, to address his or her mind to the advice received and to decide whether it is good advice. I have to say that I take the responsibility of administering those arts grants extremely seriously, and it is my view that as a rule I should accept the advice of the Arts Development Board.

As far as this year's round of applications is concerned I have accepted its advice in total, with one exception. In both the case of the Canberra Theatre Company and the case of the Canberra City Opera I have very carefully examined the evidence and heard many views expressed directly by many providers of theatre and opera services in the ACT, and I have come to the considered view that I should accept the advice of the ADB as far as opera is concerned and

reject it as far as the Canberra Theatre Company is concerned. I might indicate to Mr Wood, though, that the decision to fund the Canberra Theatre Company is contingent on the company itself providing evidence that it can survive, and I have made it quite clear that if that evidence is not forthcoming the Canberra Theatre Company will not receive funding for 1991.

### **Motor Vehicle Registrations - Cancellations**

**MR STEVENSON:** My question is to Mr DUBY as the Minister responsible for cars, collections and cancellations. Does Mr DUBY intend to move towards the cancellation of compulsory third party insurance along with vehicle registration cancellation?

**MR DUBY:** I thank Mr Stevenson for the question, but I am really not all that sure where he is coming from or where he is trying to go to. In relation to cancellation of the compulsory third party portion of someone's motor registration fees which are paid upon the registration of a vehicle, the simple answer to that would be, no, the Government is not proposing to introduce that. I assume that Mr Stevenson is asking this question in relation to unpaid traffic infringement notices and people who do not pay their parking fines and subsequently have their motor vehicle registration cancelled. The simple short answer would be, no, the Government is not proposing to cancel, along with the motor registration fee, the compulsory third party fee which is part of the general fee.

### **Casino Project**

**MRS GRASSBY:** My question is to the Chief Minister. Does the Chief Minister deny telling the Estimates Committee on 11 October, "I expect to have a recommendation from the Casino Surveillance Authority in the next few days"? Is it imminent? When will the Chief Minister advise us of the decision?

**MR KAINE:** No, I do not deny saying that to the Estimates Committee, Mr Speaker. At the time it was my expectation. That expectation has not been fulfilled; but, as I said in answer to an earlier question, responsible people are evaluating the proposals under arrangements set in place by the previous Government, and I want to make that quite clear. Until they come to me with a recommendation, after having the guidelines and the procedures set down by the previous Government, I am in no position to do any evaluation. The Government is in no position to do an evaluation for itself, or to make a decision. When they come to us with a proposal, the Government will consider it.

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**MRS GRASSBY:** I have a supplementary question, Mr Speaker. Why has the date been changed? Are there any reasons, such as a new development, that we should be told about or that we do not know about?

**MR KAINÉ:** The reason, as far as I understand it, is that they are making sure that their process and their evaluation is complete and comprehensive. When they make a recommendation to us it will be properly and soundly based, and I applaud them for taking that prudent approach.

### **Dusseldorp Schools Forum**

**MR MOORE:** Mr Speaker, my question is to Mr Humphries as Minister for Education. Mr Humphries, can you explain why the ACT education system lost the benefit of an approximately \$100,000 donation towards E courses through the Dusseldorp Schools Forum, an organisation with the backing of Lend Lease, Westfield and AMP? Does the Alliance Government consider this a minor matter, or what action have you, as Minister, taken to attempt to regain the donation or to ensure that such a situation will not arise again?

**MR HUMPHRIES:** Mr Speaker, I thank Mr Moore for his question and in particular for giving me some advance notice of the question. I can indicate that the premise of the question is wrong. The ACT has not necessarily lost the benefit of a donation from the Hank Dusseldorp Forum. In fact it is my expectation that we will receive the benefit of such an input to the ACT education system, although I acknowledge that the process of organising and negotiating that to occur is not, by any means, completed.

The forum employs a coordinator and has established an office in Newcastle to support a training in retailing and commerce program - that is the TRAC program - for senior secondary and TAFE students. The forum has generously offered to employ a coordinator to set up an office along similar lines in the ACT, as Mr Moore has indicated, to assist in the provision of E courses.

Naturally the ministry is keen to participate in the TRAC program. We believe that it provides a combination of study and work experience for students aiming at a career in retailing and commerce industries. Negotiations have been under way for some months with the Retail Traders Association, the Commerce Teachers Association, the ACT Teachers Federation, the Shop Distributive and Allied Employees Association and the Trades and Labour Council.

The latest of these negotiation sessions was held on Friday last, 23 November. The unions, as Mr Moore will appreciate, have understandable concerns about programs which provide for some unpaid work - which is what the TRAC program does not include - for trainees and as Minister I



would be anxious to ensure that those negotiations are concluded successfully before we embark on the kind offer from the Hank Dusseldorp Forum. I am confident, nonetheless, that we can successfully conclude these negotiations with a view to offering the program in the ACT in 1991.

### **Pearce Primary School - Community Use**

**MR CONNOLLY:** My question is to the Chief Minister, in his capacity as Minister for planning. I refer the Chief Minister to the Pearce school, where the Government has announced that the hall and other facilities will be retained for community purposes. Chief Minister, as the implementation principles for the variations to the policy plan for that site say that community uses will be restricted to those activities compatible with a residential environment, including restrictions on noise and hours of operation, can you assure those musical and theatre groups that currently use the Pearce hall that they will be able to continue to do so, following the planning changes?

**MR KAINE:** My understanding, Mr Speaker, is that all reasonable applications for the use of that space will be considered, and that, whatever the ultimate uses are that are approved by the Government for those buildings, they will be, as that variation suggests, compatible with a residential area. I would think that continued use by some of the musical groups would be appropriate, but I have not been informed as to who else has applied and what the current state is, in terms of examining all of those requests for community use. But I think that the Government's intention was clear enough; we obviously do not want to put in there any activity that would be offensive to the people living close by.

### **Hospice**

**MR BERRY:** My question is to the Minister for Health, Mr Humphries. Have consultants been appointed with a brief which includes advice on where in the ACT health system a hospice should be located?

**MR HUMPHRIES:** Mr Speaker, I do not know the situation as to the advice the Government has been receiving on the question of the location of the hospice, or at least, if I do know, I cannot recall at the present time. I beg your pardon, Mr Speaker; I withdraw that earlier answer. I do recall having met with a couple of people who are advising the Government on the hospice issue. I apologise for not recalling their names; I would be happy to supply those names to Mr Berry in due course. I think they are academics from Victoria, or Victoria and South Australia,

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who are examining the issue of hospice services in the ACT. One, in fact, is Australia's only professor of palliative care and the other is a female doctor whose name I cannot recall. I have met with those two. They are conducting some work for the ACT Government and I would expect, quite shortly, to receive their advice on the most suitable location for a hospice in the ACT.

**MR BERRY:** I have a supplementary question, Mr Speaker. If the consultants recommend against the hospice working party's advice that the hospice be located at Calvary, how will you resolve that conflict?

**MR SPEAKER:** That is a hypothetical question, Mr Berry. I do not allow that question.

**MR KAINE:** Mr Speaker, I request that any further questions be placed on the notice paper.

### **Street Barriers**

**MR DUBY:** Mr Speaker, last Thursday, Mr Stevenson asked me, in relation to a road barrier at the intersection of Wakefield Avenue and Dooring Street in Ainslie, whether there is a legal requirement for lamps to be displayed on such barriers and, if not, would it not be a good idea to do so anyway. Mr Speaker, my answer to Mr Stevenson's question is as follows. There is a legal requirement for a lamp to be displayed on a road barrier at night in accordance with Australian standard 1742, part 3, which covers traffic management for roadworks. This requirement is specified on the temporary traffic management plan approved by the manager of traffic for the closure of the intersection of Limestone, Wakefield and Majura Avenues.

The provision of such lamps is the responsibility of the contractor who undertakes the temporary traffic management, and the superintendent of the roadworks must also ensure the safety of the site at all times. As a general rule, the first barrier for the roadworks usually requires a flashing light, but street lighting is also taken into account. However, lamps placed on road barriers are frequently stolen or the subject of vandalism. The state of the temporary traffic management at the intersection of Limestone, Wakefield and Majura Avenues has again been drawn to the attention of the superintendent, who has taken appropriate steps to ensure the safety of road users and to ensure that lamps are present.

## PERSONAL EXPLANATION

**MS FOLLETT** (Leader of the Opposition): Mr Speaker, I seek your leave to make a short personal statement.

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

**MS FOLLETT:** I do. In his response to, I think, the question from Mr Stefaniak relating to reported comments by me on the front page of the Canberra Times, Mr Kaine accused me of having said that the senior bureaucrats in the ACT were less than professional and, again, he accused me later on of slurring them and saying that the senior bureaucrats were incompetent and unprofessional. Mr Speaker, in fact, that is a total misrepresentation of what I said. What I said was that it is this Government which is incompetent and unprofessional to the extent that its members have, in fact, no real agenda for the ACT at all. They are being run by the bureaucrats and they are so obsessed with their own internal difficulties that that situation is unlikely to change.

## LEGAL ADVICE ON PRIVATE MEMBERS' BILLS Standing Orders 200 and 201

**MR BERRY,** by leave: I move:

That the Assembly calls for the provision of all legal advice in respect of Private Members' Bills to be available for consideration by the Assembly on 11 December 1990.

This issue, of course, is an important one for the carriage of private members' Bills through this Assembly, and there has been much debate on the issue. Of course, there have been some concerns about the delays to consideration of private members' Bills that might be caused as a result of pursuing the legal advice and, if the Government is a little slow off the mark in that respect, then the delays could be quite a bit longer. But the issue really is about getting the matter resolved quickly in order that private members' Bills can be put before this place with all haste.

I think already there has been some critical comment in the community about the Government's position in relation to this. I do not think it serves the interests of the Territory well at all if that concern in the community is allowed to persist while legal advice is being sought, particularly if the seeking of that legal advice is a drawn out affair and is seen then to be a delaying tactic from the Government's point of view. So all this motion seeks to do is to move the matter along and get the matter back before the Assembly in order that we can get on with the business of presenting private members' Bills to this place in accordance with the wishes of private members, and to see that the initiative of private members is not stifled in any way by an interpretation from the other side.

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Of course, it is appropriate to have a legal position; there has never been any argument about that. But I believe that the legal position is now clear. The extra legal advice which is being sought is, of course, an add-on and will delay the matter unnecessarily. I think the issue becomes a matter of public concern mostly because of the topical issues of the Royal Canberra Hospital and, of course, the school closures. There are many in the community who would like to see those Bills debated, with a view to seeing where people in this Assembly sit in respect of those matters. It is important that the issue be pursued quickly, and I look forward to support from the Government in respect of this matter.

**MR COLLAERY** (Attorney-General) (3.17): I am sure that all members would share the hope that we could have an answer on this matter by 11 December, but I speak only to that part of the issue that involves a brief given by this Government to Mr Jackson, QC. The other matter, Mr Speaker, is perhaps for you to respond to because it is a matter for you, as Speaker, in terms of the advice that you are seeking of the Commonwealth. Certainly, I do not know the terms of what you communicated to the Chief Minister and I do not know whether you have asked the Chief Minister to request the Commonwealth to answer within a certain period.

Certainly, so far as I know, it is a year since I raised concerns about the interpretation of section 65 with the then Chief Minister, Ms Follett, and no advice was to hand when we came into government. The issue is important and needs to be resolved, but the Opposition shows its total naivety in suggesting that we would send a brief with provision for a date of 11 December or else to one of Australia's most eminent queen's counsel. That is a nonsensical proposition.

I am sure that the brief will express the hope that we can have the advice by 11 December, and I will undertake to indicate to Mr Jackson, QC, that we require the advice, if possible, to be available before the end of the sittings this year. I am quite happy to make evidence of that request available to the Opposition, but what is suggested in the motion is just not the way things are done. This is a naive proposition. It is grandstanding, and I believe it is an attempt to score points so that a press release, which is probably already up there in the hands of the acolytes, can be released in the next 30 seconds saying, "Government delays and gags legal opinion again". That is what it will say; I predict that, Mr Speaker. I do not think this is worthy of debate.

**MS FOLLETT** (Leader of the Opposition) (3.19): I am yet again disappointed in Mr Collaery's response. I think it is only reasonable that we attempt to put a timetable on the obtaining of the advice.

**Mr Collaery:** You had dinner with the Prime Minister the week before last. What did you tell him?

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

**MS FOLLETT:** Those remarks are most properly addressed to you, I think, Mr Speaker, and not to me.

**Mr Collaery:** Well, I am not going to sit on Peter's knee, am I?

**Mr Berry:** On a point of order: That was an outrageous interjection from the Deputy Chief Minister. "I am not going to sit on Peter's knee". That is a disgraceful, sexist remark, and it ought to be withdrawn.

**MR SPEAKER:** I am afraid that the significance of that escapes me, Mr Berry. I am not sure that it is unparliamentary or causing concern to Ms Follett. Please proceed, Ms Follett.

**MS FOLLETT:** It is, indeed, causing concern to me, Mr Speaker. It is a sexist remark of the worst sort. It is totally inappropriate in this Parliament and I request also that it be withdrawn.

**MR SPEAKER:** Yes, I take your point on that line, Ms Follett. Would you withdraw that comment, Mr Collaery?

**Mr Collaery:** Certainly, if Ms Follett is embarrassed by the reference to one, Peter, I withdraw the reference to Peter - and his knee or vice versa.

**Mr Berry:** That is a smart alec remark. He just makes it worse.

**MR SPEAKER:** Yes, Mr Collaery, please just withdraw without qualification. Would you just withdraw the comment?

**Mr Collaery:** Mr Speaker, I withdraw the comment - - -

**MR SPEAKER:** That will do, thank you.

**MS FOLLETT:** Thank you. Mr Speaker, it is only proper that we attempt to put a timetable on the obtaining of advice. We have heard from you in question time that although your request for advice has left your desk it has not yet left the Chief Minister's desk. That is a worry to me.

**Mr Kaine:** It has not arrived on the Chief Minister's desk.

**MS FOLLETT:** Or it has not arrived on the Chief Minister's desk. It has been a week. Mr Speaker, it is of great concern that the matter is apparently not being dealt with with any sense of urgency. It is quite clear to me that it is being treated as a routine matter when, in fact, it is a matter upon which the whole operation of this Assembly relies. We have heard further from Mr Collaery that he

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does not believe it appropriate to attempt to put a deadline on Mr Jackson, QC. I think it is, quite frankly. You are paying for this advice, are you not? I believe that it is more than reasonable for the people who are requesting Mr Jackson's advice, and who are entering into a form of contract with him as to payment for that advice, to also seek to put a deadline on it. Why would you not?

I can conclude only that members opposite have no interest whatsoever in genuinely pursuing this matter. That is the only possible interpretation that can be placed on their actions outside this Assembly. The fact is that we already have two legal opinions on this matter.

**Mr Jensen:** Wayne did not like the second one.

**MS FOLLETT:** We loved the second one, I beg your pardon. We are now going for two further opinions. Once we have them, is it the Government's intention to go for yet another pair of opinions?

We cannot continue in this way. I believe that the Federal Attorney-General, whose opinion is one of those being sought, would be sympathetic to a request that the matter be treated urgently and would make every attempt to provide it by the date that we have requested. I also believe that it is perfectly competent for a person contracting with Mr Jackson, QC, for that advice to put a date on the receipt of that advice. It will not be cheap advice, I have no doubt. To do otherwise - to leave the matter totally open-ended, as the Government is attempting to do - is to destroy any credibility that they may be able to retrieve from this situation. They run that risk if they do not adhere to some kind of a timetable, which Mr Berry's motion quite responsibly suggests.

**MR KAINE** (Chief Minister) (3.24): I find it rather odd that the Opposition is suddenly imbued with a sense of urgency on this matter. As the Attorney-General has properly pointed out, he brought this to the attention of the then Chief Minister a year ago. Not only did she not address the matter; she made no attempt whatever to get any legal advice. Now, this Government must do this immediately.

I agree, in principle, that it is a matter that needs to be dealt with as quickly as possible. I also agree that it is a matter that needs to be resolved. But it is a matter of precedent, and it seems to be lost on people in the Assembly that the Commonwealth deliberately used words in the self-government Act that are different to those that apply in the Commonwealth sphere. One has to ask the question: Why did they use different words? If they meant them to mean the same thing, why did they not use the same words? The fact is that they did not. So one has to assume that they meant something different.

We have had to interpret that Act up until now, and we have interpreted the words as we understood them to be intended. That does not suit the Opposition, so they say now, after 12 months. When it was referred to the then Chief Minister she did not choose to do anything about it, but suddenly now it is very important. It is important, all right. It is also asserted by the Leader of the Opposition that we are not putting target dates on it. That simply is not true. We will ask people to respond in a reasonable time. I am quite sure that the Attorney-General, when he refers this matter for yet another expert legal opinion, will ask for that to be done in a reasonable time. But I think it is a question of what is reasonable.

It is all very well for the Leader of the Opposition to say that the Commonwealth Attorney-General will respond by 11 December. Has she asked him? And, if she did, why did she not ask him then and there to take the matter under advisement, to be confirmed in writing or something? So she wants two bob each way. She wants to be able to assure us that she has fixed all this - presumably that is what that was all about - and that all that is required is a letter from me and they will respond. I very much doubt that that is so. I do not think that the Commonwealth Attorney-General is sitting there with nothing else to do but to await this request from us seeking some advice as to what the Commonwealth meant when it put those unusual and different words in the self-government Act.

I think that it is unreasonable for the Leader of the Opposition to take the view that we are deliberately slowing this down. We are not. We take the matter very seriously. We will be seeking appropriate responses. We will be seeking responses in a reasonable time. And I do not believe that it is reasonable at all to try to tie somebody down, whether it be the Commonwealth Attorney-General or an eminent legal counsel, to responding on a matter of this kind in five minutes, which is what the Opposition seems to be seeking.

What I am looking for is advice that will resolve the issue - not half-baked advice that will still leave the matter open to debate and further questioning.

**MR CONNOLLY (3.27):** Mr Speaker, it is very disappointing to the Opposition to hear that this matter is going to proceed with all due deliberation and at a reasonable pace and that in due course and the fullness of time we might get an advice.

**Mr Jensen:** From a constitutional lawyer that is incredible.

**MR CONNOLLY:** Mr Jensen does not know what he is talking about, and he will be better educated, if no wiser, by the end of my remarks.

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Last Wednesday the Attorney-General indicated that an opinion would be sought of queen's counsel; that queen's counsel would be briefed - that Mr Jackson would be briefed. It does not take a lot to brief in this matter. The relevant documents are the early advice of the Law Office, the brief to Mr Brazil and such extrinsic material as is held by the Law Office. It ought to be there on file. The brief ought to be able to be put together and sent off very quickly. Is it reasonable to ask for a quick advice? Of course it is. Senior counsel practising in an opinions area are regularly called upon for an advice almost instantly. Indeed, I can say from my own experience in the practice of the chambers of the Commonwealth Solicitor-General that often the most important advice that that eminent lawyer is asked for is advice that is needed within the next half-hour.

Senior counsel in an advisings practice earn their reputation and their eminence by their ability to get advice out quickly. Sir Owen Dixon, a former Chief Justice of the High Court and one of Australia's greatest lawyers, was famous for the 100-guinea advice delivered in five minutes that simply said "No" in response to a question. Senior counsel earn their eminence and their respect by their ability to respond quickly. It simply requires the Law Office to phone Mr Jackson's clerk and ask, "Is it possible for this advice to be obtained before the end of the current sittings?" - and it is an obvious necessity. We all should be striving to establish in the minds of the community the useful purpose of this Assembly as a proper democratic process to debate issues of importance to the community. If we do not have the advice by the end of these sittings we will be well into next year; it will be February, the schools will be closed, heavens knows what will be left of the Royal Canberra Hospital site at Acton, and the matter will have passed.

It is of supreme importance for the future of this Assembly, and for the respect held for this Assembly by the community, that we get this advice urgently. All we are asking is that Mr Jackson be asked whether he can provide the advice by 11 December. If he cannot - if his clerk indicates that that is not possible - it may be appropriate to speak to the clerks of some other senior queen's counsel. And the same applies to the Attorney-General's Department: it is simply necessary for us to indicate that we want this advice before the sittings end. And it is not some arbitrary deadline; we are asking for advice of central relevance to the powers of this place to be provided before the sittings end.

I see absolutely nothing strange about that request; but, from the Government's side, they have not even got around to preparing the brief and sending it off after a week. I could well understand Mr Jackson's clerk at first being somewhat incredulous if the Government were to ask for this advice to be provided urgently, because the clerk could say, "You say that you want it urgently, but it took you



over a week to even write the letter". That is because of the shillyshallying and the go-slow tactics that we seem to have opposite. The Chief Minister announced that he has not even received your letter yet, Mr Speaker. I am not sure when your letter was written; but, again, it was Wednesday of last week when this matter was raised and undertakings were given by both you and the Chief Minister that the advice would be sought.

Mr Speaker, we are pleased that the advice is being sought, but it is an urgent matter. It is a perfectly reasonable thing to ask both the Commonwealth and Mr Jackson of counsel to provide this advice before this place finishes its sittings. Advice in due course, the fullness of time and in all reasonable haste, as the Government is talking about, may well mean advice well into next year when the vital issues before this Assembly have gone.

**MR SPEAKER:** I would just like to inform the Assembly a little further on the issue of what was in fact presented by me to the Chief Minister. It is a rather large submission. It covers probably eight sections and those sections contain, for example, second reading speeches from both the Senate and the House of Representatives, the two legal opinions and other appropriate documentation. It took my staff until mid-Friday afternoon to present that to the Chief Minister's staff. So it did take us two days to get that together.

The situation is that that has been presented to the Chief Minister's private secretary, and I dare say that that is being worked upon with some urgency at this time. But, as I say, it took us a day and a half, so to speak, to get the brief together. It does take time; it is not just the matter of a letter - the covering letter takes little time but getting the full brief together took the time. I would just like to leave it at that.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (3.33): Mr Speaker, I cannot support this motion. Mr Berry says that it is important to impose this deadline in order to prevent these issues running over. Mr Berry seems to believe that he has some great triumph looming for himself by having these matters dealt with quickly. I have to assure Mr Berry that he is as deluded on this matter as he is on many other matters that he raises in this place.

I think that the basic inappropriateness of the motion is reflected by the fact that it has "the Assembly" calling "for the provision of ... legal advice in respect of private members' Bills". It is not the Assembly, of course, that has commissioned these advices; it is the Chief Minister and the Attorney-General that have sought these advices from the Commonwealth Attorney-General and Mr Jackson of queen's counsel respectively. It is rather inappropriate to have that kind of motion dealing with that relationship between those gentlemen moved and passed at this stage of this debate.

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I think, Mr Speaker, that the question that needs to be asked is whether the Opposition had approached Mr Collaery, the Attorney-General, to request expedition from the Attorney-General or from the Chief Minister in their respective requests for advice from those persons. Obviously that has not occurred. Obviously the Opposition would rather grandstand in this place than obtain some satisfaction through the usual channels of approaching the Ministers concerned.

Obviously, speaking to Mr Collaery at all violates the Opposition's policy of silence as far as Mr Collaery is concerned. That policy - "We do not talk to this person" - has made some difficulties for them, I think, in executing a valid policy. Mrs Grassby obviously is going to be in deep trouble with her faction when she gets back to the other side of the chamber, but for the moment the policy in this place stands. Mr Collaery is not asked questions, and that applies as much off the floor as on the floor and in question time.

I accept fully the assurance given by the Attorney-General that the matters are well in hand, that a lengthy brief has been prepared and will go this afternoon to Mr Jackson of queen's counsel. What is more, it was cleared by Mr Collaery as Attorney-General and as a senior lawyer only last weekend. That kind of treatment of this important matter I think is appropriate. The Government is not anxious to have these matters dangling over our heads for a long time. We are as anxious as the Opposition to see that the issue is resolved.

One thing I can reject quite comprehensively is Mr Connolly's suggestion that we should "shop around" for a QC who will provide us with the advice we want in the time we want. That is a quite extraordinary suggestion. Obviously the Opposition is shopping around already for the advice that they want. They are prepared to buy the second advice received, or at least parts of the second advice received, but are not prepared to pay a penny for the first advice. Presumably, if these other two advices that are being sought oppose the Opposition's position in these matters in any way, they will reject those as well. This idea of shopping around for an opinion is not one which sits very well with what Mr Connolly called the dignity of this house. We know that queen's counsel do not work like that, and they should not work like that on this occasion either. The deadline is an arbitrary one. There is no reason for this motion to be passed. It seems to say, in the usual contemptuous style of the Opposition, that we do not trust the ministry to prosecute this matter properly and expeditiously. For that reason, if for no other reason, I intend to oppose this ridiculous motion.

**MR BERRY** (3.38), in reply: Mr Speaker, Mr Humphries got it right for a change. I do not trust this ministry because we know what they are up to. This ministry is about delaying this question, and has been from the outset. That, in particular, is an appropriate accusation for Mr Collaery because he is the one who is going to be embarrassed over this issue. This issue of debate is over important private members' legislation, in particular the Bills which deal with the closure of Royal Canberra Hospital and the Bill which deals with the closure of schools, which his party, allegedly from the executive level, seems to resist. The fact of the matter is that they are dawdling deliberately. They are doing it to avoid further debate on the issue and, of course, to avoid further notice of their positions. We want to see how these people opposite vote on these issues. We know where they stand on them, but we cannot find out how they will vote because they will not debate the issue.

Mr Collaery has the audacity to talk about the Opposition being naive on the issue of the seeking of advice. Mr Collaery has the gall to suggest that anybody else is naive. The fact of the matter is that on the issue that he was talking about, the procurement of advice, it is well known that one can get advice within the timeframe that one sets. You seek advice from a quality lawyer and you can set the timeframe, because lawyers, after all, work for the people who engage them. That is the point at issue.

What Mr Collaery wants to do, of course, is shillyshally around, delay the issue more and make sure that it is not debated this year because the Residents Rally is in deep trouble. The tensions which have grown within the Alliance Government have been exacerbated by these two Bills and they want to keep putting the matter off. They are very quiet over there. There is a deathly silence. The fact of the matter is that they are very sensitive about this issue. Mr Collaery demonstrated his sensitivity when he started to moan about the likely existence of a media release that might expose him on the matter. Well, if they agree with the motion there is no likelihood. That cannot be said, of course, if there is disagreement to what is a very sensible motion. It is a motion about getting this issue resolved in order that the credibility of even the Residents Rally party can be placed under the microscope again.

What in fact the Deputy Chief Minister has said is that he is dawdling on this issue because he says that there can be no deadline. Now, he is out of step with the Chief Minister again, or the Chief Minister is not quite on the ball about this issue because the Chief Minister says that there is one, but it is a reasonable one, it is an open-ended one. What a joke! The fact of the matter is that the Government is dawdling on this issue. The Chief Minister does not really know what is going on. He does

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not even know that his office has received a brief from the Speaker containing all of the information required for the matter to be sent off to the Commonwealth. He does not even know that it is there.

I am afraid, Mr Speaker, that no-one would be convinced that this Government intends to deal with this matter quickly. It intends to block this matter until it has the hospitals closed and the schools closed. That is what this Government is about. It will then argue that it is too late. That is what they will argue. It is dawdling right up to the wire, but you will not get away with it, Mr Collaery, because the fact of the matter is that the Opposition is on to you. I think this motion exposes you again if you do not support it.

Question put.

*A vote having been called for and the bells being rung -*

**Mr Connolly:** I raise a point of order, Mr Deputy Speaker. The bells are ringing and the Speaker is trotting out the door.

**MR DEPUTY SPEAKER:** That point would be fine, Mr Connolly, if he were the member who called for the vote; but under standing order 155 it is the member who actually calls for the vote who has to remain in the chamber.

The Assembly voted -

*AYES, 7*

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

*NOES, 9*

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

Question so resolved in the negative.

**Mr Moore:** I raise a point of order, Mr Deputy Speaker. I draw your attention to a precedent set in this house on 5 December 1989. At that time the question was put that the motion be agreed to. During the call of the Assembly Mr Stevenson said, "I abstain". Mr Speaker said, "I will take advice on that". Then the Speaker said:

Mr Stevenson, I draw your attention to standing order 161. For your edification it says:

On the call of the Assembly being commenced, every Member within the seats allotted Members

shall vote and Members may not move from their places until the result is announced.

Unfortunately, you have left your run too late. Please call again, Clerk.

The Clerk then called Mr Stevenson again. Can you explain for my edification the difference between the two situations, Mr Deputy Speaker?

**MR DEPUTY SPEAKER:** Yes. It is very simple. On the first occasion the call had actually commenced, Mr Moore. On this occasion the bells were ringing but the call had not commenced. So there is no inconsistency between those two standing orders.

**Mr Moore:** For clarification, Mr Deputy Speaker: once the bells have rung any member can leave the chamber?

**MR DEPUTY SPEAKER:** As long as he or she is not the member who makes the call for the division.

### **SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE Reports and Statements**

**MS MAHER:** I present reports Nos 18 and 19 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement.

Leave granted.

**MS MAHER:** Report No. 18 contains comments on the Careless Use of Fire (Amendment) Bill 1990. Pursuant to the committee's resolution of appointment, the report was circulated to members on 2 November 1990. Report No. 19 contains comments on four pieces of delegated legislation, together with comments on the Community Development Fund (Repeal) Bill 1990, the Financial Institutions Duty (Amendment) Bill 1990, the Motor Traffic (Amendment) Bill (No. 8) 1990, the Pool Betting (Amendment) Bill 1990, the Gaming Machine (Amendment) Bill (No. 2) 1990 and the Liquor (Amendment) Bill 1990. I commend the reports to the Assembly.

**MR CONNOLLY,** by leave: The committee's report which has been tabled refers to the Motor Traffic (Amendment) Bill (No. 8). I had earlier and the committee had earlier made criticism of the practice that seems to be growing on the Government side of taking a number of separate related matters and, instead of putting them into one Bill, introducing several Bills sequentially on the same subject. We had the situation where we had the Motor Traffic (Amendment) Bills (Nos 4, 5, 6 and 7) all debated and voted on during one week.

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The committee having been critical of that, the Attorney-General responded in terms which I found quite unconvincing and unacceptable. The Attorney-General's response to the committee was that it is not possible for a government to know when different matters may require amendment and it is not possible to coordinate a government's responses in such a way as to ensure one amending Bill dealing with several matters. In relation in particular to the Motor Traffic Act amendments, I find that quite unacceptable because it is abundantly clear - it has been repeatedly stated by Ministers - that a lot of these amendments to the Motor Traffic Act are in response to what I think is referred to as the 10-point plan, the requirements of the Commonwealth for Territories and States to obtain better road funding. The requirement is that a number of identifiable changes be made to Territory legislation.

We have seen in the last couple of sitting weeks some six Bills amending the one Act. It is, in my view, Mr Speaker, a waste of the legislative resources of the Territory and a waste of the time of the house and can serve only to arithmetically boost the record of this Government so that it will be able to say that it has moved 60 Bills rather than 50 Bills, or whatever the case may be. I find the response from the Attorney-General in this matter most unconvincing.

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

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

The failure of the Alliance Government to appropriately administer the leasehold system in the ACT.

**MR MOORE (3.53):** Mr Speaker, in the other States revenue is founded on some of the same things that we use but also on primary industry such as farming and on mineral resources. The resources of the ACT are limited as far as those areas go, although we do have some primary resources, some small farm holdings and some plantations. Our main resources are, of course, our people, tourism and our land. We are very fortunate in the ACT to be in a position where the community is the owner of the land and the community as a whole can benefit from ownership of land.

In order to benefit from the ownership of the land it is important that the administration of the leasehold system be consistent and above board. We must ensure that decisions are made in the public interest, the interest of the community as a whole, and not in the interest of individuals. Developers throughout most of Australia gain profit from development in two separate ways. Firstly,

they must have the ability to build a building and, having built that building, they must be able to sell it, taking an appropriate profit for the effort they have put in and for their organisational ability. That ability to profit from that sort of effort is recognised in the ACT and it is supported. It is a very important part of the contribution that developers make to the community.

In other parts of Australia developers also make a profit out of land speculation. The standard procedure for doing that is to buy a piece of land and then set about ensuring that the zoning of that land is changed so that the developer can make a profit from successfully speculating that the zoning of the land will change.

In the ACT the system is slightly different because there is usually a need not to change the zoning of the land but rather to change a specific clause within the lease and hence make a profit from a change in the lease purpose.

We have several ways of dealing with this. The most effective way we have of dealing with it is to levy a betterment tax. In the past it has been the practice to levy a betterment tax of 50 per cent. The Alliance Government, not too long after taking office, announced that it would eventually seek 100 per cent betterment tax but on a graded scale. But, in fact, the reality is that where developers seek to change purpose they also invariably are only able to pay much less than the 100 per cent. That is the first problem with the administration of the leasehold system under the Alliance Government.

There are only two valid reasons for seeking a change in the purpose of a lease in the ACT that are recognised at this stage. The first is if a mistake has been made in the lease, and I think that is self-evident. The second reason is if it happens to be in the public interest to do so - not in the interest of an individual, but in the public interest. That situation arises fairly regularly.

But in a number of cases, particularly leases in the Civic area, the proposed changes of lease not only are not in the public interest but are in fact against the public interest. The first example that I would like to give this afternoon is that of section 52, block 3 in Civic. In fact it is rather interesting to look at section 52. In going back through some of my old clippings I notice that on 19 December 1987 attention was drawn to it in a letter which stated:

Canberrans do not seem to be aware that the proposed development ... involves the cutting down of 60 casuarinas outside the Boulevard theatres.

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We are delighted to have had the Chief Minister assure us that those are not under threat at this stage, independent of the development. The letter continued:

Apart from what is left of Glebe Park, this is the only remaining green area in Civic.

That letter was written by Ann Collaery, at that stage the co-convenor of the Boulevard Lawns Committee. That is one of the early cases. There has been a great deal of controversy over section 52. The Associate Commissioner of the NCDC, Miss Jill Lang, in an article on 19 December 1987 in the Canberra Times, pointed out that an ambiguity in the development conditions for the site was corrected before the auction.

Yet we are told by the Chief Minister that there is still a legal wrangle going on over this particular section. We are also aware that in February a question from Dr Kinloch to the Chief Minister resulted in an answer from the Chief Minister saying that 8,000 square metres of office and retail space were going to be made available on this particular block.

After a question from me on 21 November in which I suggested to the Chief Minister that it had been advertised at 9,350 square metres, an extra 1,350 square metres, I had a reply suggesting that my figure of 9,350 is correct. I will concede that it is possible that there is some confusion between the gross floor area of 9,350 and the net available floor area, which would be about 80 per cent of that and perhaps 8,000 square metres, and I hope that Mr Kaine will clarify that particular situation. But of much more concern in the reply that I received from Mr Kaine on section 52 is the way in which the development will go ahead. I quote:

The Government therefore agreed to allow a prospective purchaser to stage the development, with the possibility of constructing the hotel elements in the second stage.

That is very interesting. What has happened is that the hotel development was to go ahead and ancillary to that there was to be the office and shop development of 9,350 square metres. Now we find that the ancillary part of the development is going to go ahead. Now, 9,350 square metres, or let us take 8,000 square metres, whatever it is, is equivalent to roughly 400 extra office workers in Civic. We are talking about a large influx of office workers because we are no longer talking about a hotel development. When you allow the offices, professional suites and shops to be developed first, they can hardly be ancillary to the hotel. The whole notion of being ancillary is that they in some way support the hotel development and are, of course, an important part of that. To allow it to be developed first in this way indicates that in fact what we are getting is an office development, not a hotel development.



The way in which this particular lease has been handled, not only before self-government but also during the time of the Follett Government and now under Mr Kaine, is, of course, very questionable. There are questions to be asked that have not been answered appropriately with reference to section 52 in Civic; there is a problem with the lease administration there. That is not all there is about this particular section. I went to search the title on that particular lease and found that there is no lease. I think that there is a broad problem, as far as lease administration goes, when a developer does not have to register the lease. It is totally inadequate. It means that since 1988, for over two years, the developer - or a series of developers - has not had to register this lease. Therefore any change in the lease does not have to be shown to be in the public interest; it does not have to go through the normal procedures under the City Area Leases Ordinance or any of those things. While it is not registered it can actually be negotiated with government.

So there is great vulnerability in the administration of the leasehold system here that really needs to be looked at very carefully and to be readjusted.

There are many examples like this that I could draw attention to. I can tell by the amount of time I have left that I am not going to have a chance to deal with all of them, but I will move on to section 10 and section 37 in Civic. I should clarify for the record, I suppose, that section 52 is the area opposite the Boulevard or opposite the Parkroyal. Section 10 in Civic is the Civic swimming pool. Section 37 is the YMCA site behind the Taxation Office building or the Amdahl building on Constitution Avenue.

Section 37 is once again up for grabs and behind this development is the YMCA. The YMCA, of course, in itself does very good work. But already that particular organisation, which does do good work within the community, has been given \$1.4m through the waiving of the 50 per cent betterment levy back well before self-government when that site was developed. The YMCA argue that no benefit will go into the hands of commercial developers but rather will go to the people of Canberra.

**Mr Jensen:** What has it to do with us? What is the relevance?

**MR MOORE:** Mr Jensen interjects about relevance.

**Mr Jensen:** No, I mean relevant to the proposal.

**MR MOORE:** He implies that this is irrelevant to the proposal. It is particularly relevant because section 10, which is in the hands of the YMCA, is coming up again for development. I would refer Mr Jensen to the work of Professor Max Neutze on the Canberra leasehold system, which can be found as part of the report on the Canberra leasehold system

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by the House of Representatives Standing Committee on Transport, Communications and Infrastructure, dated 1988, and particularly to page 52 of that report. I know that he is familiar with it. Professor Neutze drew attention in his report to some of the problems with the leasehold system. Of course, this administration has failed to implement the recommendations of Professor Neutze and that parliamentary committee.

Moving on very quickly, it is appropriate to draw attention to the situation at Fyshwick and an article by Philip Hobbs in the *Canberra Times* on 11 November this year in which he said that lessees get a \$30m advantage because the Government bent to the lobbying of the people out at Fyshwick. The article states:

The August measures were aimed at ending this preferential treatment whereby lessees were paying effective interest rates of 10 per cent while reaping capital gains at the same time.

That was the original notion of the Government. They finally started to get something right. The point that is most important is that when you are seeking capital gains on the land in that way, when you are speculating on the land in the ACT, that speculation is something that needs to be looked at very carefully and needs to be assessed.

I could talk about many other sections of the leasehold system. I do need to mention the notion of the private hospital on Lake Ginninderra. The leasehold system here provides us with the opportunity to either allow or prevent a developer building a five-star hotel, condominiums and private hospital, as was suggested by Douglas Moran this morning or yesterday morning on the Matt Abrahams morning show. It is important that the leasehold system be respected, looked after and administered properly to stop that sort of thing.

**MR KAINE** (Chief Minister) (4.09): Mr Speaker, I must say that I welcome the opportunity to speak to this matter of public importance, but I would have to say that, in terms of a debate, Mr Moore has not made his case. His matter of public importance is "The failure of the Alliance Government to appropriately administer the leasehold system in the ACT". In fact he has not proven anything of the kind. He has talked at great length about the leasehold system and said that there are problems with it. He also quoted Professor Neutze as saying that there are problems with the leasehold system. But I do not recall him saying one thing that would indicate that the Government has failed to "appropriately administer" - whatever that means - the leasehold system. I do not think he has made his case, but I think that there are some things that need to be said.

Mr Speaker, this provides me with an opportunity to express some views about the superficial positions constantly adopted by Mr Moore on this issue. He skates across the surface. He never really gets down to tin tacks. I do not really know what it is that he does not like about the leasehold system, although he attributes this to some problem on the part of the Government. I have heard over many years from people like Mr Moore that the administration of the leasehold system is inefficient, that it is allegedly corrupt, that it does not take sufficient account of the needs and interests of the community. Well, my long experience in the affairs of the ACT, Mr Speaker, contradicts all of that, and it has led me to one basic conclusion, and that is that in every case where maladministration of any kind has been alleged an examination of the particular case shows that the matter has been handled properly, within the law and according to specified public policies. If you do not like the public policies and you do not like the law, you should set about changing it, but that is not what Mr Moore is on about. He asserts that we are not appropriately administering the system, whatever that means. It is the superficial approach. He is not quite sure what he means and he hopes that if he says it enough he will strike a point where he is actually on track and not off it.

Mr Connolly is the only member of the Labor Party present during this debate; so I will address my comments to him. I suggest that Mr Connolly should bear in mind, before he leaps in behind Mr Moore - - - (Quorum formed) I would just like to draw the Labor Opposition's attention to a point before they jump in and get on this band wagon of Mr Moore's. I recall that Mr Moore expressed similar criticisms of their administration of the leasehold system during their unhappy, but fortunately brief, period in government. I recall as well that the then Labor Government did not concede on any occasion that Mr Moore was right - not once.

Instead, like me today, Mr Deputy Speaker, they responded to the detail of each particular allegation - and today he has not made any particular allegations - and were generally able to allay any major concerns. I suggest that the Opposition, the Labor Opposition at least, might consider that period of history carefully before leaping on Mr Moore's band wagon today because he will lead them into trouble somewhere along the line.

I am particularly proud of the fact that we in the Government have been able to address in a positive way some shortcomings in government policies concerning the leasehold system which our predecessors found just too difficult to deal with. We have built on and improved a package of planning and leasing legislation, which will be going out for further public comment in the next few days, and my colleagues in this debate this afternoon will outline our reforms in relation to the payment of betterment tax and the administration of rental leases

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aimed at ensuring that developers do not get the benefit of profit rightfully accruing to the community - one of the points which I think Mr Moore was trying to make.

The Alliance Government has been able to consider these issues on a logical basis and has ensured that the financial returns to the community have been enhanced. Some elements of the local ALP have talked for years about the need to reform the administration of betterment tax. They did not do it, but we did. In the same way the Alliance Government was able to rationalise the administration of rental leases to ensure a more appropriate return to the community. This aspect of the leasehold system was a classic case of the community subsidising some sections of the business community unnecessarily. Yet the good socialists opposite merely talked about it; they did not do anything but talk. They did absolutely nothing about it.

Michael Moore has never even raised that issue, interestingly enough, although he tries to make a point once in a while. The level of Mr Moore's contribution to the debate has always been to make misleading allegations about particular transactions, all of which in the event can be adequately and properly explained. He has never ventured into the realm of sophisticated analysis of the system - I suspect, because that would involve some real work and would probably interfere with his travel plans.

I had the opportunity to examine earlier this afternoon a speech which Mr Moore made on the last occasion on which he raised this issue as an MPI. It is an old perennial that he raises from time to time. That was on 22 February this year and it occupies pages 487 to 492 of the Hansard for that week. The striking thing is that Mr Moore has made essentially the same speech today as he made in February. In fact I think he must have just brought out speech No. 74, dusted it off and had another go at it today. The only thing that has changed is that some of the cases he has referred to are new. My colleagues will respond to the specific cases raised by Mr Moore during this debate.

The basic point is that Mr Moore represents a Canberra which lives in the past, a Canberra when the NCDC made wise and benevolent decisions, when two-thirds of the work force were government employees, when nobody really knew or cared how much it cost to run the ACT, when nobody was really accountable for the expenditure of taxpayers' money, and when it was considered unnecessary to encourage private sector investment. That is history; it is the past. The Government has had to face some hard financial decisions and we are proud of the fact that we have been able to introduce some basic reforms to the leasehold system to provide greater efficiency, accountability and a better financial return to the community.

I do not believe, as I said at the beginning, that Mr Moore has even made the point that he set out to make, namely, that there has been inappropriate administration of the leasehold system. He is more concerned to criticise the leasehold system, which he can legitimately do; but, if he would put it in the terms of a criticism and a critique of the leasehold system rather than attempting to dress it up as an allegation that the Government has not appropriately managed it, then I think he would get a much more responsive approach from this side of the house and we would accept that there are some things that need to be changed. We are attempting to change them. That is why we have a package of legislation out there, one aspect of which is specifically to address the leasehold system and the management of it. I think that to assert that this Government has not appropriately administered it is totally wrong. He certainly has not sustained his argument. I think, on the contrary, that we have gone a long way to building an appropriate leasehold system, one which will meet, and better meet, the needs of this community, and that we have in fact done a great deal to appropriately administer the system.

**MR CONNOLLY (4.17):** I rise for the Opposition to generally support the matter of public importance raised by Mr Moore. At the outset of my remarks I want to make one point very clear, and that is that, as we understand Mr Moore's MPI and as I heard Mr Moore's remarks, he is not making any grubby innuendo or allegations about corruption or fiddling in the leasehold system. That is not the tenor of the remarks Mr Moore has made today; nor, I should say, the tenor of Mr Moore's remarks on any occasion that I have heard him speak on this matter in this place. That was very much the tenor of criticisms repeatedly made, I see from Hansard, by the present Deputy Chief Minister when he was in Opposition - this regular grubby little attack, allegation upon allegation of corruption, but nothing proved.

The Chief Minister spent quite some time in his remarks defending the Government's position by saying that Mr Moore failed to substantiate any corruption or ill doing. Well, he did not even attempt to substantiate that because that is not the tenor of this matter of public importance. The tenor of this matter of public importance is the failure of the Government to properly administer the leasehold system, marked most clearly by its inaction in developing the package of legislation of which the new leasehold Bill will be a central plank.

I have referred previously to the remarks almost a year ago, just a week off a year ago, when, in its grab for power and front bench positions, this ramshackle Alliance came to power. The motion of no confidence in the Follett Government on that occasion was moved by Mr Collaery. In his remarks one would expect, in a motion of no confidence, that the mover, particularly knowing that the numbers were cobbled together beforehand, would attempt to start off by

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attacking the Government in the strongest terms and would point to the strongest alleged failure of the Government. Well, the strongest alleged failure of the Follett Government, from Mr Collaery's remarks on page 2989 of Hansard - I will make it easier for the Attorney-General - was this:

There is ... a crisis in development and planning approvals in this Territory. No provision was made in the budget for a planning tribunal ...

Well, I made it a matter of importance during the estimates process this year to ask the Law Office and Treasury officers, when we were discussing the estimates for the Administrative Appeals Tribunal, what allowances had been made for additional work that may come before the Administrative Appeals Tribunal consequent upon the passage of the planning legislation. We were talking about the budget and the Appropriation Bill which takes Government spending through to 30 June 1991. I was told that there was no expectation that there would be any additional work because the legislation would not be in place and the AAT jurisdiction, which is intended to be vested in planning and leasehold matters, would not be triggered.

So here is the present Attorney-General saying on 5 December 1989 that there is a crisis and that no provision has been made in the budget for the planning tribunal; yet here we are 12 months later looking at the budget brought down to cover us through to 30 June 1991 and again, Mr Speaker, in the words of the present Attorney-General, no provision has been made in the budget for the planning tribunal. This ramshackle coalition, this group of ambitious officeholders opposite - particularly the Residents Rally; and we look again at the pink book, this wonderful wish list - was strong on rhetoric on reform of the leasehold system and the planning system in this Territory when in opposition, but in practice, in office, they have done nothing.

There has been a lot of cant referred to in this chamber in recent months about the performance of the Alliance Government compared to the performance of the Labor Government on the development of this legislative package. We as an opposition have been very responsible on this issue. Any person who looks at the development of this package of legislation, should it ever be eventually produced by the Alliance Government in the future, will trace a clear progression from the Mant report through to the proposals placed out for public discussion by the Follett Government through to the Bills in their exposure draft now put before the house.

It has been made clear repeatedly that this is an issue with general bipartisan support. The Alliance Government cannot claim that their land management and leasehold legislation and the other planning legislation that they tabled in a rough exposure form earlier this year were some

wonderful new initiative that was dreamt up and introduced consequent upon their accession to government. It clearly was the logical development from the proposals that had been released under the previous Government which itself - this was made clear when the discussion papers were released by the then Labor Government - was built from the Mant proposals.

But, Mr Deputy Speaker, apart from that brief flurry of activity earlier this year when we had the legislation put on the table, nothing further seems to have happened. We have reached the position - and no-one has denied that this is indeed the position - that it will be the middle of next year at the earliest before this legislation to tidy up planning and leasehold matters is introduced. Mr Deputy Speaker, on that ground alone, it is abundantly clear that Mr Moore's case is made out. There has been a dramatic failure of this Government, a Government that took office with such high expectations that Mr Collaery took the alleged failure of the Labor Government to have this scheme in place within six months as his cornerstone for attacking it in his bid for power. Yet, we now learn, it will be another six months, 18 months in toto of Alliance maladministration, before we see this package, if we get to see this package by mid year 1991. But, Mr Deputy Speaker, I would advise you not to hold your breath because I suspect that there will be further delays and further prevarication.

As well as this principal failure to develop the legislation there are also numerous instances that I could cite in relation to simply poor administration. I take the Assembly back again to the stated policy of the Residents Rally at the time of the last election where they refer to the proposal to provide a leasehold administrator. They said quite specifically:

The Leasehold Administrator will be required to take a more active role against breaches of Lease Purpose Clauses.

Mr Deputy Speaker, I am regularly being confronted by constituents who are having problems with the lease purpose clause provisions in their lease or in other person's leases, and it seems that there is a worrying degree of inconsistency. In one instance a small business person, who has invested heavily in establishing a business that complies with all planning and development guidelines and has borrowed heavily in order to do that, is confronted with a competitor who is fragrantly and admittedly in breach of the lease purpose clause. Yet over three years that business person has been unable to get action taken against that person in breach of the lease purpose clause. That matter is still continuing and I will keep harrowing away at it. It is a matter that demands attention from this Government because the person who is trying to do the right thing in conducting a business in accordance with the lease purpose clause should not be discriminated against.

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There was also an instance earlier this year at the Kambah shops which highlighted the problem of the six-year special leases. Law abiding tenants, it turned out, were somewhat in breach of their lease purpose clause, but they had been there for six years and because the head lessee wanted to convert the lease they were going to be flicked out. At the time Mr Jensen said that nothing could be done to help them. I must give the Chief Minister credit, for he did step in and fix up that Kambah problem. As a result of that the Government devoted some attention, either bureaucratically or politically, to solving this problem with special leases.

Mr Deputy Speaker, earlier this afternoon the Chief Minister was fulminating against Ms Follett's reported comment this morning that this is a Government run by bureaucrats. That was a terrible thing to allege, said the Chief Minister. Well, let me give you a quote:

In suddenly changing a policy on a retrospective basis, the Government was operating on extremely insensitive advice from its bureaucracy ... Some parts of the bureaucracy and the Assembly have become extremely revenue hungry ...

Is that a comment of Ms Follett or a Labor spokesman, saying that this Government is bureaucratically driven? No, Mr Deputy Speaker. That comes from a letter from Bob Winnel, a prominent Liberal Party member in this town and president of the Master Builders Construction and Housing Association, in this morning's Canberra Times in relation to the Government's decision to change and retrospectively increase taxation on those special lease purpose clauses relevant both to this debate on failure to properly administer the lease purpose system and also to this question of the perceived lack of government by this Government and reliance on advice.

**MR JENSEN (4.27):** Before I go on to comment on some of the other aspects raised in general I want to put on the record a couple of points in relation to section 52. Mr Moore indicated that there was no lease issued for section 52, that the lease was not registered. I think that was the point he was making. The advice I have, Mr Moore, through you, Mr Deputy Speaker, is that the original lease is registered and is subject to a caveat. The replacement lease which was issued, to excise from the lease the area where the casuarinas are currently located, to fix the problem that had been identified by the community concerns, in fact has been produced but cannot be registered because of the caveat on the original lease. That is the problem there, Mr Moore. It is a legal issue. But there is, in fact, a lease issued for that particular site and the caveat prevents the replacement lease from being registered at this time.



In relation to the YMCA site, Mr Moore, I am sure, is aware of the provisions of the Civic Centre Policy Plan of 1989. I am pleased to note that when he was talking about workplaces within Civic he was not referring to the old discredited figure of 35,000 by the year 2000; he was referring to a much lower figure, or should have been referring to a much lower figure, as identified in the latest employment figures for Civic dated September 1990, which I believe were provided to Mr Moore as part of the estimates process.

Under the provisions of the Civic Centre Policy Plan 1989 and the Certified National Capital Plan, section 10 City has been designated for tourist and recreational use which does not include offices. The area is shown as National Capital Planning Authority designated area in the National Capital Plan. So they, therefore, have carriage of it. However, as Mr Moore is fully aware, there is a joint study of the future use of this site and section 37, which contains the Olympic pool, and that is being carried out by the National Capital Planning Authority and the ACT Government, which is represented in those circumstances by the Interim Territory Planning Authority. That study has commenced. When it is completed in the near future the recommendations from that study will be open for public consultation and that will take into account the future possible use of the whole area that Mr Moore is concerned about.

Once again, Mr Speaker, Mr Moore is bringing this issue to the Assembly knowing that he does not really have much of a foundation on which to base his complaints and refusing to recognise the amount of work that has been undertaken by the Alliance Government to enhance the administration of the leasehold system in the ACT. Some of the problems are caused by a long period of administration of a complicated and large number of leasing laws. For example, Professor Neutze, in the report my colleague the Chief Minister mentioned, referred to four major leasing Bills. One of the processes that are currently being applied at the moment is to take those four major pieces of legislation on leases and put them, with a couple of other subsidiary items, into a single Bill which will simplify much more the approach that we take to leasing in the ACT.

The other important aspect of the legislation package, of course, is the approvals and orders aspect of it. The package will provide for a much easier process by which problems that have been identified by the lease administration within the ACT can be addressed by issuing appropriate orders for determination and other items like that. Mr Moore may recall that in fact as early as last week the ACT Government did determine a lease because of a failure of the leaseholders to carry out their responsibilities in relation to heritage matters on that site. So to say that we have not considered those issues and given due attention to them is, I would suggest, not strictly correct.

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Immediately the Government came to office it moved to institute a review of the legislation affecting planning and we adopted clear and explicit guidelines for full consultation on planning and development and provided wide-ranging appeals for applicants and third parties against discretionary decisions. That was the problem with the previous Government. Certainly they put something on the table after considerable pressure on the part of my colleagues and me, but it was only half a job. It did not include two of the most important aspects of the administration of the lease system - the decision in relation to betterment and the decision in relation to the appeals process, which was another important aspect that was not put into the drafting instructions that were put out. What started on 22 February this year was the process of preparing draft Bills for exposure and discussion. As a result of those exposure drafts, Mr Deputy Speaker, there were in excess of 60 comments from community groups, organisations and individuals to the Government. That required - - -

**Mr Berry:** That is more than you got on front fences.

**MR JENSEN:** I would hope so, Mr Berry, because it is very important legislation. That required a major review of the initial package of legislation that was progressively brought forward over the period from February to June. So I think, as Mr Connolly has already indicated to me privately, and Mr Moore as well, that it is important to get the legislation right because it will be very difficult to change it later on. It is important to get it right. That is why it is important for this community consultation process to take place. Mr Moore, of all people, I am sure, would agree that it is important for the community consultation process to take place fully in this area and this is, in fact, what is happening.

The Government contends that a less than rigorous approach was taken by the then Follett Government to this vital issue of the administration of the legislation for leasing within the ACT.

The Government has given new purpose to the process and, consistent with the need for full public consultation, has advanced all aspects of the legislation with a clear outline of its contents and timing. This legislation is one of the most important aspects of lease management in the ACT. It is vital that it be complete and wide-ranging, that it have as few flaws as possible and that it properly reflect community concerns to overcome years of neglect by the Commonwealth Government.

I think it is very important at this stage to mention that the report on the Canberra leasehold system, produced in November 1988 - it is called the Langmore report and contains the report by Professor Max Neutze - has not been responded to by the Federal Government. The Federal

Government, at the time of commissioning the report, had responsibility for the leasehold system. They thought so much about it that they did not even bother to respond to it. At least this Government has taken the opportunity to respond to it.

Certainly, all the recommendations of that report have not been accepted and put in place. There is no doubt about that; and no-one would suggest that all the recommendations of that report have been put in place. The Federal Government failed to take these issues up, but this Government has been prepared to address a lot of the issues raised. The Government has imposed betterment arrangements which provide a balanced approach to the need to return to the community the unearned increment in the values of leases while at the same time providing reasonable incentives for redevelopment. No previous government, particularly the one formed by those opposite, has been prepared to wrestle with the effects of a decision made many years ago when land rents were abolished and when the implementation of the policy was clearly inequitable to the Canberra community.

Mr Moore today claims that the current Government has not administered the leasehold system in a proper manner. Frankly, this is nonsense when all his public utterances and his stated position clearly support these important initiatives of the ACT Government. In the process of reviewing the leasehold system the Government will ensure that all aspects will be revisited. A recent example of this is the review of the land rent pay-out options which my colleague, the Chief Minister, has already referred to. Previous Commonwealth Labor governments and also the Follett Government allowed this to languish without consideration. The existing policy, Mr Deputy Speaker, was clearly out of step with economic reality and community expectations, and this Government made the decisions necessary to bring a proper balance to the administration of lease rental pay-outs.

**MRS GRASSBY (4.37):** Mr Deputy Speaker, I feel that Mr Jensen made about as much headway on that as a snake making love to a stick. I think that was about as much as came out.

**Mr Jensen:** That is a sexist comment, Mr Deputy Speaker. I request that that be withdrawn.

**MRS GRASSBY:** It might be very sexist, but that was about it; that is about as much headway as he made.

**MR DEPUTY SPEAKER:** Order!

**Dr Kinloch:** Making love to a what?

**MRS GRASSBY:** A stick.

**Dr Kinloch:** A stick, right.

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**MRS GRASSBY:** Yes, that was about it. He was not sure where he was going and what he was doing and he did not know what he was there for anyway.

**Dr Kinloch:** It is a very knotty problem.

**MRS GRASSBY:** Well, somebody once said that he was about as useless as - no, I will not go on to say that. The point I would like to make is about a particular lease which I have been arguing about for the last couple of weeks, namely, block 2, section 22, division of Phillip - the Phillip pool. I find it incredible that that lease is to be sold or has been sold. I have questions on the notice paper that I do not seem to be able to get answers to. Obviously the Chief Minister or his Department do not know the answers or cannot give me the answers. They have been on the notice paper for some time. But can I say - - -

**Mr Jensen:** Question time, Ellnor.

**MRS GRASSBY:** They are on the notice paper. The lease under which the Phillip swimming pool and ice-skating rink has operated since 1979 allowed for an extension of the lease after 10 years. The extension would have been continued on a rental basis and the rent would have been determined by the Government. This arrangement was to continue for 10 years, which would have taken it to 1999, at which time the facilities would have reverted to the Government, which would not have been required to pay any compensation, as the Chief Minister said on a program run by Pru Goward. Simply put, the Government would have received rent for 10 years and then owned the facility at the end of the 10 years.

The Government, I understand, has chosen to sell the facility on a 99-year lease basis. The lessee is required to pay the Government \$32,000 a year for 10 years in return for a 99-year lease over the complex, which I find absolutely incredible. Under the first option, which was the option set out in the previous lease, the Government would have received 10 years worth of rent at probably about the same level as it receives under the second option, but at the end would have owned all the facilities in this complex. There appears to be no rational explanation for why the Government decided to offer the lessee a 99-year lease rather than proceeding with a 10-year rental option as set out in the original lease.

I find it absolutely incredible. As I say, I have put questions on the notice paper and I do not seem to be able to get an answer about this. I have been told by two clubs in the area that they would have liked to tender for this lease. One particular club did offer to buy from the lessee but found out that he was talking in sums of millions. In that case I would say that we should be talking in such sums, not \$320,000. The Chief Minister said that there were repairs to be done. I would have

thought that the person leasing would have had to take care of these repairs while they were leasing, as under any other contract or any other lease. We are selling a valuable piece of property, a 99-year lease - none of us here will be around when that expires - for \$320,000 when the person who is buying it has offered it to a club for millions. This is selling out the heritage of Canberra, the rights of the people.

**Mr Kaine:** Don't you think they ought to pay for the skating rink if they buy it?

**MRS GRASSBY:** We are talking about the fact that they had a lease.

**Mr Kaine:** The \$320,000 is to do with the lease, not the skating rink, which is an asset that they want to sell.

**MRS GRASSBY:** The \$320,000 is to do with the pool.

**Mr Kaine:** No, it is not; it is to do with the whole site.

**MRS GRASSBY:** But they do not own the pool.

**Mr Kaine:** It is the land on which the pool and the rink - - -

**MRS GRASSBY:** But they do not own the pool. The pool was just leased to them. Therefore, as far as I am concerned, it belongs to the people. It does not belong to them; it belongs to the people. Here it is being sold for \$320,000 when we could let another 10-year lease go. I do not think the Chief Minister listened to me. This arrangement was to continue for 10 years, at which time the facility would revert to the Government, which would not have to repay any compensation. That is in the lease. I have a photocopy of the lease here.

**Mr Kaine:** You would then have to buy the skating rink.

**MRS GRASSBY:** You would not have had to buy it. It must be worth millions then. He wants to sell the whole lot for millions; yet you are selling it for \$320,000. I find this absolutely incredible. Why cannot I get some answers to the questions on the notice paper?

**Mr Kaine:** You would not understand it if we told you, obviously.

**MRS GRASSBY:** Yes, I do understand it, Chief Minister. I would like to read out what was said on the Pru Goward program. I do not think you understood it. I have a copy of what was said on the Pru Goward program here. I would be quite happy to table it rather than read it all out. I am telling you, Mr Chief Minister, that you did not understand it. I have a very good copy of it here, Mr Chief Minister, and I would be very happy to table this so that you can read it. I have marked it. You do not understand the lease and I suggest that - - -

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**Mr Kaine:** Give us a lend of it and I will read it.

**MRS GRASSBY:** I will. I suggest that you read that. I worry about the leasehold system because I can see where valuable areas and lands that belong to the people in Canberra are being sold to absentee landlords. We all know how absentee landlords are. They are being sold, and not even to somebody who lives in Canberra. I really worry about how this Government is carrying out this leasehold system. Like Mr Moore and like my colleague, Mr Connolly, I feel very worried about this. As I say, I cannot get answers from the Government on this, even though I have put the questions on the notice paper, and nobody else can either. The questions have been asked in the Canberra Times, they have been asked on the Pru Goward show, and we still cannot get any answers. I would like to know a little bit more about this. I have the copy of the lease. I have a copy of the Pru Goward program which I am quite happy to let the Chief Minister look at. I am quite happy to table it and get some straight answers on this system out of this Government.

**MR COLLAERY** (Attorney-General) (4.44): Mr Deputy Speaker, Mr Moore's matter of public importance casts a very wide net and it requires a broad response because, as my colleague the Chief Minister said, his treatment of most of the issues was superficial. To do Mr Moore justice, I think he meant to make a general statement about the leasehold system and he meant to say to this Government that he intends to keep it up to the mark on the leasehold system. He is well known for taking an interest in the leasehold system.

On the other hand, the Labor Opposition has taken a whole range of miscellaneous, opportunistic points that do not harmonise with Mr Moore's comments at all. They are simple, grandstanding comments and they do not add to a debate. Those of us who have had years of knowledge of the leasehold system - I include my colleague Mr Kaine and Mr Moore in that - well know that the Labor Opposition facing us now, without exception, has never been around. We never saw them at the great debates in the mid 1980s and onwards. What knowledge they have of the leasehold system they seem to have acquired during the very short lifespan they had in government.

I was reminded, when Mr Moore put the issue on, of how different the ACT is. First, we started with the Seat of Government Act that made sure that so far as possible the great carpetbagging land boom speculations of the colonial era would not occur with the land ceded here by the then New South Wales Government. By and large, acre for acre, yard for yard, the dealings in land in this Territory are almost lilywhite compared with what has occurred on the Gold Coast, on the north coast and all around us in Australia.

**Mr Berry:** How about Wollongong? Tell us about Wollongong.

**MR COLLAERY:** I would not like to start on Wollongong. All over the country we have seen the sorts of things that Mr Moore adverted to when he gave his definition of the developer's concept. He described it as the ability to erect a building and sell it for an appropriate profit that took into account all of their inputs; otherwise developers sought to make a profit out of land speculation by rezoning it. I know that Mr Moore simplified the argument, but what he was saying again and was raising again was the injunction or enjoiner that all governments in this Territory live with, and that is that when land was ceded to us under the Seat of Government Act of 1910 there was not to be land speculation.

I do not think I have ever seen any evidence of land speculation in the ACT in the context in which the early federation debates placed land speculation in terms of the Seat of Government Act. Really, the ACT has been pretty clean. If along the way people came from other parts of Australia, and perhaps other parts of the world - odd islands in the Mediterranean - and made a good killing out of the leasehold system, then they are issues that we are historically interested in and they are issues that deserve attention.

This Government, the Alliance Government, inherited a discussion white paper - Mr Connolly did not advert to it in that page of the debates that he mentioned - which was a cobbling together of the great debates of 1986 and 1987 with Jill Lang and the others that Mr Moore adverted to. None of those debates had any substantial contribution to them and they were contentious debates in the Labor Party. I recall John Mant, officers of the lands administration of the then Territory government, and miscellaneous community groups, and Barry Reid - yes, to do justice to Barry Reid - and the odd individual member of the Labor Party. But certainly none of the local parliamentary aspirants were involved and now they purport to have standing in this debate.

I think even Mr Moore will concede that, though he finds himself on the other side of the house at the moment. That is not necessarily an invitation, Mr Moore. I doubt that he would credibilise - I got that American word this week - the Labor Opposition.

I would just like to do an overview and to assure Mr Moore that from where I stand, and from where the Chief Minister and his Executive Deputy, Mr Jensen, stand, no hokey-pokey will be going on with land in this Territory while we are in government. We take a very strong interest in the matter. As Mrs Grassby well knows, the Government has responded assertively to the Phillip pool issue and will in a short time finally clarify its situation on the issue. I do need to remind the house that it was a Labor Minister, Gordon Scholes, who granted such a long lease over the pool

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and, once again, as with the Canberra Times site, we are faced with the struggle of unwinding history and the administration of the Territory by a Federal Labor government. We sure are doing it.

On a positive note, I think members will accept that Mr Duby, as the responsible Minister in the field of nature conservation, has already seen to it that the Jerrabomberra wetlands conservation proposal is being gazetted. I understand also that proposals have been officially announced for Namadgi, the Murrumbidgee River corridor and the Tidbinbilla Nature Reserve. They are part of unleased land, but they are very important to the general concept of the leasehold system. They have a relationship to it that is vital for future generations of the Territory.

The Alliance Government has commissioned a major study of rural leases in the Territory. That is under way. We were left to accelerate the collage and the paste-up that the Follett Labor Government left us for the Planning Appeals Bill. You all know in this house that it took some States 10 to 15 years to get their planning and environmental appeal packages through from the beginnings of the debates started in New South Wales by Dunphy and the others in the mid 1960s. So it is simply unfair to put it upon this Government when it is proceeding in an open consultative fashion and will be releasing the further planning package for consultation, hopefully before Christmas. The Chief Minister, my colleague beside me, says that it will be before Christmas.

**Ms Follett:** 1999?

**MR COLLAERY:** He is in charge here and I am sure the bureaucrats are listening, Ms Follett. That planning package is a most exciting prospect for many of us who have taken a great interest in the leasehold system. It gives, firstly, one of the widest third party appeal rights in this nation. That is a fairly breathtaking act of confidence in the population of this Territory. That is there for further public comment. The community activist groups and the developers alike need to comment finally on those proposals before, hopefully, we can bring them into law in mid year.

Mr Connolly himself said only a couple of months ago that it would be more prudent to spend more time on these Bills than to rush them. He is on the record somewhere in Hansard as saying that. I am sure Mr Kaine recalls Mr Connolly's comments. So you are having two bob each way on that one. Mr Speaker, those Bills integrate heritage, planning, leasehold and all those environmental and other concerns. They are an outstanding package of laws. They are a momentous compendium of law and they will be a great mark for self-government when they are finally produced, hopefully towards the end of the transitional term in May 1991.



This Government also moved decisively to ban parking in Reid and adjoining suburbs such as Turner - something no other government, not the Follett Government, had done, despite numerous requests from the Reid action groups and others. This Government bit the bullet on the Canberra Times site. The Residents Rally particularly bit the bullet on that one. It can take hard decisions and sit with them. That is one of the ones that were difficult for the Rally and it did it, and it is staying four square with the Government on that matter. We had to bite the bullet on an historic legacy left to us from a Labor Federal administration. We have done it.

Mr Speaker, this Government has endorsed proposals put by an all party committee, the Planning, Development and Infrastructure Committee, that dealt with the Canberra Times site. We expect the Commonwealth to abide by the prohibition, if you like, imposed on Commonwealth public servants by the Joint Parliamentary Committee on the ACT. The Chief Minister, as Minister for planning, is undertaking not to load the community with those people.

Mr Speaker, I ask the Leader of the Opposition to say whether the Downer Community Association should get a direct grant of a lease for the property at Downer or whether it should be open for public auction in the fairest, equitable manner as is proposed for Phillip pool by Mrs Grassby. I challenge her.

**MR SPEAKER:** The time for the discussion has now expired.

**Sitting suspended from 4.54 to 8.00 pm**

**FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL 1990**

Debate resumed from 22 November 1990, on motion by **Mr Duby**:

That this Bill be agreed to in principle.

**MS FOLLETT** (Leader of the Opposition) (8.00): Mr Speaker, the provisions of the Financial Institutions Duty (Amendment) Bill 1990 are not controversial. They are supported by the Labor members of this Assembly. I would like to say, at the outset, that, at least on this occasion, the explanatory memorandum that is provided with the Bill is, in fact, a lucid document. It is a document that sets out, in language that the vast majority of people could understand, what the Bill is about. I congratulate the Government on that, and encourage them to make that the case with every Bill that they introduce. It is a matter that Professor Whalan has commented on any number of times. However, it is still a rare enough occurrence for it to be worthy of comment.

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The Bill is designed to clarify some aspects of the existing Financial Institutions Duty Act, and to make some amendments which will reduce the possibility of avoidance of this tax. The Labor members of the Assembly very much welcome the decision, that is encompassed in the Bill, to exempt all social security payments from this duty. However, there are a number of matters in the Bill on which I would appreciate Mr DUBY's clarification.

The first of these is the fact that this is one of the first examples where the Government has introduced a Bill and then expected it to be debated and passed less than a week after its introduction. In fact, the Bill was introduced on 22 November, some five days ago. It seems to me to be expecting a very great deal for members of the Assembly to deal with such a matter in less than a week. The agreement we established last year, which was to allow a week after introduction, was a sensible agreement. That agreement allowed for proper consideration, and for fully informed debate on Bills. If there is a reason why we have less than a week on this occasion, I would like to hear it.

Mr DUBY's presentation speech on this Bill did, in fact, contain something which is rather more important than the provisions of the Bill itself. He referred to the Commonwealth's decision to abolish the debit tax on bank accounts, and to reduce financial assistance grants to the States and Territories in line with the estimated receipts from the tax. In effect, the Commonwealth is withdrawing from this field of taxation, and making way for the States and Territories to raise their own revenue.

In his speech, the Minister pointed out that all other States and Territories intend to introduce their own debits tax. For what Mr DUBY says is the sake of simplicity, the ACT Government has apparently decided against a debits tax. Instead, it will increase the rate of financial institutions duty by one-third, from 0.06 per cent to 0.08 per cent. There are some reasons for concern in that statement made by Mr DUBY. The first concern I have relates to the impact of this duty. The existing Commonwealth debits tax applies only to debits from accounts which can be drawn upon by cheque or payment order. In other words, the tax is paid by the business community, and by those individuals who choose to operate a cheque account.

In contrast, the financial institutions duty is payable on deposits to all accounts at financial institutions. At first glance, it does appear that what the Government has done is to transfer the burden of the Commonwealth's debits tax, which falls mainly on medium and high income sections of the community, to a duty which hits everybody who operates an account. Perhaps Mr DUBY could comment on that.

I would like to ask Mr DUBY, at any rate, whether the Government took these matters into consideration in making their decision, and whether they have figures available on the impact of the increased financial institutions duty versus the Commonwealth debits tax. I know that Mr DUBY said, when introducing the Bill, that he expected it to be revenue neutral, or to have a very marginal effect on the raising of revenue. I just wonder whether he actually has figures available on what he expects that impact to be. I would ask, if the Government has those figures, that Mr DUBY make them available so that the Assembly and the community can understand and can comment upon this taxation decision by the Government. Perhaps Mr DUBY could take up these issues in his right of reply.

The second area of concern, which is one that I will be speaking about later this evening as well, is the lack of public information and consultation on this measure. Mr DUBY said in his speech that he had announced the decision on 25 October. It is true, I believe, that he put out a media release on that day, but I do not believe it was reported in the Canberra Times. I do not, in fact, recall it being picked up by the other media. He said that the decision was taken after consultation "with important industry groups and financial institutions". It is not surprising that the Minister also said that responses to the ACT choice had been very favourable, particularly when the only people who, in fact, knew about it were the banks and the building societies.

I do think it is important, and I am sure that the vast majority of members of this Assembly would agree, that people have an opportunity to know about a decision which will affect everybody in the community. The Government could, perhaps, consider drawing this decision to the attention of groups like the Consumers Association and the Council of Social Service which, I am sure, would congratulate Mr DUBY on the exemption for social security pensions even if they had no other comment to offer.

My final area of concern is one that Mr HUMPHRIES raised last year. In fact, he was quite vociferous on the matter. My concern relates to Mr DUBY's announcement about the decision to increase the financial institutions duty without it being debated in this Assembly. We, on this side of the house, do not believe that it is acceptable for rates of tax or rates of duty to be determined only on the Minister's say-so. With the creation of the Assembly, I do not believe it is appropriate simply to place in the hands of Ministers the power to determine taxation rates. That is an issue, amongst others, that was raised last year, while Labor was in government, and which we took on board in response to comments from members opposite. It is a matter of principle, I believe, that those rates ought to be debated and set in this Assembly.

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In fact, taxation decisions should be subject to scrutiny and to the full debate that I have called for amongst the elected members in this Assembly. The example that I spoke of, that Mr Humphries raised last year, was the new general rate following the revaluation of residential properties. That is a rate of taxation that affects a vast number of ACT residents, as does this change to the financial institutions duty. I reiterate that it is appropriate for such matters to be the subject of debate, and of vote, in this Assembly. On that occasion we successfully asked the Assembly to amend the Rates and Land Tax Act, to fix the general rate in legislation, although that had not been done in the past. It is a good principle to abide by.

Mr Speaker, in concluding I reiterate that we do not oppose the Bill. I hope that Mr Duby will respond to some of the questions I have raised, particularly about consultation and about the impact of the Government's decision to increase the financial institutions duty. I would ask the Government to introduce an amendment to the Bill to enshrine the rate of duty in the Act and to ensure that future tax changes are decided by the Assembly rather than by one individual.

**MS MAHER (8.08):** I wish to speak in support of the Bill. This Bill contains a number of features which will be welcomed by the ACT community. The Bill will introduce measures which reduce the opportunity for local and cross-border tax avoidance, as Ms Follett has already mentioned. Firstly, I would like to refer to the provisions of the Bill dealing with the exemption of social security beneficiaries. Department of Social Security pension payments which previously did not qualify for an exemption under the Act, that is, family allowance, double orphans allowance and the child disability allowance, will now qualify for an exemption. Financial institutions and the Department of Social Security will welcome this change. It removes the costly exercise of having to separate and identify various categories of pensions for revenue collection purposes. Canberra's welfare recipients should also be pleased with this amendment.

The Bill also addresses an anomaly in the ACT concerning charging of FID on roll-over term deposits and commercial bills. Under the existing Act, FID has been chargeable for the roll-over of term deposits when interest has been added to the principal and the total reinvested. This was not the original intention of the legislation and it is considered inequitable because duty was paid on the principal when it was originally invested. The provisions also caused confusion in financial institutions, some of which introduced special arrangements to legitimately avoid extra FID when term deposits were rolled over.

The new provisions achieve the original intention that FID is payable on the interest added to the roll-over sum. This will be welcomed by financial institutions and their customers. This change allows considerable investment

flexibility without the application of extra duty on the roll-over principal. Likewise, the removal of the term restriction on the roll-over of commercial bills of exchange will allow businesses flexibility in choosing a shorter or longer term to meet their financial needs.

Mr Speaker, members will be aware that in recent times there have been a number of mergers of financial institutions in the ACT. Under the Act no provision existed to exempt the accounts of depositors in such financial institutions. The exemptions from FID on new accounts established as a consequence of the amalgamation or reconstitution of the financial institution will remove an anomaly whereby FID is charged on deposits twice. Customers of merging financial institutions will benefit from this change.

Mr Speaker, under existing legislation the Crown is not bound by the Act and the Commissioner for ACT Revenue must exempt accounts kept on behalf of the Commonwealth, a State or a Territory and certain statutory authorities. This Bill binds the Crown and changes the exemption status so that all government organisations will have to apply to the commissioner for exemption. Only those organisations that are solely funded from the consolidated revenue of their State or Territory will be eligible for exemption.

This provision will enable FID to be charged to accounts of government organisations that compete on a commercial basis with private businesses, whether or not for profit, and will allow greater control over the granting of exemptions. This initiative removes an advantage which some government agencies enjoy and which cannot be justified in the current climate of public sector competitiveness and management accountability.

Under the existing Act the only way an exemption can be granted to an organisation, other than those that are specifically mentioned in the Act, is by prescribing them by regulation. This means that an organisation, once exempt, could conduct non-exempt commercial activities through exempt accounts without paying FID. The new provisions will allow the Government to exempt specified accounts, or classes of accounts, as opposed to an organisation, for the purposes of the Act, which will reduce the likelihood of commercial activities receiving exemption.

In conclusion, Mr Speaker, the Financial Institutions Duty Bill, while primarily intended to close off possible avoidance avenues when the ACT FID rate is increased from 1 January next year, will provide a number of benefits to the ACT community, which I have outlined. Therefore, I commend the Bill to members.

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**MR KAINE** (Chief Minister) (8.14): Mr Speaker, there are a couple of things that I would like to say about this Bill. Needless to say, I support it. I think it is worthwhile saying something about why it was necessary for the Government to increase this particular levy. Those opposite, if they ever understood it, may have forgotten the fact that at the Premiers Conference last year - I am sorry, this year it was - - -

**Mr Berry:** Get the year right.

**MR KAINE:** If you listen you might get the facts; but your ears no doubt will flap, as usual.

It was put to the Commonwealth that they should hand this tax, and the BAD tax, over to the States. The Commonwealth declined to do so. Some short time afterwards, however, they decided to vacate the BAD tax. This was after all of the States and the Territories had compiled their budgets, so that it was too late for the States to pick up that taxation and impose it to raise the same amount of revenue as had formerly been collected by the Commonwealth. So the States and the Territories were in a rather difficult situation.

At the same time as vacating the BAD tax field, the Commonwealth simply advised us that they were going to reduce our base by an amount equivalent to the BAD tax collection. What that meant for us was that, quite out of the blue, we were told that on a full year basis our revenue from the Commonwealth was simply going to decrease by approximately \$5m.

The original proposition after that was that the States and Territories would agree simply to reimpose the BAD tax, allow the Commonwealth to collect it and our tax base would, therefore, remain unchanged. Unfortunately the States and the Territories could not agree on that. So, in the end, this Government had to make its own decision about how it was going to cover the \$5m a year shortfall.

We determined, on balance, that the best way to do that was to increase the FID. I should make the comment that this is not a regressive tax. If a person at the lower end of the income scale transacts few accounts at their bank, then they attract very little FID charge. If, on the other hand, those of us who are more affluent transact an increasing number of transactions, we attract an increasing rate of tax.

It is a fair tax in terms of its burden on the individual. That needs to be noted. Any implication that somehow it is an unfair or unreasonable tax needs to be set aside. It needs to be made clear that this decision was forced on us by the Commonwealth, which was ambivalent about its approach to this matter and left us in a situation of having to recoup taxes in some other way.

I think that it is not an unfair tax. It does not impose an unfair burden on anybody. To suggest that, somehow, there is a relationship between the BAD tax, that has been forgone on the one hand, and the FID tax on the other, is quite misleading. I do not believe that the imposition of this addition - and it is an addition - to the FID tax is at all unreasonable.

**MR STEVENSON (8.18):** Taxes come in many different forms and under many different names. It would seem that governments are hell-bent to increase the money they collect from the people who produce it in the first place. What all taxes do is basically increase government spending and subsequently decrease the spending of the people who actually work for and earn the money, the people who make Australia what it is.

This tax should never have been introduced by the Federal Government. It was called a tax on financial institutions, but immediately it was passed on and the financial institutions told the public that it was a tax on them. Basically, it was. Most people, indeed, think it is. They do not even realise that it was a financial institutions duty; they think it was another tax put on people.

What is it going to do? Because of government caused inflation - which could well be called the hidden tax - people basically have to invest their money in something or they will lose it just by having it sit at home. So they, largely, put it in financial institutions. This particular tax, and others of a similar nature, penalise people for putting money in a financial institution.

The Chief Minister made what I believe to be a rather incredible statement when he said that the more affluent of us will not have a problem with this. In other words, the people who make the greater number of transactions will be the more affluent.

**Mr Kaine:** I did not say that we would have no trouble with it; I just said that the burden would fall more heavily on those people.

**MR STEVENSON:** If one talks to some of the business people around this town, particularly those businesses that are under tremendous hardship because of, firstly, financial institution duties being levied by the banks and others - these matters have been brought along to me because they have - - -

**Mr Doby:** And BAD tax.

**MR STEVENSON:** I agree, they are all bad taxes.

**Mr Doby:** And BAD tax.

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**MR STEVENSON:** I agree that it is a bad tax, Craig. I am saying that they all are. A lot of people in business have a great number of small transactions. This money is not profit; it is not money that they are able to keep. It is what they get in to try to cover all the things they need to pay out. What do they need to pay out? Mainly, above all other things, they need to pay out taxes - payroll taxes, stamp duty taxes, income taxes and business taxes. We all know that I could be here for five minutes listing them.

Sooner or later, people in government will have to realise that the business community particularly, the people who create the wealth in our society, are not an inexhaustible resource of money for governments so that they can go on spending it. We have to do something about it. Were it not for the fact that the tax is a bad tax overall, one suggestion is that it would be a good idea for businesses to be put on the same footing as the government, and not have the government being exempt from all the onerous taxes and other matters - as I brought up in the Assembly the other day in relation to motor vehicles. Businesses have to pay out again, and again, and again.

In this town you can drive around any day of the week and you will find "Closed down" signs or "Closing down" signs. In such a wonderful, vibrant town, when people want to work, when people are perfectly happy to run enterprise businesses and work very hard to supply the services and products that people want, how on earth can we have all these businesses going down?

The greatest imposition of the lot is taxes levied by the government. The sooner we stop it, the better. After all, why is it that government has to spend the money? Who in their right mind would suggest that a government can spend the money better than the person who earned it? It is going to be spent either way. Why is it suggested that governments have to do it? Why cannot people be allowed to spend their own money? They are not going to hoard it away. They will keep it circulating. I believe absolutely that they will do a far better job than people who have not earned it, who have not the same concern about spending it - that is, members of parliament - robbing the rich and giving to the poor.

One of the other major points about this particular Bill is that it is being passed so rapidly. It is an appalling situation in a parliament - this and any other - that Bills are introduced and passed within a week. I recall a rather amazing situation when a Bill that was passed in this Assembly after five weeks - members know what Bill I mean - was hounded from pillar to post as being rushed through the Assembly; yet that was a five-week Bill.

We have had Bills passed in this Assembly in one day, two days, five days and so on. This is not okay. Unless a Bill can be shown to be urgent - and the urgency matter



should be debated in this Assembly before any Bill is passed as being urgent - it should sit for a minimum of 30 days. The fact that some of these things may have been flagged in a budget, or in some other place, does not diminish that responsibility one iota.

We should give the people of Canberra, whether they want to take it or not, an opportunity to comment on these Bills. It would also give members an opportunity, if they need it - and I am not saying that this particular one is a requirement, but it is fairly obvious - to do whatever research they need to do to find out whether they should support the Bill or otherwise. It would also give them time to contact people, business organisations and others within the community about these matters.

I know full well that it will be said that a number of these Bills were flagged in the budget. Let me make the point strongly: that does not matter. You can say that you are going to do all sorts of things. The important time is when the Bill comes into this parliament and when it is finally passed. That is the important thing about laws. To say that you are going to do certain things is not the point; it is when it finally happens. People were not given that opportunity. The sooner we agree to do something about that, the better. There are a whole series of Bills that are going to be rushed through this week. It is simply not okay.

So, as to this Bill that we have before us, let me say that people in Canberra are not happy about paying this tax; make no mistake. If there is any suggestion that it is favourably received by people in Canberra, I would like someone to make a list of those people. I think Ms Follett made the point very well indeed. Who is it that receives it well?

**Mr Humphries:** What tax is?

**MR STEVENSON:** It is a good point. I think most people will agree that taxes are necessary, but they are not as necessary as politicians would like to think.

**MR DUBY** (Minister for Finance and Urban Services) (8.28), in reply: Mr Speaker, with the exception of Mr Stevenson, whose points I have taken on notice, I welcome the support offered by the other members of this Assembly for this increase in FID tax. I also particularly welcome the comments made by the Leader of the Opposition in relation to the explanatory memorandum that was presented when this Bill was introduced into the Assembly on Tuesday. It is nice to know that we are scoring some Brownie points there in that the memorandum is in plain English and easily understood.

Ms Follett made a number of good points in her debate on this particular Bill. As I said, it must be stressed, from the outset, that it is pleasing to see that the Labor

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Opposition has supported this amendment to FID tax in a general way. However, Ms Follett raised some very reasonable points which, I believe, require some explanation in terms of just getting the debate right.

In the first place, she raised the point - and I believe it was also taken up by Mr Stevenson - in relation to the time factor of the presentation of this Bill and its passing. From the outset, let me say that, whilst the support provided by the Labor Party has been welcomed, it has also been expected. In other words, the view has always been taken by the Government that this particular piece of legislation would be supported by the majority of members of this Assembly with no difficulty.

Secondly, I think it should be pointed out also that one of the reasons for the rush, or the short timeframe and the usual seven days being reduced to three, was that, in the original announcement that they would reduce what is commonly known as BAD tax and seek to impose those conditions upon the Territory, the Commonwealth announced that that would apply from 1 December this year. In other words, this was really the last sitting session in which this Bill could be introduced.

I can well understand that it could be said that we should have introduced the Bill earlier. I must point out, again, that it was always anticipated that the majority of members of this Assembly would support the tax.

**Mr Stevenson:** What has that to do with it?

**MR DUBY:** The increase in tax of the financial institutions duty. I would like to just repeat what this particular Bill attempts to do. Basically, it increases the level of financial institutions duty by 0.02 per cent - or 0.02c in the dollar. It increases the rate from 0.06c in the dollar to 0.08c in the dollar. It is a consequence, as I said earlier, of the decision of the Commonwealth Government to abolish the Commonwealth debits tax, or BAD tax, as it is usually called, and to reduce financial assistance grants to the States and Territories in proportion to estimated receipts from the tax.

States and Territories are expected to take up the additional revenue capacity available to them after the Commonwealth vacates this particular field of taxation. As I said in my presentation speech on this Bill, I understand that all other States and the Northern Territory are intending to introduce debits tax legislation - in other words, State BAD taxes - to fill that gap. However, I think it should be pointed out that the ACT, for the sake of simplicity, has decided simply to raise the financial institutions duty tax, the FID tax, by a measure comparable with the estimated loss of revenues from the loss of BAD tax.

It also needs to be pointed out that the question was asked, "Why is the ACT the only jurisdiction which is simply increasing FID tax and not introducing its own BAD tax?". The answer is quite simple, in a lot of ways. There are a number of States in the Commonwealth that have never had a financial institutions duty tax. For example, Queensland has never had that tax. For Queensland to introduce a new tax, in addition to taking up or trying to take up the slack from an old tax, was regarded by them to be politically unacceptable, and they chose not to go down that course.

At the moment New South Wales is looking at its whole range of revenue raising proposals in this area, and is actually in the process of evaluating both BAD and FID taxes, and introducing a FAT tax - a financial assets tax. At this stage they are not too sure which route they will be taking. At the moment they have decided to simply maintain the bank account debits tax, the BAD tax, at that level, and perhaps reform their own area of revenue taxing at some time in the future.

It should be pointed out that a State like South Australia already has a financial institutions duty tax at the highest level in the nation, of 0.1c in the dollar, whereas the ACT at this stage is only planning to introduce a tax of 0.08c.

**Mr Stevenson:** At this stage? Is that an omen?

**MR DUBY:** I will rephrase that. Under this legislation the ACT plans to introduce FID tax at 0.08c in the dollar, which is 0.02c less than that which currently applies in South Australia. So clearly, a state like South Australia, was unwilling, or unable, to introduce legislation to raise their current FID tax to a comparable level; in other words, to raise it even higher than that which already exists, for the simple reason that they would have run into avoidance problems which, of course, occur - as all students of revenue collections in this country know - when you have one jurisdiction adjacent to another that, on whatever the particular item might be, imposes duties that are substantially different to those which apply across the border. I suppose that the best example of that is the cigarette tax, which has been known to cause all sorts of difficulties between Queensland and southern States in terms of collection, smuggling, and all sorts of things. We have that problem, of course, in relation to financial transactions. So, South Australia's hands are also really tied.

The question was raised of the lack of public information. As I said, I do not think you can do much more than announce the matter in the Assembly, put out a media release and have detailed consultation with all elements of the major players involved in the local financial industry in the ACT. We have had detailed consultation with the Bankers Association, with CARD - the Canberra Association

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for Regional Development - with the local banks, including the Canberra Advance Bank, et cetera. In addition, we have had detailed consultation with all other revenue collection centres throughout Australia to make sure that this tax is quite consistent and is not an anomaly in the taxation regime which applies across the whole Commonwealth. I might add that all commissioners of revenue throughout this country - from Perth in the west, to Brisbane in the north, to Hobart in the south - agree that the way we are going is probably the simplest way to compensate for the loss of revenue flowing from the Commonwealth abolition of BAD tax.

Mr Stevenson made quite a number of points about the fact that we are raising a new tax, or increasing a tax. The fact must be remembered, of course, though, that this Government is taking a positive step in, frankly, abolishing a tax which currently exists and applies, namely, the bank account debits tax. That tax will no longer apply in the ACT. That in itself is something that should be applauded. The level of simplicity of collection, the simplicity of payment, and the general simplicity of understanding amongst the general population of having only one tax rather than two, to my mind, make this a much better method of collection than that which currently exists.

One of the points that Ms Follett raised, and I think it is a legitimate point, was the fact of the rate of this tax being specified in the legislation rather than through regulation. It is a point that has been raised in the past by members on this side of the house and, indeed, members on the other side. All I can say is that the point is taken, and taken well.

It is fair to say that one of the reasons that this is currently appearing in this format is the required urgency of the passing of this Bill. I have already indicated that it was the Government's understanding, and it was the Commonwealth's understanding until this week, that the bank account debits tax would disappear as at 1 December. For various reasons, it was decided that it was better to get this Act in place rather than try to rewrite regulations, et cetera, and try to vary things in that way.

I would like to point out that a review of all legislation in this category is currently being undertaken by the Government. Whilst we acknowledge that, perhaps, we were remiss in not fixing up this particular piece of legislation in that regard, a review of all legislation in that category is currently being undertaken. It should be also pointed out that to fix that legislative anomaly, which I think we all agree exists at the moment, is really not all that hard. An amendment to this Act could be moved fairly simply and the Government will welcome any such move. Indeed, I think that, if the Opposition were to move it at some time in the future, it would be accepted.

I repeat that the Government is reviewing a whole range of legislation which falls into this category. Given the comments made tonight by the Leader of the Opposition, we would welcome their support in rationalising and modernising a whole series of pieces of legislation which fall into this category.

I think I have covered most of the points that were raised by the Leader of the Opposition and, indeed, by Mr Stevenson. The financial institutions duty tax is a broader based tax. It provides for greater exemptions. I think all thinking persons will applaud the Government's decision to exempt Department of Social Security recipients so that they will not be harshly affected by the impact of this FID tax, as they were in the past. As I said, the class of people exempted under this FID legislation is now being expanded.

That is a good thing, and is something which, I think, would have the support of all members of the Assembly. I welcome that support. I think this is a good step in the way of reform in terms of reducing the number of taxes and the number of charges which are imposed upon the community as a whole.

I can hear Mr Stevenson chuckling and snorting in the background. Generally, he is implying, in his comments, that this is an increase in taxation. It is not. This is a simplification of the taxation system. It is the abolition of a tax - the BAD tax.

**Mr Stevenson:** And the introduction of a worse one.

**MR DUBY:** We are not introducing a tax at all. It is an abolition of the bank account debits tax.

**Mr Stevenson:** I thought it was going up, somehow?

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

**MR DUBY:** It is the abolition of one tax and the rationalisation of another tax which is already in place. I think the average consumer in this society and the average institution in this society will welcome the simplification. One thing we are always looking at, of course, is: why have a series of people who have to pay and do two sets of bureaucratic structures when they can do only one? This is going to be welcomed, most sincerely, by, first of all, the low income earners in this society who are going to be exempted from what is, I think at the moment, an iniquitous tax upon them. Also it is going to be welcomed by people within the financial institutions themselves where it will make the imposition of duties, which they currently have to apply, that much more simple and, in effect, that much cheaper for them. Of course, in turn, that implies lower charges for their customers. I welcome the support of the Assembly and I thank you for it.

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Question put.

The Assembly voted -

*AYES, 16*

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

*NOES, 1*

Mr Stevenson

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

#### **COMMUNITY DEVELOPMENT FUND (REPEAL) BILL 1990**

#### **[COGNATE BILLS:**

#### **POOL BETTING (AMENDMENT) BILL 1990 GAMING MACHINE (AMENDMENT) BILL (NO. 2) 1990]**

Debate resumed from 22 November, on motion by **Mr Kaine**:

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 the Pool Betting (Amendment) Bill 1990 and the Gaming Machine (Amendment) Bill (No. 2) 1990? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2, they may also address their remarks to orders of the day Nos 3 and 4.

**MS FOLLETT** (Leader of the Opposition) (8.44): I certainly hope that the Government enjoyed the last debate, because they are not going to enjoy this one. They really have shot themselves in the foot.

Members interjected.

**MR SPEAKER:** Order!

**MS FOLLETT:** Thank you, Mr Speaker, for your protection. The Bills that we are debating give effect to the Government's decision - an extraordinarily bad and untimely decision - to wind up the Community Development Fund and to pay future TAB and poker machine revenues into the consolidated fund. I think it is fair to say that a number of members opposite have not been in Canberra long enough to know - or have had their heads in the sand for long enough not to know - much of the history of the Community Development Fund.

**Mr Moore:** Or have not been involved in the community for long enough.

**MS FOLLETT:** As Mr Moore says, they have not been involved in the community for long enough. They are fly-by-nighters - and their behaviour on the CDF is ample proof of that. The Community Development Fund was, in fact, introduced as a trade-off to the community for the levels of gambling that took place and which many people in the community regarded as a social ill. I would be very interested in whether Dr Kinloch has a view on this and whether he believes that it is appropriate now to take away that trade-off from the community.

I would like to say at the outset that a similar proposal was put to the Labor Cabinet last year and was rejected. The Bills, as we have them before us at present, are, in fact, being dealt with by the back door, which is a method which the Liberal Alliance is quite rightly becoming infamous for. They cannot ever face their critics, so they attempt to take actions like this behind closed doors. The Bills were presented to the Assembly by the Treasurer - - -

**Mr Duby:** Tell that to the media at your conference, Rosemary.

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

**MS FOLLETT:** You will have to chuck him out.

**Mr Jensen:** We want the Speaker's job now, do we?

**MS FOLLETT:** There is a constant rumbling from Mr Kaine's rear there. I can never clearly understand it, but it tends to burble on.

The Bills were presented to the Assembly by the Treasurer only last Thursday, like the one that we have just debated, and their debate here today, less than a week later - in fact, five days later, or three working days in the usually accepted form - is akin to the use of the guillotine. I hope that that feature is not going to become much used in this Assembly, because it is a feature that denies proper debate and it most certainly denies community consultation.

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It is fair to say that there has been absolutely no consultation about the provisions of these Bills. I was unable to discover a community group or an individual with an interest in the Community Development Fund who had seen the Bill or was aware of its existence. Like most decisions of the Kaine Government, this decision was made by an edict from on high.

The Labor members will oppose these Bills because they remove the only guarantee that there is available to community groups that this Government will provide those community services and arts and sporting bodies with funding. Ever since they decided to knock off the Community Development Fund, the Government has been trying to fool community groups into feeling secure in their future funding. I feel no such security.

Once this Bill goes through, there is absolutely no guarantee that funding levels for the community groups will be maintained or that there will in fact be any funding at all. The Government's various promises about maintaining funding have to be viewed with the same suspicion with which people have learnt to view all of their decisions - and all of their broken promises for which they have become renowned. Who could forget Mr Kaine's promise on behalf of the Liberal Party during the election period not to increase taxes, at all, ever - and not to increase rates? Yet one of his first actions in government was to break that promise and, in fact, to increase every tax and every rate that he possibly could.

**Mr Kaine:** Come on. Just overstate the case a little, Rosemary.

**Mr Wood:** I rise to a point of order. Mr Speaker, you have directed in this house on more than one occasion that the correct means of address of a member is by that person's proper name, and not by a given name. On a number of occasions in the last five minutes, I have heard the use of the Leader of the Opposition's given name, and I ask that you stand by your ruling and draw that to the attention of members opposite.

**MR SPEAKER:** I do not believe that there are any rules in the standing orders that cover interjections - and that is what you are talking about. Where first names are used during debate, I accept your point of order; but in this circumstance we are dealing with interjections and asides, and I do not think that applies. There should be no interjections. Please proceed, Ms Follett.

**MS FOLLETT:** I say again that at the first available opportunity Mr Kaine completely broke his promise that he would not increase taxes or rates.



**Mr Humphries:** Mr Speaker, I rise on a point of order. This is very edifying, but it is not really relevant to this debate. Promises made in another area altogether, with respect, are totally irrelevant to debate about the Community Development Fund Bill.

**MR SPEAKER:** Thank you for your observation, Mr Humphries. Ms Follett, would you stick to the issue.

**MS FOLLETT:** Yes. I said that they were not going to enjoy it, Mr Speaker, and they are not. Who could forget either the promises made by the Residents Rally that they would not close Royal Canberra Hospital?

**MR SPEAKER:** Order, Ms Follett! I would ask you to be more relevant to the issue.

**MS FOLLETT:** I will. I am getting to a really relevant bit. Of equal relevance is the promise made by the No Self Government Party to abolish self-government.

**MR SPEAKER:** Order, Ms Follett! Please desist from this line; otherwise - - -

**Mr Stevenson:** I rise on a point of order, Mr Speaker. That was a sad time. Both names were mixed up together. That is simply not okay. I would ask the Leader of the Labor Party to please - - -

**MR SPEAKER:** I do not believe that an apology is in order, but still proceed, Ms Follett.

**MS FOLLETT:** There is no doubt whatsoever that this Government has been built upon broken promises, and the level of funding for the community groups that I have mentioned will in future be entirely a matter for budgetary discretion - entirely subject to the whim of this Government, or to their claims about financial constraints of the time. They have broken every promise they ever made. Why would they keep this one?

One simple demonstration of the fact that the community loses out relates to the fact that the Community Development Fund earned interest, which was then also available for distribution to community groups. Of course, from 1 January, interest earnings on revenue from the TAB and poker machines will now simply accrue to the consolidated fund. It will be gobbled up by the budget as a whole. This is such a blatant rip-off that even the Government members opposite in the recent Estimates Committee hearings came out against it. Just to remind people, those Government members were Mr Jensen - the Chair - Mrs Nolan; and Ms Maher and Mr Stefaniak, who were at times members of that Estimates Committee. I quote from the Estimates Committee's report at page 22. This is the unanimous report of the Estimates Committee, on which the Government had the numbers. They said:

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The Committee is concerned that the interest that had previously accumulated on CDF funds and was available for further grants will now not be available following the abolition of the Fund.

Whilst examining sub-program 15.5, Sport and Recreation, the Committee was advised by the Minister for Housing and Community Services -

who has turned tail and run -

that specific one-off grants, such as to the ACT Netball Association for \$1.2m, will no longer continue. He also advised that no guarantee has been given in relation to "ad hoc one-off grants that have occurred over the years".

The Committee continued:

The Committee believes that there is an expectation in the community of a guarantee that the total amount of funding, including interest, previously available from the Community Development Fund, will continue to be available for grants for capital projects for sporting and other community facilities.

So, there we have it - the unanimous report of the Estimates Committee on which Government members opposite had the numbers. The Committee went on to recommend that the Government increase its new grants programs "by an amount equivalent to the interest that would have been paid if the Community Development Fund had continued".

Of course, what we saw last week in the debate on the Estimates Committee's report was an absolutely disgraceful contempt on the part of members of the Government for that committee's report and its very hard work. The debate on the Estimates Committee report was, in fact, a scandal.

I put it to the Assembly that, if you count the four Labor members who were not on the Estimates Committee with the five members who unanimously supported that recommendation, it is clear that the majority of members in this Assembly believe that the Government's future funding of community grants is inadequate. Yet we find this Bill being guillotined through. This is one of the reasons why the details of the Government's decision have not been the subject of any consultation and why this Bill is being pushed through the Assembly with indecent haste. They are hoping that they will sneak it in just before Christmas while the community groups are preparing for their Christmas break - and nobody will notice. It is a bit of a sleeper, but it will come back to haunt you.

Labor also opposes these Bills because they provide for the transfer of outstanding CDF balances to the consolidated fund - and this is where the real double shuffle has

occurred. In other words, funds which had been accumulated over the years for community grant purposes just are not there any longer. They are being grabbed by the Government almost literally out of the hands of every community organisation in this Territory. I say again that these funds have been grabbed out of the hands of the community organisations that initially accepted this arrangement as a trade-off for gambling in our community. They have been had.

The Government has been totally unable to identify exactly how much money falls into this category. An examination of the budget papers suggests that it is of the order of \$5m, and the Under Treasurer, Dr Madden, told the Estimates Committee that, after some long-term commitments from the CDF were honoured, some \$3m would in fact be pocketed by the Government. What is the true figure? I defy members opposite to tell us.

Nobody in the community will trust the word of any member of this Government. The Labor Party will most certainly vote against these Bills because they remove the only legal guarantee that money will be available in future for community grants. We oppose them also because of the indecent haste with which they are being processed through this Assembly - indecent haste which has even led to a comment by the Scrutiny of Bills and Subordinate Legislation Committee to the effect that there is a bit of an error in one of the Bills. In fact, in relation to the third of the Bills that are the subject of this cognate debate - the Gaming Machine (Amendment) Bill (No. 2) - Professor Whalan has pointed out that one of the notes at the end in fact refers to the drug laws, not to the gaming machine laws. So, you are going to have to sort out that little bit of a mess. But that is an example of the haste, the lack of care and in fact the careless way in which this piece of legislation is being rammed through this house in an attempt to get it through before anybody really notices. It will not succeed and it will come back to haunt you.

**MR COLLAERY** (Attorney-General) (8.58): Mr Speaker, speaking about indecent haste, I am just leafing through my personal diary to determine when it was that I went with the former head of the Sport and Recreation Office, Mr Peter Conway, to address a sports forum out at the Institute of Sport. It was a very large gathering, with the auditorium full. It was months ago. We fully and frankly discussed the pros and cons of abolishing the Community Development Fund.

**Ms Follett:** Have you sent them your Bill?

**MR COLLAERY:** The Leader of the Opposition asks whether I have sent my bill yet. Let me assure the Leader of the Opposition that I do not take gifts whilst I am in office - and I suggest that she might be sensitive on that issue.

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**Mr Berry:** Mr Speaker, I raise a point of order. The Deputy Chief Minister has just made an imputation that the Leader of the Opposition took gifts while she was in office. I ask that he withdraw that.

**MR SPEAKER:** I do not believe that it is improper to accept a gift, provided it is declared in the correct manner; so I do not see anything wrong with that suggestion.

**Mr Berry:** The imputation, Mr Speaker, was that the Leader of the Opposition had done something illegal, and I seek that it be withdrawn.

**MR SPEAKER:** I am afraid that I did not identify that point.

**MR COLLAERY:** That large gathering responded fully on how the Community Development Fund was perceived by them over the years, on the prioritisation of grants, and on whether a triennial or even five-year grant system should be introduced, or expanded. That was a very useful discussion and I received very positive feedback from that evening.

I went to numerous other community gatherings and addressed numerous other groups. I would not be able to count the numbers and types of community organisations and individuals I addressed on the very vexed and very public topic of the future of the Community Development Fund. That was well debated publicly because the *Canberra Times*, of course, had the advantage of the draft Cabinet submission before Cabinet had seen it. That was all over the front page of the *Canberra Times* - "Government to abolish CDF". In fact, no cheaper form of discussion paper could ever have been launched by this Government than to get the front page advertisement that we got for this proposal.

The comments of the Leader of the Opposition about lack of consultation are absolutely fatuous. They are indeed, as Mr Wood pointed out to me, artful. They are very artful because, indeed, this document, this Bill that is before the house tonight, normally - - -

**Mr Wood:** Do not put words into my mouth, thank you.

**MR COLLAERY:** He is attempting to put words into my mouth at the moment. This Bill formalises what has been fully discussed and understood in the community. There are no community groups protesting outside the Assembly about this decision, as occurred constantly during the Follett reign. I think people should take note of that and think very carefully before they start a rumour mongering campaign as was signalled by the Leader of the Opposition.

The Government not only has done that on a fully consultative basis, but also has moved to establish a new consultative base with future funding in the Territory. Firstly, I remind members such as Mr Wood, who does not seem to want to listen, that the Government and the

Treasurer, by chapter and verse, in the formal budget documentation undertook and guaranteed the continuation of central funding for two years. I am sure that will be drawn to the attention of the house by one of the Government speakers to follow me. That has been stated. It has been acknowledged in this house.

Does the Leader of the Opposition suggest that our Government would renege on that, having made this budget commitment and guaranteed indexation for that two-year period? You cannot seriously suggest it. We would have a riot on our hands. As you well know, not only do you have the undertaking and the word of this honourable man sitting beside me, and this prudent, careful Government but, as well, many of these grants are funded triennially. As you well know, that amounts to a contractual arrangement with those community service organisations that we cannot renege on.

I recall that on the day I moved into my office upstairs I found that close to \$1m of community development funds had been approved, interestingly, just a few hours before the previous Government was kicked out. Ms Follett talks about emptying the coffers. That left me with little or no flexibility regarding an entire year's programs as a result of those rushed approvals done on the fifth floor hours before you were, quite properly, thrown out of office.

I table, for the information of members and the community, a discussion paper that has been widely circulated in the community by my ministry. It is entitled, "Community services grants program - a discussion paper". That discussion paper formed the basis of discussions for three large meetings I have held already; one in Weston, one at the Majura Centre, and one over at Pilgrim House, or in that vicinity.

The paper sets out the proposed criteria for future grants. It sets up a proposal for a community consultative body, a full ministerial advisory body which will advise the Minister direct on the community service grants programs. It finally breaks up the community grants programs. After all the wheeling and dealing that was associated with the Community Development Fund, particularly in the latter years when it was under Federal Labor dominance, it finally sets up a proper guaranteed structure.

The proposal is to break up the consultative movement into four main areas. There will be community infrastructure; that will represent and look after the regional community services, community development representative groups. There will be service delivery; that will be the category such as family support, emergency welfare, community support. Another area will be user rights and needs; and they will be those excellent services known to many of us, such as welfare rights, the advocacy services and the access and equity services. The fourth category, which I think is very important, will be called innovative

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developmental projects, which will cover research, developmental, innovative, experimental and pilot programs.

That last category is one of the most important reasons why we have abolished the Community Development Fund. It did not let in innovation; it did not allow smaller service providers to get in.

**Mr DUBY:** All they had was bocce clubs.

**MR COLLAERY:** I am good at bocce, Mr DUBY.

**Mr Connolly:** He keeps botching things up.

**MR COLLAERY:** Yes, bocce up. This is an example of an ongoing process not started during the alleged open, consultative Follett Government, but started by the Alliance Government. All we have heard from the Leader of the Opposition tonight is the usual Marxist claptrap that we constantly have to sit and listen to in this chamber. It is political ideology of the most juvenile kind. It is being met, and will be met, with a full and authoritative response by us on this side of the house.

I move on to indicate that prior to self-government the CDF trust account provided a means by which the proportion of funding for community organisations could be decided locally and isolated from the Commonwealth budget scrutiny. Clearly, the CDF arrangement was a device for an absentee Federal landlord who did not want to trouble, perhaps quite properly, a Federal cabinet with the minutiae of whether the Majura Centre or the Monaro folk music group should get funding from the Federal Cabinet. That was an effective proposal at that time.

I believe that the Community Development Fund became ossified. It did not let in those new services. There were certain lucky groups in the process, one would say; and I will say no more. I believe that we have done a proper social thing. We have decided to promote access, equity and innovation. In no way, shape or form can those people sitting opposite us tonight attack us on any comprehensive basis for this decision. We will stand up and be counted in 1992 for having set up a far more accountable process. That is a big challenge in a town where the Labor Party has enjoyed, for many years, a fairly large and often unthinking vote.

We are going to make the community think about these processes. When they next come to vote, you Labor people, Mr Speaker - I address the Labor people opposite; Mr Speaker, I am sure you are not a Labor voter - - -

**Mr Kaine:** I do not think he is.

**MR COLLAERY:** I do not think he is either. I think he votes somewhere else. Mr Speaker, they can be assured that we are looking for a thinking population. I spend my week speaking to as many people as I can, so that I can spread the message about how little a Labor government - your Federal Labor buddies Government and your short interregnum Government here - can provide for the people of the ACT. It is quite obvious that, cognate with this debate, we would bring in similar refinements - post-self-government - to pool betting, gambling machines, and other processes. My colleagues will address those issues.

There are transitional arrangements necessary for legal and technical reasons, but the fund itself will cease from 31 December this year. The Government has agreed that in 1991 additional recurrent and capital grants will be made available from surplus CDF funds. In revising funding arrangements for community organisations, care has been taken to ensure that community groups currently funded through the CDF are not disadvantaged.

The Government has given a commitment to maintain 1990-91 and 1991-92 recurrent expenditure levels, in real terms, by indexation. We have also removed a stigma from the community service area. Often commented to me was the reliance that community groups felt they had on poker machines. Ironically, some of those groups were providing therapy for compulsive gamblers, yet their money came from the machines. It was an oddity. There was a certain unnecessary connection there that I am personally pleased we have got away from. I speak as an individual on this point.

This process is part of the ACT coming of age; but, of course, the Labor members opposite want to live in the past because all they will have is their past glory. They are not going to have much more, as we get into the business of managing this Territory competently and stably. A sign of how unstable this group opposite would like the Territory to be is evident in all that the former Chief Minister said here tonight. She started some scaremongering tactics. I will bet you that none of the community groups that know us, that have accepted the discussion papers and that have attended all the meetings over the last few months will take any notice of this nonsense tonight from the Leader of the Opposition.

**MR BERRY (9.12):** The only thing that Mr Collaery has forgotten tonight is his hat with the pompom and the little bell on the end of it. He is the biggest clown around. The fact of the matter is that this Government has embarked upon a number of attacks and a distortion of how it plans to deal with the Community Development Fund. The community groups know and do not trust you for it. They only have to look at your background. This discovery all started when I first asked the Chief Minister a question on notice on 15 August. I asked him questions about the Community Development Fund. One, in particular, was:

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Will the Government give a commitment to retain the Community Development Fund; if so, at what level of funding?

This is where they started to dodge the issue, Mr Speaker. The Chief Minister's answer was:

The future method and level of funding community organisations is being addressed in the 1990-91 Budget.

We know that at that point they had not talked with the community groups, because of our contact with them. This is where the cover-up started.

The next time it turned up was in the Minister's budget speech where he talked about the Community Development Fund, and he said:

However, the Government guarantees that total community grants will be maintained in real terms for two years so that no category of users assisted by the fund will be disadvantaged.

And he said, "Did you hear that, Mr Berry?". Well, I did.

**Mr Kaine:** And we are still saying it.

**MR BERRY:** And you are still trying to cover up the facts, because it is not factual. You based it on a cover-up of the levels of expenditure that existed under the Follett Labor Government - very generous expenditure for the Community Development Fund as well. All we have to do is have a look at some of the figures to demonstrate how this Government is going to spend, as it puts it, money on a number of worthy initiatives which might not otherwise have been funded. It seems to me that what the Government is trying to do is to, as they put it, "free up" CDF revenues for allocation to a wider range of community purposes.

Basically, that is what it wants to do: to lock it away from access to the community groups. They are a wake-up to you. Let us have a look at some of the figures. In the Chief Minister's portfolio the 1989-90 expenditure estimate was \$290,000. What was spent? \$266,000. Was the judgment to maintain funding at the same level based on the \$266,000 or the \$290,000, Chief Minister? I will back it in that it was on the \$266,000 and the figures demonstrate that.

The estimate was \$15.007m for Mr Collaery's Community Services portfolio. The actual expenditure for that year was \$12.9m. That will be the guaranteed rate for the future. It is demonstrated throughout these figures that the Government has tended to cover up what it intends to do



with the Community Development Fund. It intends to cut back funding. Otherwise, it would not have ripped off \$5m from the surplus of the fund and hidden it away in Consolidated Revenue.

We only have to look at the totals for the year, and it can be demonstrated that the promised expenditure by the Follett Labor Government was around \$20.372m. That is something that the Chief Minister described in his Budget Speech as the raping of the fund of \$21m. That was when he was talking to me. That was expenditure which was promised to the community organisations by the Follett Labor Government, which promise was not lived up to as this Government opposite sought to save money to fund the eventual surplus. What was spent out of the \$20.372m that was promised? \$16.568m was spent. That is what the actual expenditure levels are going to be based on for the future.

We only have to look at Mr Collaery, who jumped to his feet and said that everything was going to be all right for the community organisations. That was untrue. If it were true, Mr Collaery would be spending \$15.7m in his area instead of a lousy \$11m or so. That is what the truth would be. When Mr Collaery answered my question in relation to this matter he informed us that he had not even bothered to spend \$1.8m. I will bet that that amount of money which has not been spent was not taken into account when this Government calculated the real terms guarantees for community organisations. They have not guaranteed and they are not guaranteeing the funding level. They are misleading the community organisations. That is what they are doing.

The fact of the matter is that this Government is not living up to the promise that the Chief Minister made in this place. I do not believe that the Chief Minister knows what his promise adds up to. I should remind you, Mr Speaker, that this is the Chief Minister who had to be given 15 minutes to find his place when the Follett Budget was put before this place.

The fact of the matter is that this Government is misleading community organisations. It is trying to have them believe that it will continue funding for those organisations at the same levels which were allocated by the Follett Labor Government. Well, they are not doing that. All that they have guaranteed is that they will continue funding on the basis of the amount of money that they spent. That is clear from the figures that they themselves spent. Those are the facts. You will have plenty of opportunity to deny it.

**Mr Doby:** We deny it.

**MR BERRY:** Go for your life. Nobody believes you. Who would believe you now? Who would believe the Liberals who promised to be something when they ran for election and turned out to be something else?

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**Mr Kaine:** We said that we would abolish the Community Development Fund, old chap. That is what we said. Back in the election campaign, that is what we said.

**MR BERRY:** What about the Residents Rally? Who would believe them any more? What about the schools and hospitals? Who would believe them? Nobody would believe them. You all need those little hats with the pompoms and the bells on the end of them. You are all a bunch of clowns.

You cannot add up your figures. You try to hide what I would describe as a criminal act in the cover-up of the Community Development Fund. The fact of the matter is that the CDF has been ripped off, and the funds have been tucked away in a cunning little kick by this Government to fund some of its outrageous initiatives. This is the Government that promises all sorts of things to the people of Canberra. It consists of a whole range of people who promised all sorts of services to the people in the community.

**Mr Duby:** Come on, let us talk about hospitals.

**MR BERRY:** Mr Duby should mention the matter of hospitals. It is an important issue for the Territory because over on that side there are some rats who ratted on the community in respect of the provision of hospital services.

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

**MR BERRY:** The cap fits, does it, Mr Jensen? The cap fits.

**MR SPEAKER:** Order!

**Mr Jensen:** I am sorry, Mr Speaker, but I think we have put up with this nonsense for too long. I think relevance is probably in order here. Mr Berry is supposed to be talking about the CDF fund, not the hospitals.

**MR SPEAKER:** Thank you, Mr Jensen. Please proceed to the point, Mr Berry.

**MR BERRY:** Thank you, Mr Speaker. I am pleased that you did not see that that was unparliamentary, because it is particularly relevant for the members opposite. They are the people who have ratted on those who deliver services to the community and who work hard for this community. It is true that they work at Government expense, but from a funding mechanism which allows them to identify the amounts of funds which are available for their organisations. They, nevertheless, can apply through a recognised process - which some of them have some concerns about - which allows them access to these funds for the delivery of services which they promise on the basis of that funding.

The idiots opposite giggle, but the fact of the matter is that they are very nervous. They are a wake-up to the fact that the community organisations are aware of the misleading nature of the Government's policy in relation to the Community Development Fund. It is absolutely clear that this Government is misleading community organisations when it says that it will maintain grants at previous levels. The previous levels that they talk about are those based on figures which were not up to the standard set by the Follett Labor Government. That is a matter of fact. They can deny it all they like. The only way we will ever know is when we get to the end of the equation. There is nothing in their promises now which guarantees those - - -

**Mr Kaine:** You will not be around then, Wayne, so do not worry about it.

**MR BERRY:** The fact of the matter is that these people continue on their tirade of misleading announcements to the people of Canberra. They promised that hospitals and schools would be okay. What happened to them? They have destroyed them. They have been destroyed by these vandals opposite, the ones with the funny hats with the little bells on the end - the clowns. You have only to see them perform. It will not be long before they will be doing handstands. Of course, Norm wants a hat too.

**Mr Jensen:** Yes, but it has to have gold braid.

**MR SPEAKER:** Order!

**MR BERRY:** I withdraw that. Mr Jensen wants a hat too.

**MR SPEAKER:** Thank you. I was just looking after Mr Wood's interests.

**MR BERRY:** These people will be taken to task by the community organisations because they are a wake-up to the havoc that is going to result from the withdrawal of those funds from community organisations. The most hurtful part about it is the promise that was made by the Chief Minister, which all other Ministers have not even taken the time to check, because they obviously do not know how to add up the figures. The Chief Minister probably does not know, anyway. On this matter he is being led by the nose by the bureaucrats. He makes this promise on the basis of advice, but he forgot to sit down and work out the figures. Mr Chief Minister, they just do not add up.

**MR DUBY** (Minister for Finance and Urban Services) (9.24): Mr Speaker, from the outset I would like to congratulate the members of the Opposition, namely, Mrs Grassby and Mr Connolly - - -

**Mr Wood:** The Labor Opposition.

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**MR DUBY:** The Labor Opposition - for sitting there and listening to the loony rantings of the lemming left on their rush to self-destruction. I note that even the current Leader of the Opposition had to get up and go halfway through that enormous expose by Mr Berry, who is, undoubtedly, going to be the Leader of the Opposition, because he is a man who knows numbers. It was too much for her. I doubt if ever there has been such a load of rubbish spoken. It was so bad that even the Labor acolytes who were brought in to listen to the speech got up and left. I could not believe it. It was the first time I have seen them walking out shaking their heads. Obviously something went wrong with the script because the wheels fell off about one-tenth of the way into Mr Berry's speech. I just do not quite understand where it went wrong. He apparently felt that he was making sense, but no-one else did.

The fact of the matter is that the Community Development (Repeal) Bill 1990, the Pool Betting (Amendment) Bill 1990 and the Gaming Machine (Amendment) Bill (No. 2) 1990 all make perfectly good sense. The Community Development Fund, or the CDF, was established well before self-government. As a matter of fact, it was established in 1981, at a time when the ACT was funded through Commonwealth appropriations. It was so well established in those days, for the simple reason that, in 1981, the Attorney-General could go to the Federal Cabinet and say, "We need funding for the Monaro folk group" or something like that. I have never heard such a load of malarky.

**Mr Wood:** That was also an argument for self-government that you did not want to accept at the time. Why do you not stay a bit consistent?

**MR DUBY:** That is absolutely right.

**Mr Collaery:** We have.

**MR DUBY:** The fact is, though, that the CDF was appropriate at the time. It was established as a mechanism then to - - -

**Mr Wood:** No, he came in on a different ticket.

**Mr Collaery:** But you are conceding our case.

**MR SPEAKER:** Order! Order, Mr Collaery and Mr DUBY, please!

**MR DUBY:** Yes, Mr Speaker.

**MR SPEAKER:** Mr Wood and Mr Collaery, please desist. Mr DUBY, please proceed.

**MR DUBY:** You will note, of course, that whilst the loony lemming was raving on Mr Wood was taking refuge in the room at the back because even he could not bear it, and he is a man not even with the sensibilities of the right.

The CDF was established as a mechanism to retain revenues derived from gambling activities for local community purposes. I was interested to note, when the Leader of the Opposition was referring to the fact that this was set up as a mechanism to retain gambling revenues, that there was the odium of gambling. She said that there were some members of the community who felt that gambling was something which should not be tolerated. Therefore, as an appeasement for the introduction of poker machines, Tattslotto and various other forms of gambling into the community generally, there was, presumably, a wowserish group in this city who decided that they needed to be appeased or to be bought off on the introduction of gambling.

**Mr Wood:** And you are selling the casino on the same lines, are you not? You can talk over it if you like, but you have accepted that.

**MR DUBY:** Here is the next interesting point that I am going to raise. Mr Wood has taken the very words right out of my mouth. Where are the proposals from the Labor Opposition which has clamoured for the casino since day one? Where are the proposals for the enormous benefits to the community which they know will accrue to revenue from the casino when it is established? Where are the proposals that they should be somehow channelled or funnelled into a particular fund to, once again, promote community development? Of course, there are not any.

The simple reason is that they know perfectly well that that is a thing of the past and something that does not work.

**Mr Wood:** You are not even going to return it to the traditional forms, are you?

**MR DUBY:** You are living in the past, Mr Wood, as, of course, is most of your party. Anyway, in fact the continuing existence of the CDF results in sizeable revenues being tied to a limited range of community purposes. This prevents the Government from directing those funds to areas of community priority. What has happened over the years, of course, is that those people who were lucky enough to get onto the CDF band wagon back in 1981 and 1982 have stayed on it. Good and worthwhile organisations which now exist and require funding in this day and age, but which did not even exist in 1981-82 and had no need whatsoever for funding of any kind, cannot get their slice of the pie.

That is the difficulty that we are facing. That is what we are facing. Approval of the CDF (Repeal) Bill 1990, the Pool Betting (Amendment) Bill 1990 and the Gaming Machine (Amendment) Bill (No. 2) 1990 - which, of course, I should remind people we are debating cognately tonight - will provide the Government with the legislative framework to implement its decision, announced earlier this year - - -

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**Mr Wood:** We are back to the text now, are we? Which ones are you picking from?

**MR DUBY:** I have lots of speech notes and they all point out good points which you cannot counter. Approval of these Bills will provide the Government with the framework to implement its decision, announced earlier this year, to abolish the CDF and to introduce new and more appropriate arrangements for funding community organisations. That is what this debate is all about.

**Mr Wood:** Were not the other ones appropriate?

**MR DUBY:** No, I do not believe that they were. They were not appropriate. I think anyone who is a thinking member of this community will agree that they were not appropriate. What we were having was a hierarchy of community groups who were, in effect, hijacking those CDF funds.

Debate interrupted.

### **ADJOURNMENT**

**MR SPEAKER:** Order! It being 9.30 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.

### **COMMUNITY DEVELOPMENT FUND (REPEAL) BILL 1990**

**[COGNATE BILLS:**

**POOL BETTING (AMENDMENT) BILL 1990**  
**GAMING MACHINE (AMENDMENT) BILL (NO. 2) 1990]**

Debate resumed.

**MR DUBY:** Under the new arrangements it is proposed that from 1 January 1991 community organisations will receive funding from the Consolidated Revenue Fund in a manner similar to that of other ACT budget operations. In formulating the budget for community funding, Ministers will continue to be able to consult and take advice from relevant organisations. The nature and level of funding to be provided, however, will be determined and prioritised in the context of the overall budget position, something which the Labor Opposition has never been able to understand or even comprehend, let alone implement. The funds will be

advanced as annual appropriations and be subjected to the scrutiny and approval of the Legislative Assembly. Therefore, I think their complaints about consultation, et cetera, do not bear weight.

In revising the funding arrangements the Government has ensured that community groups currently funded through the CDF are not disadvantaged. Entitlement to CDF funds committed for programs prior to 31 December 1990 are protected by transitional provisions contained in the Community Development Fund (Repeal) Bill that we are debating tonight.

**Mr Wood:** Are you promising that?

**MR DUBY:** It is in the legislation that we are going to pass this evening whether you like it or not. The Government has also given a commitment to maintain 1990-91 and 1991-92 recurrent expenditure at the 1989-90 levels in real terms. In addition to this, from 1 January 1991 the Government has agreed to make available additional one-off recurrent and capital grants to be funded from surplus CDF funds, something which I think this whole debate - - -

**Mr Wood:** It is a net loss, and you know it.

**MR DUBY:** The interjections we are receiving from this squishy-squashy soft centre are indicating that - - -

**MR SPEAKER:** Order, Mr Duby! I would just like to let Mr Wood know that I am timing his debate speech in case he wanted to have another turn. Please proceed, Mr Duby.

**Mr Wood:** That is fine. I do not mind that at all.

**MR DUBY:** As I was saying, Mr Speaker, from 1 January 1991 the Government has agreed to make available additional one-off recurrent and capital grants to be funded from the surplus CDF funds.

Mr Speaker, in essence the combined purpose of the Community Development Fund (Repeal) Bill 1990, the Pool Betting (Amendment) Bill 1990 and the Gaming Machine (Amendment) Bill (No. 2) 1990 is to remove an outdated mechanism for funding community organisations - are you listening to this, Mr Wood; you have listened to everything else, so listen to this - and to provide for the introduction of funding arrangements consistent with those operating for other ACT budgetary programs.

I know that all thinking members of the Assembly will support the passage of the Bills. Actually, to be perfectly honest with you, Mr Speaker, I am looking forward to the further ludicrous debate from the other side. The first two speakers against this Bill have provided nothing but comic light relief to the very clear and sound provisions that the Government is implementing with this legislation. I look forward to hearing some words of

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wisdom perhaps from the elder statesman of the house who I know is going to rise to his feet next. No, I am sorry. The Chief Minister closes this debate. I guess that we are going to have to listen to Mr Wood.

**MR WOOD** (9.34): Mr Speaker, we have had two speeches on behalf of the Government up to this stage and each of them has demonstrated very clearly why we should be anxious. As soon as Mr Collaery got to his feet he told us the reason why the Government has lost this battle. He said, "Have confidence". There is Mr Collaery saying, "Have confidence in us. You can trust our word". Mr Duby, just a moment ago, said the same thing.

So, we have the leader of the Residents Rally, who seems to forget about hospitals and schools and all sorts of things, and we have the leader of the No Self Government team, or ex-No Self Government team, who came in here with all sorts of assurances about what he was going to do with this place, and what do they say? They say, "Have confidence in us". That has given us the answer we need and that is exactly why the community is very dubious about this whole procedure.

Mr Duby then compounded the problem. One of his major arguments, one on which he dwelt for some time, was the administration of the grants in former times. He said that they were not appropriate, groups missed out and groups climbed on the band wagon. He said that the way those funds were distributed was not correct and was not a good way. Of course, what he does not know - and there are a lot of things that he does not know - is that his Chief Minister was one of those people who, year after year, decided how those funds were going to be spent. So, when you stood up there and criticised the decisions, you were criticising your Chief Minister.

**Mr Kaine:** Yes, I am quite offended.

**MR WOOD:** Yes, he is quite offended, he says, and so he should be. This man who knows nothing about the background of this has just given you, the Chief Minister, a gigantic serve. So, next time you stand up, Mr Duby, you should stick to your prepared script and you will not get yourself into so much trouble.

The background to this is simply one of confidence. The Minister, the Chief Minister and others can say, "We are going to transfer these funds into Consolidated Revenue and you can trust us", and you can make these routine arrangements; but the fact is that there is more than simple procedures, processes and administrative arrangements. The fact is that over a long period the community has built up a great deal of confidence in the stability of that fund, knowing that there was an amount of money there, not always fully utilised, and knowing that under the arrangements that existed they were secure with their funding. No matter what sort of government there



was, they were secure. They simply do not have that sort of confidence in the current Government. Maybe if this Government had put some clear mechanisms into their legislation, if they had inbuilt that - and it is entirely possible to do so - there would be some grounds for confidence; but a simple assurance that they can have confidence will do nothing at all to help them.

The arts groups, for example, are concerned. Mr Collaery has claimed levels of consultation; but I know, as I talk to people in the arts community, that they are not particularly fussed about this. There is a wait and see attitude. They wish that there were more clear mechanisms displayed for them. They wish that there was some greater strength than a simple assurance by a government that has not the confidence of the people of the ACT. Along with this is the tradition - and this is a compounding factor - of arm's-length funding.

That has always been the case with the CDF being more remote from the Federal Government. I do not know of any occasions when recommendations were not accepted. Not only are we changing the mechanism but what we are doing now, what Mr Humphries for one is doing, is changing the processes. We have seen only in the last couple of weeks two examples. There is an example where he has accepted the recommendation from that arm's-length group, the Arts Development Board. He accepted their recommendation not to fund a very good body in the ACT. He was happy to accept it.

**Mr Humphries:** You did not fund it either.

**MR WOOD:** I realise some of that argument, but it is the process I am talking about. Bear that in mind. He accepted that, but when the Canberra Theatre Company comes in - a moribund company, right?

**Mr Humphries:** You funded it.

**MR WOOD:** Not when it was moribund, thank you. A moribund company comes in. The Arts Development Board says, "Do not fund it. It is dead". He says, "No, I will not take your advice. So, the concept of arm's-length funding, which has long been associated with these things we are talking about tonight, is now under question.

I would have thought that some time down the track, after the Government knew what it was going to do and after announcements were made, the Government would have come in and said, "Now, these are the processes by which the recommendations will be made for the distribution of funds". But, of course, as is the case with all their planning, no such announcements are being made. There has been ample time; let me repeat that. Why has not the Minister, or the Chief Minister, as he has brought this in at this time, stood up here and said, "Now, these are the mechanisms"? All we have is a vague statement, a range of

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statements, about what they are going to do to guarantee funding. You have had the time to put things actually into place by 1 January next year. So, no wonder there is no confidence in the community, simply because you use only words.

Finally, Mr Duby mentioned something about \$1.9m capital and \$900,000 recurrent, or it is the other way around, I believe, that - - -

**Mr Duby:** I said no such thing.

**MR WOOD:** Well, I will go back to your text. You said that there was money flowing, that you were going to be extra generous this year and release extra money.

**Mr Duby:** I did not.

**MR WOOD:** Well, you were quoting from the speech that I read, too.

**Mr Duby:** I said no such thing. Are you talking about this evening?

**MR WOOD:** Well, let me quote the Chief Minister's speech. I believe that this is what you were referring to, Mr Duby. I quote from the Chief Minister's speech:

The Government has agreed to additional recurrent expenditure of \$1.9m and to additional capital expenditure of \$0.9m in 1990-91 to community services.

**Mr Duby:** The Chief Minister said that; I certainly did not say that.

**MR WOOD:** Well, perhaps I misunderstood you, Mr Duby. It is easy to misunderstand you - it comes out so garbled. Whether Mr Duby supported the Chief Minister or not, I will not argue now; but that seems - - -

**Mr Duby:** I always support the Chief Minister.

**MR WOOD:** Well, you bucketed him a minute ago, did you not? That seems, at the outset, fairly generous; but the fact is that, as the Leader of the Opposition pointed out, it is a net loss after taking into account the interest that has accrued over the years. There is no generosity in that at all. It is interesting to note that they have not projected beyond the 1991-92 financial year, and that at least is sensible because they know that they will not be here after that time to be making decisions. These unfortunate decisions about the CDF are one of the reasons why they will not be here then.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (9.43): Mr Speaker, we have heard a great deal of reverential rubbish spoken this evening about the Community Development Fund. I think it is appropriate for us to peel this away and see what it is that the Community Development Fund in fact has been about over the last few years. The facts are very different from what the Opposition has put forward tonight. I have to say that the tone in which they have spoken of the CDF has been very different from the tone in which many others in our community have spoken about the CDF over the last few years. In fact I recall fewer topics in the pre-self-government period which attracted more controversy and more debate than the nature of the CDF and the allocations from the CDF in any given year. So I think that there is a certain nostalgia already creeping into the discussion on the CDF which is not appropriate to the reality of what the CDF has been.

The first thing we should note about the CDF is that it is not nearly as venerable an institution as people opposite seem to pretend. Mr Wood spoke about the tradition of arm's-length funding. It is worth reminding people that the CDF was established only nine years ago - hardly a tradition over nine years. I remind members that there was funding of community groups in the ACT long before the Community Development Fund was established, and there will continue to be funding of community groups in the ACT long after the Community Development Fund is abolished. So we do not need to pretend that this is somehow the be all and end all of community funding of organisations. The fact also is that there are, to my knowledge, few, if any, other States that use this kind of mechanism for funding organisations of the kind that we fund through our CDF. Why is it that we need the CDF in the ACT when other self-governing polities in this country get by without it? The fact is that we do not.

Mr Speaker, I also want to correct a false statement made by Mr Wood. He referred to accepting the advice of organisations and bodies that offer advice to the Government on the funding of organisations, previously through the CDF, now under new auspices. Mr Wood's claim was that the idea of arm's-length funding necessitated some mechanism for having such organisations to advise the Government and, as a result, governments necessarily had to accept the advice of those organisations. That is a fairly high-minded principle; one which he suggests to us we ought to follow and, by implication too, in the case of the Arts Development Board, that I, as Minister for the Arts, ought to follow and accept in total recommendations made by the Arts Development Board.

But the recommendation rings fairly hollow in my ears, given the fact that previous Labor governments - I think the Follett Government was in this category - have rejected or modified advice received from the Arts Development Board and similar bodies. I do not think Ms Follett would rise in this place to say that she accepted everything that was

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said to her by the Arts Development Board for last year's funding. She had the right and she exercised the right to apply her own judgment, and if that is the case one has to accept the argument that governments have to consider the reality of funding applications, the nature of the background of those applications and the capacity of the community to bear the totality of those grants in any given year.

Mr Speaker, I have to say that it strikes me that the Community Development Fund is a mechanism designed for a bygone era. The Community Development Fund is a device applicable in a community like that which existed before self-government in the ACT. It is not an appropriate mechanism in a period where the ACT governs itself. It is an anachronism. This Government's Bill to abolish the Community Development Fund is, therefore, entirely appropriate.

The idea of hands-off funding was a device used by Federal governments which were uninterested in these sorts of affairs at this level, which preferred to avoid the controversies entailed in making hard decisions about community organisations and their funding, and preferred instead to establish mechanisms to offshore those sorts of decisions. They were not designed as protections for those organisations. Let us get something quite clear. They were not protections for those organisations; they were devices to take the heat off Federal governments that were not interested enough to make decisions for themselves. Now, that has changed. We live in an era when we govern ourselves, when the ACT has the responsibility of making these decisions, and governments of whatever persuasion have to examine the implications of those decisions rather than saying that we have a corpus of money put to one side and we cannot tamper with or modify the amount of money that contributes to that corpus.

The reality is, once again, very different from what the Opposition pretends that it is in respect of funding of community organisations. I think Mr Wood made a reference to the fact that we were not going to project beyond the 1991 year. Well, Mr Wood got it wrong. If he reads the Chief Minister's presentation speech on this matter he will see, very clearly, that we talk about giving a commitment therein to funding allocated to recurrent programs being maintained at 1989-90 levels, maintained in real terms in 1990-91 and in 1991-92. That is a very real commitment by this Government. It is one which we will stand by, and those opposite can pretend all they like that they have evidence that this will not be the case. I can only say that they are believing their own propaganda once again.

The claims of cuts to community organisations are hysterical. They feed on themselves. They are designed to play on the fears of people who believe that what these people opposite say to them might be true. I have to say to those people: If you believe those opposite you are sorely deluded and you will come to grief.

We have to ask ourselves why we need to change the present basis of funding. The answer is again provided in the Chief Minister's presentation speech. We need to free up CDF-type revenue for distribution for a wider range of community purposes than is possible under current arrangements. That, of course, is the point. That is the reason for change. Those opposite will say, no doubt, that this is another one of those things driven by bureaucrats; but they would know that this issue has been around for a long time, it has been generating heat in the ACT for a long time and it has deserved attention for a long time.

I want to give an example of the sorts of problems that have been created by the structure of the CDF in the past. The fact of life is that sometimes applications for funding fall into cracks; they do not fit into one of the categories established under the Community Development Fund Act and, as a result, they miss out or go through considerably harder processes to get funding than would otherwise need to be the case. I want to give one small example. I refer to one organisation that I had some dealings with, starting last year and through into this year - an organisation representing intellectually disabled students who were in the business of making very fine tapestries.

Those students, or the organisation representing those students, sought funding, but not necessarily from the CDF. They sought funding under a particular category. They went, first of all, to the Health Department and sought funding there and were told that they were not really under the guidelines applicable to grants from the Health Department. They then moved over to the Education Department and sought funding from the Education Department and were told that they did not really fall under the guidelines of that department. They moved to the Arts. They were told that they really did not properly fall under that category either - a bit, perhaps, but not really - and they were eventually shuffled back to Health again.

That kind of thing happens when you ossify categories of funding and you remove flexibility. The fact of life is that the Consolidated Revenue Fund is a considerably more flexible fund, notwithstanding administrative guidelines used for allocations from that fund. It is a considerably more flexible entity than is the Community Development Fund. That is what Mr Berry describes as a criminal act - doing away with that inflexibility and that ossified structure in favour of a more flexible one which will ensure, I think, in the future that organisations seeking funding have a better chance of getting it and getting it more quickly.

I think that we have also preserved in these structures opportunities for community groups to contribute to that process, and I think that we have to welcome the processes that we have set up to consult with the community and ensure that they remain in place.

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Mr Berry, I think, said that funding was set under these new arrangements at the whim of government. I have to ask him whether the whim of government is any more objective or less objective a way of setting funding levels for community organisations in Canberra than is the amount of money that Canberrans happen to spend in any one year gambling - the amount of money that they happen to put through poker machines and spend on lotto and Tattslotto and New South Wales and Victorian lotteries and soccer pools. Is that kind of test any more objective a way of working out what we need to be spending on community organisations than the whim of government? It is a considerably less objective method, I would have thought. Is not government better able to assess the needs of community organisations and make a decision about what it is that we need to be doing? I think the answer, very clearly, has to be yes.

The other argument put forward by the Opposition was that we were trading off for gambling in our community; that this was some kind of sop to people for the fact that gambling does occur in our community and that government has taxed gambling in our community. I really wonder, Mr Speaker, whether for anybody involved, either as a gambler or as a person who uses the Community Development Fund type moneys, it really makes a scrap of difference whether there is a direct connection or there is not.

Will they not be aware - I am sure they will be - that gambling money will still be spent for community purposes in the ACT, not directly through a Community Development Fund but through the Consolidated Revenue Fund? That is the reality.

The idea that government is going to stop funding community organisations is just laughable. It really is laughable, not because the Opposition want to get up in this place and say, "We are going to stop you from cutting off funding to community organisations" but because any government which failed to fund community organisations worthy of funding simply would not last. Nobody in this house is deluded on that score.

The fact is that the Community Development Fund was a device in its time for putting funding away from an uninterested government, the Federal Government. It is no longer appropriate. It is not appropriate in any other State in this Commonwealth of which I am aware, and I suggest that it is not appropriate any longer for the ACT either.

To summarise, Mr Speaker, the change in the arrangements for funding community programs will not disadvantage community groups in the ACT. The entitlements to CDF funds committed for programs prior to the end of this year are protected by traditional provisions contained in the Bill we are going to pass tonight. This Government has also

given its commitment to maintain both 1990-91 and 1991-92 recurrent expenditure at last year's financial year levels in real terms. People should not be deluded about the level of support the Government intends to make for community organisations in that process and there will still be an opportunity for community input to the grant allocation process. But the fact is that the buck will stop very clearly where it should stop under self-government, and that is with the Government of the ACT, not elsewhere.

**Mr Berry:** Mr Speaker, I rise under standing order 47. It seems that Mr Humphries has misunderstood what I was saying in my speech on the matter.

**MR SPEAKER:** Is this a personal explanation?

**Mr Berry:** No; I refer to standing order 47, Mr Speaker. Mr Humphries took the view that the Opposition was arguing that the Government would stop funding community organisations, to use his words. That was not the Opposition's point of view and it certainly was not my point of view. The position that we were putting forward was that the Government had ripped off the Community Development Fund - - -

**Mr Kaine:** Mr Speaker, I submit that Mr Berry is using this as a subterfuge to speak twice. I suggest that he be told to sit down and let the debate continue.

**MR SPEAKER:** Thank you, Chief Minister; but standing order 47 is quite explicit. He is not to bring in any new matter. He is to relate only to that misunderstood part of his speech.

**Mr Berry:** That is right, Mr Speaker, and I would not seek to bring in any new matter. In fact, what we have been saying very clearly is that the Government has ripped off the Community Development Fund and secreted it away and some of those funds will not reach community organisations at the same level provided by Rosemary Follett in her first budget.

**Mr Collaery:** Mr Speaker, I rise under standing order 47 to take a similar point to Mr Berry's. In his speech Mr Berry said that I had said in this place that a sum of \$1.8m had been conceded by me as being missing from the fund. Now, he was challenged - - -

**Mr Berry:** I take a point of order, Mr Speaker. I think Mr Collaery ought to refer to the transcript in relation to that matter. That is not what I said.

**Mr Collaery:** What did you say?

**MR SPEAKER:** Order! Mr Berry, thank you for your observation. Mr Collaery, please make your point.

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**Mr Collaery:** Mr Berry claimed that I had made an admission about a sum of \$1.8m. The allegation that he was making was not clear to me. I have never mentioned that sum - - -

**Mr Berry:** Mr Speaker, I will clarify it, if you wish.

**MR SPEAKER:** No, I do not wish, thank you, Mr Berry. No-one interrupted you. Please proceed, Mr Collaery.

**Mr Collaery:** All I say is that, on being challenged by interjection, Mr Berry would not indicate where in the records of this house I had made that statement. I merely observe that for the record. He was asked. He was challenged to state the page.

**Ms Follett:** Yes, he did. You were not listening.

**MR SPEAKER:** Thank you.

**Mr Collaery:** And he can state the page now, Mr Speaker, if he has it.

**MR SPEAKER:** Order!

**MRS GRASSBY (9.59):** Mr Speaker, my colleagues and I have pointed out on many occasions how the Canberra we all know and love is under attack from this ramshackle Alliance Government. I would like to say that the repeal of the CDF is yet another example of their slash and burn approach to policy implementation. The Bill takes away a guaranteed source of money for community services, sports and arts bodies in the ACT. This money, funded from levies placed on gambling, will now be directed into the Consolidated Revenue Fund. We have been told that the funding for community projects will be maintained in real terms during 1990-91 and 1991-92. Frankly, Mr Speaker, I am deeply concerned that as a result of this Bill that will not be the case. The track record of those opposite is not a heartening one. I cannot see how a government whose priorities are to close schools and hospitals in our community can expect to be taken seriously when they suggest that they will maintain the funding originally handled by the CDF.

Mr Speaker, I have been contacted by a number of community groups who have expressed their concern with this Bill. When community groups seek financial assistance they will now be forced to spend their time lobbying the Minister and department bureaucrats. This cannot be seen as a step forward for community relations. However, it is what we have come to expect from these people opposite. We will see smaller community groups unable to match the lobbying abilities of larger organisations. This will mean less variety, which is not a good thing. Moreover, the lobbying process is a time wasting affair, as we all know. Consequently, community groups will not know until the last minute whether or not their funds have come through. Mr Speaker, a wonderful event held in Canberra - - -



**Mr Jensen:** Like the Tuggeranong Arts Festival last year.

**MRS GRASSBY:** Mr Speaker, there are times when I wish that Mr Jensen's parents had never met. A wonderful event held in Canberra last year, the horse showjumping competition, looks as though it will be going down the drain. They currently do not know whether they will be receiving funding. As a result, they cannot arrange TV rights and other publicity events. Everyone knows that this event could bring many people to Canberra to swell the coffers at a time when we need the tourist dollar. However, it is clear that the Government, in abolishing the CDF, is prepared to jeopardise this event.

Turning to the Canberra Festival, this is one of the best festivals in any capital city. We now find that it could also be at risk, not only by a potential lack of funding but also because of the charges now levied by Government. This is just like the multicultural Australia Day Festival which last year received \$10,000 and was not charged by the Department of Urban Services for the clean-up bill. This year, however, the festival has been given an extra \$4,000 in up-front funding but then has been billed some \$6,000 in charges. In other words, there has been a cut in real terms to their funding. Both these festivals are part of Canberra and this Bill demises their ability to flourish. The Canberra community, Mr Speaker, will not be pleased, and it will be those opposite who will be paying the ultimate price for their miserable approach to the ACT community. We will find that out at the next Assembly elections. Mr Speaker, on behalf of the Labor Party and the very great majority of Canberrans, I would like to express my distress and opposition to this terrible Bill.

**MR JENSEN (10.03):** One wonders, Mr Speaker, about the comments coming from across the floor. It seems, Mr Speaker, that Ms Follett must have got a bit of a hurry-up from those in the party last week, or after her performance on the floor of the house during the budget process. It would be fair to say that this must have taken place after such a dismal performance. When one looks at the *Hansard* for the debate in relation to the Appropriation Bill one finds that there was a dismal performance on the part of the Leader of the Opposition in relation to this matter.

**Ms Follett:** I take a point of order, Mr Speaker. Mr Jensen is debating the Appropriation Bill which we passed last week. I query the relevance of that.

**MR SPEAKER:** Thank you, Ms Follett. Mr Jensen, please stick to the point.

**MR JENSEN:** Mr Speaker, what I am seeking to do, in response to suggestions that this Government is not performing well, is to indicate to the members of the house the dismal performance of the people opposite. I do not see a problem. I would suggest, Mr Speaker, that that is quite relevant.

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**Mr Berry:** I rise on a point of order. The Government's performance is a matter of record. It is bad. We want to hear about the CDF Bill. The point is relevance.

**MR SPEAKER:** Mr Berry, thank you for your observation. Mr Jensen, get to your point as soon as you can.

**MR JENSEN:** I am getting to my point, Mr Speaker, and it is the dismal performance of those opposite. In fact, Ms Follett spoke on three occasions for 10 minutes during that particular debate. What a pitiful operation, Mr Speaker! What a dismal performance!

**Mr Berry:** Here we go again. I do not want to press the matter too - - -

**Mrs Grassby:** I take a point of order, Mr Speaker.

**MR SPEAKER:** Order! I believe that Mr Jensen is, in fact, talking to the CDF Bill in relation to the previous debate.

**Mr Berry:** I thought he was talking about the three times she spoke for 10 minutes on another occasion.

**MR SPEAKER:** Well, it is understood by me, I think. I accept your objection. Mr Jensen, make it obvious what you are really speaking about.

**MR JENSEN:** Following on from that performance of Ms Follett opposite one has to wonder, Mr Speaker, whether the people of the ACT would, in fact, be seeking a refund of the additional salary that they are providing for Ms Follett as Leader of the Opposition.

**Ms Follett:** I take a point of order, Mr Speaker.

**MR JENSEN:** One can only assume that the right wing is waiting in the wings.

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

**Ms Follett:** Mr Speaker, what has my salary to do with the CDF? I have to direct your attention to the relevance of his remarks. He has constantly defied your rulings on that matter.

**MR SPEAKER:** Your objection is upheld.

**Ms Follett:** Thank you.

**MR SPEAKER:** Please, get to your point now, Mr Jensen.

**MR JENSEN:** I was in fact, Mr Speaker, talking about the performance of the Leader of the Opposition. I think it is quite appropriate, seeing that they can attack the performance of the Government. Surely, Mr Speaker, one can go back and argue a similar case.

**Mr Connolly:** I take a point of order. Mr Speaker, you ruled in favour of the Leader of the Opposition, that Mr Jensen's remarks were irrelevant, and he proceeded to return to exactly the point that you ruled on. We are getting to the point where wilful disobedience comes into question and you are going to have to consider taking action against this man.

**MR SPEAKER:** Just be warned, Mr Jensen. Wilful disobedience will not be tolerated. Please get to the point.

**MR JENSEN:** Thank you, Mr Speaker. Next time the people opposite seek to complain about the performance of the Government I will seek to draw their attention to the relevance of the debate. But - - -

**Mr Berry:** I take a point of order, Mr Speaker.

**MR SPEAKER:** I think he has finished.

**Mr Berry:** I think he has finished, all right. It is about time he was finished off.

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

**MR JENSEN:** Thank you, Mr Speaker. As my colleagues Mr Humphries and Mr Collaery have already said, the CDF was set up at a time when the Federal Labor political machine was not accountable to the people.

**Mr Berry:** This is repetitive and tedious.

**MR JENSEN:** You can talk about tedious repetition, Mr Berry. Coming from you, that would have to be the richest statement of the lot.

In fact, it was that particular machine that set up this process because they were sick to death of some of the smaller issues that were being brought before the Federal Cabinet. It was quite appropriate in those days before self-government, Mr Speaker, for the CDF to be established. It is quite possible, I think, that it worked very well. It was interesting to note, Mr Speaker, that Mr Wood referred to the Chief Minister's role in identifying the various groups that were proposed for funding. Unfortunately one can remember, of course, why Mr Wood was getting so upset. It was because he failed to advise the house that in fact, at various stages during his life in another place in the ACT, he was involved in that very same process with the Chief Minister.

Let us now look at the suggestion by Ms Follett about the so-called \$3m that is alleged to have been lost from the CDF. There was an estimated balance, as at 31 December 1990, of \$15,776,000. The amounts committed were \$12,860,000. Let us just have a look, Mr Speaker, at what that \$12m-plus was appropriated for.

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**Ms Follett:** Where is the rest of it then? Where is the \$3m?

**MR JENSEN:** I will get to that, Ms Follett, if you will just be very patient and listen for a change. The SLISS fund, or the sports low interest subsidy scheme, provided \$3.7m. The Tuggeranong community centre has been identified as taking \$4.820m. That is the community centre that Mr Berry forgot about for a while. He had to be reminded that it needed to have a bit of a kick along. This Government has finally put it together and got it on its way. The visual arts studio and related activities, \$0.543m; fencing for Quamby, \$100,000; new recurring expenditure, \$2.637m, are the initiatives that the Chief Minister referred to as one of the reasons for the community fund. It enabled them, in fact, to provide funding for a number of community-based initiatives, going from community sector grants, youth health workers, an adolescent day care unit, special needs workers, youth sector training, community service orders operations, and so on. That is a total of \$2.637m and a very important aspect of the budget.

**Ms Follett:** Where is the rest of it?

**MR JENSEN:** I shall come to that in a moment, Ms Follett. During this particular financial year, of that \$12.86m that has been committed, there is \$5.09m that in fact has been spent out of that particular program. So, \$5.09m is already committed, if you like, out of those funds in this financial year. The remainder will, of course - - -

**Mr Berry:** Consultation. That is what it says in there. You have not talked about consultation.

**MR JENSEN:** I will get to consultation in a minute, Mr Berry. This figure is identified on page 27 of budget paper No. 4. Now, the amounts uncommitted, I guess, are the figures that Ms Follett is talking about - - -

**Ms Follett:** No, the amount missing, the \$3m.

**MR JENSEN:** The amount uncommitted, Ms Follett, not missing. It is not missing. It is \$2.916m in fact, which is available for commitment in future years. Unlike that particular group opposite, Mr Speaker, who decided to clean out the Community Development Fund in their last days in office, this Government has decided to ensure that there is a reserve, if you like, a \$2.916m reserve, that is yet to be committed and is available for commitment in future years. That, Mr Speaker, is the money that Ms Follett is talking about.

**Ms Follett:** Where is it?

**MR JENSEN:** It is amounts uncommitted. It is available for commitment in future years. It is clearly available. Now, let me get onto the suggestion from the people opposite that there has been no community consultation on this particular issue. What a lot of nonsense! What a clear lot of nonsense!

**Mr Berry:** Well, demonstrate the community consultation.

**MR JENSEN:** I will do that right now, Mr Berry, if you will wait. This is a press release produced by Mr Collaery, the Deputy Chief Minister, Attorney-General and Minister for Housing and Community Services, and it states:

The Minister for Housing and Community Services ... announced plans for a wide-sweeping review of the Community Services Grants Program.

Mr Collaery said that community organisations had been unhappy for many years with the operation of the former Community Development Fund program.

He goes on to say:

No longer will community services be dependent on revenue from the gambling activities of people in the ACT ... The Community Development Fund will cease to exist. Instead, the various ACT Government Departments will receive budget allocations which include provision for funding community organisations.

... ..

Mr Collaery then goes on to say:

To ensure that the Program is responsive to the needs of the ACT community, a Ministerial Advisory Committee will be established. Comprising community representatives from a wide range of interests, this Committee will advise the Minister directly on priority areas of need under the Program.

That, Mr Berry and Ms Follett, and for those opposite - - -

**Mr Berry:** Will you table that?

**MR JENSEN:** I am quite happy to table it, Mr Berry. I will quite happily table that for you to have a look at. It continues:

Nominations will be sought from individuals with expertise and experience in services for children, women, the aged, young people, people from non-English speaking backgrounds, Aboriginals, families and people with disabilities.

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That, Mr Speaker, is the sort of community consultation that we are talking about in relation to the future of community service grants. The press release continues:

... ..

A special public meeting will be held on 16 November 1990 at 9.30 am in the Theatrette on the 5th floor of the City Health Centre (cnr Moore and Alinga Streets) for community organisations not currently receiving funding under the Program.

I seek leave to table that document, Mr Speaker.

Leave granted.

**MR JENSEN:** Mr Speaker, in closing, let me reiterate one of the comments that my colleague Mr Humphries made in relation to the importance of community funding out there. Such funding, properly managed, accounted for, and given some initiatives on the part of the people that are involved, is a very important aspect of any government's program, particularly the community welfare program for the ACT.

**Mr Berry:** You are peddling a distortion. You want to check the figures. You will not like later on to be associated with the distortions that you are peddling.

**MR JENSEN:** I am not quite sure what you are talking about, Mr Berry.

**Ms Follett:** You are still short \$3m.

**MR JENSEN:** I am not short \$3m. I have already indicated that it is amounts uncommitted and available to the community in future years.

**Ms Follett:** Where is it?

**MR JENSEN:** It is part of the documents relating to - - -

**Mr Moore:** It is in Consolidated Revenue.

**Mr Collaery:** That is where all money is.

**MR SPEAKER:** Order!

**MR JENSEN:** On that basis, Mr Speaker, I think it is very important for the Government to support these sorts of programs because of the ability that they have to assist the Government in delivering services to the community at much lower cost than would normally be the case.

**MR CONNOLLY (10.15):** Mr Speaker, I want to make only some brief remarks tonight. This is a matter on which the Labor Party feels strongly and that is why we are all wishing to get our views on the record. At the outset, perhaps I should say that this is a matter on which we can offer the

Government one point of congratulations. Mr Kaine said that it was Liberal Party policy that they would abolish the CDF and this is one of the few examples where this Alliance Government is doing something that was in its policy. Usually they rat on their policy and do the opposite, which is perhaps a reason for expecting some support for Labor's opposition. If in fact they promised to do this, it is one up for the books - Government policy actually implementing something that they went to the people on. Nothing in the Rally policy is so implemented and, certainly, the No Self Government policy is well and truly out the window.

**MR SPEAKER:** Relevance please, Mr Connolly.

**MR CONNOLLY:** Mr Speaker, I was particularly anticipating Mr Jensen's remarks. We had heard from the Government front bench but we had not heard from any of the members who, as Ms Follett indicated earlier, had already expressed their views on this matter. A majority of members present in this Assembly have expressed their view that this CDF abolition is going to short-change the community groups.

The Estimates Committee, and that means Mr Jensen, Mr Stefaniak and Mrs Nolan, after hearing and examining Ministers and taking the full evidence, was unanimously of the view that this proposal was going to diddle the sporting groups, because the money that is presently available is not just the amount that is put into the pot every year; it is that amount plus the interest. All that the Government has indicated to the community groups it will do is continue maintaining, they say in real terms - and let us accept them on their word for the moment - - -

**Ms Follett:** Why?

**MR CONNOLLY:** As some of our speakers have mentioned, you would be a bit silly to accept anything on the word of this Government, but let us accept them on their word. They are going to maintain in real terms what is now going into the CDF pot and it will continue to be disbursed to community groups. But that still leaves us short the interest. The Leader of the Opposition read the quotes from the Estimates Committee report at paragraphs 5.26 to 5.28 and the recommendation; so I will not read them again. But the point remains that the members of the Labor Opposition and Mr Moore - we do not know what Mr Stevenson does, because he is not here - and three members of the backbench of the Government have clearly expressed the view that it is a rot to get rid of a payment.

**Mr Jensen:** What a lot of rot. Misrepresentation again!

**MR CONNOLLY:** It is a rot to avoid paying that interest component and the community groups are going to be worse off under this ill-considered - - -

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**Mr Berry:** I take a point of order, Mr Speaker. There was an interjection there in which it was alleged by Mr Jensen that my colleague, Mr Connolly, was misleading the Assembly by misrepresenting the situation. I would ask him to withdraw that.

**MR SPEAKER:** I did not take it in that vein, Mr Berry. I overrule that. Please proceed, Mr Connolly.

**MR CONNOLLY:** So, Mr Speaker - - -

**Ms Follett:** I retake the point of order, Mr Speaker. The single word which Mr Jensen, the rumble from the rear, on this occasion, interjected was "misrepresentation" and it was directed to Mr Connolly. I would ask that it be withdrawn.

**Mr Collaery:** What is wrong with that?

**Mr Jensen:** You use it all the time.

**Mr Collaery:** You just called us liars a moment ago and I did not stand up.

**MR SPEAKER:** Order, Mr Collaery, please!

**Mr Collaery:** I let you get away with it.

**MR SPEAKER:** Order, Mr Collaery, please!

**Mr Collaery:** Yes, certainly.

**MR SPEAKER:** Ms Follett, I overrule your objection. Mr Connolly, please proceed.

**MR CONNOLLY:** Thank you, Mr Speaker. So, the record is clear. The three members of the Government backbench have expressed their views clearly and the Labor Opposition reiterates that position. This is a bad policy. It is ill-advised even though it may, as the Chief Minister indicates, have been Liberal Party policy. It is ill-advised and the community groups are going to be far worse off.

Mr Speaker, there was considerable rhetoric from Government Ministers that they had indulged in consultations with community groups and the fact that community groups were not out picketing the front of the building tonight indicated that there was general acceptance. Well, that is nonsense. The point is that the community groups are very concerned about this. They realise that the Government is committed to abolishing the CDF. They realise that they will be dependent, at least until the next election, on this lot for their funding. As my colleague Mr Berry indicates, they are worried that they will get a kick in the teeth if they say anything. And well might they be worried, because there is a disturbing tendency from this Government to go after critics. If you are a critic of this Government you cop - - -



**Mr Humphries:** Like what? Give examples.

**MR CONNOLLY:** I will give you an example. If you are a public servant working in your department and you have the temerity to go on the ABC and indicate your dissatisfaction with Government policy, you get threatened with defamation action from senior public servants. That is an appalling position. It is the tyranny that prevailed in Queensland. It is a tactic of fear and repression. They are scared of opposition from the community. They are scared of free debate out in the community and they proceed to try to gag it. That is what is happening here. Community groups are concerned. They are coming to us with their concerns. They have come to the Leader of the Opposition with their concerns; but they are not game, in the climate that this lot are trying to engender in Canberra, to go public and criticise it, because they are depending on these people for their grants for the next two years. They know that at the end of the day this lot will not be responsible for making those grants for much longer, because come the next election they are gone.

**MR STEFANIAK (10.22):** I feel constrained to say a couple of things on this. Firstly I refer to Mr Connolly's last point about groups not coming to the Government. I have seen quite a few groups, Mr Connolly. I probably see two or three sporting groups a week who are after funds, and I pass that on to the Deputy Chief Minister and the rest of the Government. They certainly have not stopped coming to see me or, I would think, other members of the Government. I know that my colleague Mrs Nolan sees quite a few groups too, because she has the office next door to mine. So, I do not think you have a monopoly on groups coming to see you. Certainly this Bill has not stopped them coming to see us; nor will it.

It is interesting to note some of the various events that have occurred since self-government which have really raised the community's interest in this Assembly. We have just gone through a very lengthy and tortuous education debate and that certainly raised a lot of interest. There were a lot of demonstrations against your Government, Ms Follett, last year, but there has been a somewhat equivocal attitude in relation to the Community Development Fund.

I would remind members of the Opposition that in fact that fund was started in 1981, as Mr Humphries stated, and I will not go through what he said again. That was by a Liberal Government, the Fraser Government, and it was started for the purposes outlined by Mr Humphries.

In relation to what the three Government members did on the Estimates Committee, I think Mr Collaery, in an aside, probably put it quite well there. But that really has nothing to do with supporting the retention of the Community Development Fund. The Chief Minister said on a number of occasions that he has guaranteed funding for the

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next two years, 1990-91, 1991-92 - that is, at least until the end of this Government. That guarantees funding and guarantees funding plus the CPI increase. He made a number of comments throughout the budget speech and on other occasions to reiterate that. I have heard him say it, I think publicly, on about four or five occasions. He did that to allay fears - fears, largely pushed by the Opposition, that this is in fact some sort of a rort.

The Community Development Fund was established for a purpose. If, after a two-year period, some future government, be it this Government or be it a future Labor Government, reneges and does not give the required amount of support, which used to be given under the Community Development Fund but will now be given from Consolidated Revenue to various community groups, they will pay the obvious electoral penalty that will result. There is no magic in the Community Development Fund. It was set up for a purpose by a Liberal Government. It is now being abolished by a Government which includes Liberals, and Mr Connolly, as he has stated, accepts that it is Liberal Party policy.

As long as the system is administered correctly, as I am sure it will be, groups that are deserving of funds will continue to get them. Other groups that may not have got them in the past and will be after funds and deserve to get funds will be considered and hopefully will get them, and the situation really will not change. Indeed, the procedures for giving money to various groups will remain largely unchanged by this Government. This has again been stated by various people in this Government. On page 10 of the budget speech the Chief Minister stated:

Procedures for applications and approval of grants will remain the same as before.

In the sporting area that is certainly so. There is no procedure to change the way applications and approvals of grants will be done there. To my knowledge, and certainly I think to the Deputy Chief Minister's knowledge, there are no proposals that that be the case. So, really, I think the Opposition is making a storm in a tea cup, certainly for the remainder of the term of this first Assembly. We will see what happens after that. That will be a responsibility of some future government from 1992, be it this one or be it a government of some other complexion. There is no magic whatsoever in this fund and we are really just falling into line with other self-governing Territories and States in the Commonwealth.

**MR MOORE** (10.26): It seems to me that there are two prime reasons for the introduction of this particular Bill and the second of those really has come out this evening in a great deal of discussion. It has to do with the fact that the word "ossified" has been used so often. The Government is now in a position where they can move the people who

have been involved in CDF funding by this back door method. They did not have the courage to say that it needs to be rearranged; so, instead, they abolished the fund. In that way they can reassess the people who are on the fund.

The second reason is, of course, the interest on the money that has gone, usually, into capital expenditure. It has gone there certainly over the last few years. It is interesting that in the introduction speech to this Bill the Chief Minister said this:

The Government has given a commitment that funding allocated to recurrent programs during 1989-90 will be maintained in real terms in 1990-91 and 1991-92.

I think the critical part of that comment is the phrase "allocated to recurrent programs". We know that the interest from the CDF has been allocated, by and large previously, to capital works, and particularly one-off special capital works for the community. The Government have given themselves room to move to ensure that it is possible for them to cut funding in the capital area which may be of great use to the community.

The discussion paper that Mr Collaery tabled before - I shall be interested to have a thorough look at it - reminds me a great deal of the consultation on schools. The Government says: "What we do is we decide that we are going to close schools and then we start a consultation process as to which ones". Contrary to what Mr Stefaniak thinks, that debate is clearly not ended.

We have a new debate starting in exactly the same way. You would have thought that the Government might learn, but instead we have a discussion paper being presented after the gate has been closed on the CDF. According to Mr Duby, it certainly will be closed tonight. It is also interesting - - -

**Mr Collaery:** You have not read it. It does not cut off any grants. It closes nothing. It offers a new consultative mechanism. It expands things.

**MR MOORE:** Mr Collaery interjects that no door is closed. I am talking about the closure of the door of the CDF itself. Mr Collaery, in his agitation tonight, on a number of occasions has used the word "juvenile". I notice that it is a word that Mr Collaery uses in a large number of debates in this house. It is also interesting that Mr Connolly has given credit to the Liberal Party for saying that they are actually sticking to a part of their policy here. I looked through my copy of *The Liberal Vision for Canberra* after Mr Connolly mentioned that, but I cannot find anything in it. I will be quite delighted to have that pointed out.

**Mr Humphries:** It is not all the policy.

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**MR MOORE:** Mr Humphries interjects that that was not the whole policy.

**Mr Kaine:** That is a summary of the policies. Read the comprehensive policies and you will find it.

**MR MOORE:** Thank you, Chief Minister, for inviting me to read the lot, but I think I have better things to do with my time.

**Mr Kaine:** Our forward-looking, innovative policies.

**MR MOORE:** Thank you. We also had a mention of the lucky groups that have been on CDF for some time, since 1981. It is quite clear that those lucky groups are now being questioned and questioned closely. They can be part of the group that can expect to see this Alliance Government drawing their funding to a close, or certainly shortening it.

The other interesting thing that came up was the comment by Mr DUBY about the lemmings. It was very interesting. The closest thing to a lemming I have seen in recent times is the little furry one that is attached to the mirror on the Chief Minister's car.

**MR KAINE** (Chief Minister and Treasurer) (10.31), in reply: I must say that this debate has branded the Opposition permanently, as it has done on a number of occasions before, as the most conservative party in Australia. They do not want anything to change - "We cannot change the Community Development Fund; we cannot change the school system; we cannot change the hospital system; we cannot change the public health system". They are sunk into an iceberg of no change. This Government is not that kind of conservative government. This Government is one that is committed to beneficial change in the interests of this community, Mr Speaker. This change in connection with the Community Development Fund is just one part of the beneficial change in the interests of the community that this Government is putting into place.

**Mr Berry:** It is misrepresentation.

**MR SPEAKER:** Order, Mr Berry! We heard you the first time.

**MR KAINE:** He does not disturb me in the slightest, Mr Speaker. You can let him ramble on. People stopped listening to him earlier this evening. Somebody has already commented that they stacked the house with their cronies and they got sick of listening to him. They all got up and left, one by one. That is how much they convinced their own constituency. Nobody is listening to him, least of all me.

We have this Opposition that has absolutely branded itself as an opposition that has no interest in changing anything; there is no beneficial change whatsoever. We should not be surprised, of course, because that is how they performed in the seven months they were in government. They changed nothing. They simply dug themselves deeper and deeper into the financial hole that the Territory was in before they took the Government. They just dug that hole deeper. They could not see the end of the tunnel. As far as they were concerned, the light at the end of the tunnel was truly that train coming the other way. Well, we have a bigger vision. We are making beneficial change and the community out there understands this.

I just have to refute Mr Berry's assertion. He said, "The first thing we heard about this was in August". Well, I have to say that Mr Berry obviously does not listen. This has been commented on by Mr Moore and others. It has been Liberal Party policy since the election of nearly two years ago now that the Community Development Fund would go, and it was our policy that it should go for the very reasons that have been brought out in the debate tonight. It is totally anachronistic. It no longer serves the needs of this community. We do not need it anyway. I suppose it is interesting to read the ACT Labor Government policy. It says:

An ACT Labor Government will ensure that the major community organisations which received -

past tense -

funding under the Community Development Fund will receive funding directly from the ACT Government.

That was your policy. You have gone to water on that like you do on every major issue. We knew exactly what needed to be done, as we knew about so many other things, and we have actually moved in and done it.

I am interested in this argument that has been thrown up by the members of the Opposition about the interest, as though somehow the interest was of relevance. What we said was that it is money that you did not spend, and it is money that no previous government spent. The amounts allocated from the Community Development Fund year after year took no cognisance of the fact that interest was earned. There was always - up until last year - a very significant reserve of funds, which very largely represented the interest.

We have said that we will continue, we will guarantee, to make the same expenditures in real terms as were made in your year of government in the budget that you presented. That is the baseline. We have given that undertaking and we will live with it. The interesting thing is, though, that that commitment will be made whether interest is earned on the money or not. The interest is totally irrelevant. I suppose that now somebody is going to get up

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and say, "Oh, we are going to lose the interest on the money". Of course, we are not, because, to the extent that there is surplus revenue from the same sources that now top up the Community Development Fund, that will go into Consolidated Revenue and it will be added to all of the unused money from day to day in the fund flow situation. That money is invested and it will attract interest. It will continue to attract interest, and it will continue to be available in the consolidated fund if it is needed for this or any other purpose. So, let us kill off this argument that the interest on the money is in any way relevant. It is in no way relevant; it never was; and it is no longer relevant in the future.

Mr Speaker, I can only assume, with - - -

**Mr Berry:** What rate is the guaranteed funding - Follett budget levels? No, you dodged that one.

**MR KAINE:** Mr Berry will continue babbling on. But let him go; he is okay. We might have to put him in a straitjacket eventually. But he is okay. Just leave him alone. Do not aggravate him.

The Opposition talks about this dreadful thing that this Government is doing to the CDF, and its members seem to be taking the view that somehow or other they are going to fix this one of these days. Interestingly enough, the only year in which the CDF was actually stripped was last year. It was literally stripped. If you think about that, the reason for it was that they were not confident that they would be here this year to spend any more money, so the idea was to get rid of it last year. Now, they are talking with much bravado about when they take government - - -

**Mr Collaery:** Ms Follett is not here to hear it again.

**MR KAINE:** She is never here, but she may get the message indirectly.

If they are really committed to the notion that in February 1992 they are going to take government, they should be delighted with what we are doing, because what we are doing is freeing it up. The only limit on how much money they could allocate to community purposes in 1992-93 if they were in government is the total of the entire consolidated fund. There is no limit. They can push it up as high as they want. Up until now they have been constrained by the amount of money that is actually in the CDF. But they were arguing that we are constraining this. They were saying, "This is not enough. We are depriving these people of the money". In fact, there is now no limit. If they want to put their money where their mouths are, they had better put a figure on how much money they would spend in 1992-93 if they were in government, because I would be interested to know just how far their irrationality and irresponsibility

in financial management goes, and how much they would be prepared to promise to these people - not only the ones that up until now have been within the CDF, but the ones that by their decisions have been excluded from it.

This has infinite possibilities. You can put any figure you like on it. What is it - \$50m, \$60m? Where is Mr Berry now? His babbling has stopped because he cannot stand to hear this. I would like him to tell me, if he got back into government in 15 months' time, whether his upper limit on the money that he would be prepared to give away would be \$20m, \$30m, \$40m or \$50m. What is the limit, Mr Berry? In future there will be no cap on it. It is entirely up to you to decide how much you give away. We will be interested to see whether you are prepared to put your money where your mouth is when the time comes. You know as well as I know, that there is a constraint, there is a limit on how much can be provided for these purposes - - -

**Mr Berry:** We will not tell fibs, though. That is what you have told in respect of this fund. You have misled them.

**MR KAINE:** Whether the money is in a CDF or not is totally irrelevant. It is absolutely and totally irrelevant.

**Mr Humphries:** On a point of order, Mr Speaker: I object to the word "fibs".

**Mr Berry:** I withdraw "fibs".

**MR SPEAKER:** Just a moment, Mr Berry.

**Mr Berry:** You have misled them.

**MR SPEAKER:** Order, Mr Berry! I ask you to withdraw the word "fibs".

**Mr Berry:** I have withdrawn it.

**MR SPEAKER:** Please get on your feet - I know it is difficult - and speak up so that they can hear you.

**Mr Berry:** I withdraw the word "fibs" and replace it with "mislead".

**MR SPEAKER:** That is a qualified withdrawal.

**MR KAINE:** Mr Speaker, I do not care, because, as I have said before, people have stopped listening to him. They have listened to his ranting and his raving, his misrepresentation and his posturing for so long that nobody listens any more. I am not fussed, and I do not think anybody else is either, by his mutterings and his mumblings.

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Mr Speaker, I exhort the members, the responsible members of this Assembly, to support this package of Bills because they are removing an anachronism. They are setting in place a system that in the long run will be beneficial to the very people that these people in opposition claim to represent. The system will allow an opening up in terms of who can get access to the money and how much they can get. We are abolishing it because it is an unreasonable and unrealistic constraint on the actions of this Government, and I know that Mr Berry will have great trouble justifying his present position if and when he ever gets back into government and he is asked to put his money where his mouth is in terms of the money that is being spent out of the CDF today.

**MR HUMPHRIES** (Minister for Health, Education and the Arts): Mr Speaker, I seek leave to make a personal explanation.

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

**MR HUMPHRIES:** Yes, I do, Mr Speaker.

**MR SPEAKER:** Please proceed.

**Mr Berry:** On a point of order, Mr Speaker: that matter ought to be raised at the end of the debate.

**MR SPEAKER:** It is the end of the debate, Mr Berry.

**Mr Kaine:** I just closed the debate.

**MR SPEAKER:** Order, Mr Berry! Please proceed, Mr Humphries.

**MR HUMPHRIES:** Mr Speaker, in the course of Mr Connolly's comments, Mr Connolly said or implied that I had used the device of threatening a defamation suit as a way of keeping public servants from making comments on public radio. I want to emphasise or indicate very clearly that I have never made any such threat. To my knowledge, no-one in my department has made such a threat. I would ask Mr Connolly to withdraw the allegation that such a threat has been made by me or my department.

**Mr Connolly:** I will show you the letter from your departmental senior officer.

**MR HUMPHRIES:** Is he going to withdraw, Mr Speaker?

**MR SPEAKER:** Order! Would you withdraw - - -

**Mr Connolly:** No.

**MR SPEAKER:** The situation, as I understand it, is that Mr Connolly has documentation. I would like him to present that to the Assembly.



**Mr Connolly:** I do not have it with me and you cannot tell me what to do. I asked this the other day in respect of tabling documents, and the order was that documents will be tabled on a resolution of the Assembly.

**MR SPEAKER:** Order!

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

That the document to which Mr Connolly referred be tabled.

**Mr Connolly:** Will you give me leave to go to my office and get the document?

**MR SPEAKER:** If you wish you can do it now, or you can bring it in tomorrow.

**MR BERRY:** On a point of order, Mr Speaker: I would like to make a personal explanation pursuant to standing order 46.

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

**MR BERRY:** I do.

**MR SPEAKER:** Please proceed.

**MR BERRY:** Mr Speaker, the Chief Minister accused me of stripping the CDF. The fact of the matter - - -

**Mr Kaine:** I said that the Government stripped it, not you, and that is true.

**MR BERRY:** You had your finger pointed at me and you have said it in the past.

**Mr Kaine:** You were the only one here to listen. Your leader was, as usual, out of the Assembly.

**MR SPEAKER:** Order!

**MR BERRY:** Thank you for that admission. It is clear that I was accused of stripping the CDF. The CDF funds that were allocated under the Follett Labor Government were allocated in accordance with the requirements of the day. The Chief Minister alleges that something untoward was done. That was not the case.

Mr Speaker, Mr Kaine also alleged that the stripping of the CDF involved an amount of \$21m.

**Mr Kaine:** On a point of order, Mr Speaker: I did not mention a sum of money.

**MR BERRY:** You will have your chance later.

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**Mr Kaine:** I mentioned no sum of money whatsoever. He is misrepresenting the situation again.

**MR SPEAKER:** Order! Please take that up as a personal explanation. Please proceed, Mr Berry.

**MR BERRY:** He said \$21m, Mr Speaker, and, of course, I did not have responsibility for that amount of money in my portfolio area.

**Mr Humphries:** Yes, you could not be trusted with it.

**Ms Follett:** On a point of order, Mr Speaker: Mr Humphries interjected that Mr Berry could not be trusted with it. I must ask him to withdraw that.

**MR SPEAKER:** Order! I do not believe that that was a suggestion that Mr Berry would go anywhere with it.

**Ms Follett:** Mr Speaker, what he said was that he could not be trusted with it. That is clearly an imputation.

Members interjected.

**MR SPEAKER:** Order!

**Ms Follett:** On a further point of order, Mr Speaker: under standing order 55 it is a personal reflection on a member, and according to that standing order it should be considered highly disorderly. What he said was that he could not be trusted with it. If that is not a personal reflection, I do not know what is. I ask that it be withdrawn.

**MR SPEAKER:** Order! I genuinely do not believe that that is the interpretation that I would put on it. I do not put on it that it was reflecting on him as a person, but as the Minister within the group who had responsibility for the funding.

**Mr Berry:** Mr Speaker, I raise a further point of order on that matter. I refer you to page 486 of *House of Representatives Practice*:

Offensive words may not be used against any Member and all imputations of improper motives and all personal reflections upon Members are considered to be highly disorderly.

That makes it clear.

**MR SPEAKER:** I am sorry, I do not see it that way. I have ruled on it and that is enough of the issue, if you do not mind. Please proceed.

**MR BERRY:** Mr Speaker, the fact of the matter is that the Chief Minister made an accusation that there was some sort of stripping of the CDF. Now this Chief Minister - - -

**Mr Kaine:** You do not mind throwing that one around yourself, but you object when somebody throws it at you.

**MR BERRY:** It is ruled in order.

**MR SPEAKER:** Order!

**MR BERRY:** So, on the evidence that is in front of this place the Chief Minister obviously cannot be trusted to make statements which relate to the facts. The submission process in relation to the CDF was under way. Mr Speaker, how can a fund set up to be spent on community groups be stripped? It was not something that the Follett Government was able to do. All of the money was to be allocated to community groups. This Chief Minister obviously does not know what he is talking about.

**MR CONNOLLY:** Mr Speaker, I table the following document, as requested by the resolution of the house:

Royal Canberra Hospital - Copy of letter from Mr J. Bissett to Dr N. Barwick, dated 16 November 1990, concerning comments made during a radio interview.

**MR SPEAKER:** The point is that if it is to be tabled perhaps the names should be blanked out.

**Mr Moore:** No, it was tabled on a motion of the house. It is now a public document.

**MR SPEAKER:** Okay.

**MR CONNOLLY:** I agree not to unnecessarily introduce the names in a debate.

**MR SPEAKER:** Thank you.

**MR HUMPHRIES** (Minister for Health, Education and the Arts): Mr Speaker, I have to say that I am not mollified by the letter that Mr Connolly has tabled in response to the request for a withdrawal that I made earlier. I seek Mr Connolly's withdrawal of the remarks he made earlier on. I consider them unparliamentary, and I do not believe that the tabling of this letter satisfies any of the defence that Mr Connolly sought to put up in that regard. I seek leave to back up the statement that I made before, that Mr Connolly had certainly used unparliamentary descriptions of me in suggesting that I or my department - I think those were his words - might use defamation proceedings as a way of silencing critics.

**Mr Collaery:** Public servants.

**MR HUMPHRIES:** Silencing public servants who were critics.

**Mr Moore:** Here is proof.

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**MR HUMPHRIES:** I intend to show that it is not proof, Mr Moore, and I seek leave to make a statement.

Leave not granted.

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

That so much of standing and temporary orders be suspended as would prevent Mr Humphries (Minister for Health, Education and the Arts) from making a personal explanation.

**MR HUMPHRIES:** Mr Speaker, if I might refresh the house's memory, there was an assertion by Mr Connolly in the course of his remarks in the debate just finished - - -

**Mr Berry:** On a point of order, Mr Speaker: standing orders were suspended to allow Mr Humphries to make a personal explanation.

**MR HUMPHRIES:** I am doing it.

**Mr Berry:** It is not a personal matter.

**MR HUMPHRIES:** I said "a statement", not "a personal explanation".

**Mr Berry:** The motion says "a personal explanation".

**MR SPEAKER:** He asked for leave to make a statement, Mr Berry.

**Mr Berry:** No, the motion moved by the Chief Minister was that so much of standing orders be suspended to - - -

**Mr Kaine:** I will rectify the matter, Mr Speaker.

**Mr Berry:** You cannot. It is too late.

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

That so much of standing and temporary orders be suspended as would prevent Mr Humphries (Minister for Health, Education and the Arts) from making a statement.

**MR HUMPHRIES:** Mr Speaker, the assertion made by Mr Connolly in the course of the debate - I paraphrase it because I have not the exact words in front of me - was that either the Government in general or the bureaucracy in particular or I in particular was prepared to use, or had on occasions in the past used, threats of defamation as a device to silence public servants from going on radio or elsewhere to make criticisms. With respect, Mr Speaker, that is a quite unfounded suggestion, it is quite false and it should be withdrawn by Mr Connolly as it is an aspersion on my handling of my department. I would ask that he withdraw the statement.

Mr Connolly has tabled a letter from a senior public servant to a doctor, who is not to my knowledge a public servant, as Mr Connolly suggested. The letter written by this senior public servant to that doctor is not written on departmental letterhead. This is a private letter from that senior public servant, written privately to that doctor. As such, Mr Speaker, it cannot sustain any argument that the Government uses the issuing of threats of defamation as a tool to silence critics. I do not intend to - - -

**Mr Kaine:** He should withdraw it and he should apologise.

**MR HUMPHRIES:** Frankly, Mr Speaker, the allegation that this proved any such allegation is untrue; it is a lie, and I think that Mr Connolly should withdraw it. If Mr Connolly can produce other evidence to show that either I or my department - - -

**Mr Berry:** On a point of order, Mr Speaker: he used the word "lie". That is really a personal reflection and I think he ought to withdraw that.

**MR SPEAKER:** I must agree with you, Mr Berry. Mr Humphries, I would ask you to withdraw that.

**Mr Duby:** Oh, Mr Speaker!

**MR SPEAKER:** Mr Duby, if we want to move these sorts of motions they have to be substantive. We just cannot make a statement. Please withdraw it, Mr Humphries.

**MR HUMPHRIES:** Mr Speaker, I think I am substantiating that this is untrue and is therefore a lie.

**MR SPEAKER:** It has to be raised as a formal motion.

**MR HUMPHRIES:** However, so as not to confuse the debate, I will withdraw the term "lie". The fact is that the statement is untrue. Mr Connolly has made a statement which is unparliamentary in its implication and one which he would clearly have to withdraw were he unable to produce any evidence.

Mr Speaker, the evidence he has produced is not evidence of that. The so-called evidence that Mr Connolly has produced is a private letter which was written in a private capacity by a senior public servant to a doctor who is not a public servant, as alleged by Mr Connolly. Therefore, that does not constitute any proof of what Mr Connolly has to say. Mr Connolly has been unable to substantiate his claims, and I again ask him to withdraw the imputation he made concerning me.

**MR SPEAKER:** Thank you, Mr Humphries. I will take this issue and have a close look at it outside the sitting and get back to the house on the issue.

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**MR CONNOLLY:** Mr Speaker, I would like to make a personal explanation here. I have listened to a tirade from the Minister for Health.

**MR SPEAKER:** Mr Connolly, do you claim to have been misrepresented?

**MR CONNOLLY:** I do, indeed. During the debate I think I said that a campaign of terror was being waged against public servants. I made the assertion that a senior officer in the public service was threatening defamation action against another public servant. The person that the letter was addressed to, I understand, is employed by the ACT Government. Now, whether we wish it to be struck as a public servant or otherwise - - -

**Mr Humphries:** He is on a contract; there is a difference.

**MR CONNOLLY:** To the extent that a person on a public service contract may not be a public servant, I apologise; but I say that a senior departmental officer is indulging in terror tactics and threats against a person employed by the Government perhaps on a government contract. The thrust of my statement remains. I was asked to produce the document; I did so.

**Mr Kaine:** And you will have to withdraw your statement after the Speaker has examined it.

**Mr Berry:** No, only if you lean on him.

**Mr Kaine:** On a point of order, Mr Speaker: you will have to withdraw that.

**Mr Berry:** I withdraw that.

**Mr Connolly:** Look, you are heavying him again.

**Mr Kaine:** I am not heavying anybody. I am talking directly to you.

**MR SPEAKER:** Order!

**Mr Connolly:** Mr Speaker, the Chief Minister is saying that I will have to withdraw it when you have made your mind up. That is clearly prejudging what your decision may or may not be. It is most unseemly.

**MR SPEAKER:** Order! Whether he is right or not actually remains to be seen, Mr Connolly. Can we get on with this, please. The question now is - - -

**Mr Berry:** You are the Speaker.

**MR SPEAKER:** Thank you, Mr Berry, for reminding me. At times, I wonder.

The question is: That the Community Development Fund (Repeal) Bill 1990 be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Question put:

That this Bill be agreed to.

The Assembly voted -

*AYES, 11*

*NOES, 6*

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

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

Question so resolved in the affirmative.

Bill agreed to.

### **POOL BETTING (AMENDMENT) BILL 1990**

Consideration resumed from 22 November 1990, on motion by **Mr Kaine**:

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.

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## **GAMING MACHINE (AMENDMENT) BILL (NO. 2) 1990**

Consideration resumed from 22 November 1990, on motion by **Mr Kaine**:

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.

### **ADJOURNMENT**

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

That the Assembly do now adjourn.

### **Australian Labor Party**

**MR CONNOLLY** (11.01): Mr Speaker, a hundred years ago today, on 27 November 1890, the Labor Council of New South Wales considered a motion moved by one R. Harris and Jones, initial or first name unrecorded. The motion was:

... with a view to securing better representation of Labor in Parliament and to effectively organise all that are favourable to the said object, this Council deems it advisable to establish Labor Electoral Leagues in every centre where practicable throughout the colony, and the Parliamentary Committee be instructed to prepare a scheme for the organisation and government of same.

Mr Speaker, that resolution was carried and marked, in effect, the beginning of the Australian Labor Party. I think that is an event that bears reflection and notice by this house.

Question resolved in the affirmative.

**Assembly adjourned at 11.03 pm**



## ANSWERS TO QUESTIONS

### Attorney-General for the ACT Legislative Assembly Question No. 179

#### Police Dogs

Mr Wood - asked the Attorney-General:

Is he able to provide details of (a) the policy the AFP adopts in the use of police dogs in matters of crowd control, (b) in what circumstances dogs are used, (c) whether the ACT is charged for costs involved in maintaining dogs in ACT policing, and (d) the rationale and justification behind the use of dogs in policing.

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

Section 12A of the Australian Federal Police (AFP) Act 1979 provides statutory recognition for police dogs and their handlers, albeit that it relates to immunity from State and Territory laws in relation to entry etc of police dogs on premises etc. I am advised that there is an AFP ACT Regional Instruction on the employment of general purpose dog teams which is currently being revised. Purposes for which the two general purpose dogs are used include tracking offenders who leave the scene of a crime on foot, searching for missing persons or escapees, searching buildings or enclosed areas for offenders, assistance in the apprehension of armed offenders threatening violence, and article and drug searches. In addition, the Region has one explosive detector dog devoted solely to explosives detection.

The general purpose dogs are rarely used for crowd control. However, I am advised that when the Dog Squad has been requested to attend incidents where police have held considerable concern about the potential for violence to erupt, the dogs have had a settling/quietening effect on those involved and have rapidly diffused volatile situations. The dog handlers are fully trained and equipped to control their dogs under the most difficult circumstances.

(c) As a result of the arrangement made on 25 July 1990 between the Commonwealth and the ACT, the ACT will be charged for police services provided by the AFP to the ACT with effect from 1 July 1990. This will include those costs related to the use of the AFP ACT Region Dog Squad on ACT policing matters. Costs incurred prior to 1 July 1990 and for the use of the Squad on "national" policing matters are the responsibility of the Commonwealth.

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(d) The AFP ACT Region Dog Squad is a specialist resource available to members attending scenes of crime. Their use in drug and offender searches has been particularly successful.

During 1989/90, the Dog Squad attended 1310 incidents, including 368 building searches due to alarms being activated and/or prowlers reported; 260 tracks/open area searches; 26 drug searches and 35 bomb searches. They were instrumental in locating 14 drug caches/implements and 191 persons/property; and 177 arrests. When not being used at specific incidents, the Dog Squads general purpose dogs are deployed to shopping centres, schools or other public areas, which are often the subject of burglary or criminal damage, for foot patrol duty. Due to an increase in these types of offences during 1989/90, greater emphasis has been placed on these duties for the dogs. This has proved to be a cost effective practice.

During the 1989 Summer nats when police resources were seriously stretched, the Dog Squad provided very necessary supplementation particularly for keeping unruly and aggressive crowds off roadways.

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**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 192**

**Mental Health Crisis Service**

MR BERRY-- asked the Minister for Health, Education and the Arts on notice on 7 June 1990:

In relation to the proposed new 24 hour mental health crisis centre for the ACT (a) where will it be; (b) how many staff will there be; (c) what is the projected capital cost, if any; (d) what is the expected recurrent expenditure for the proposal; and (e) what will the impact of this be on the Governments hospital redevelopment proposal.

MR HUMPHRIES - the answer to Mr Berrys question is:

(a) The Mental Health Crisis Service will be based at Royal Canberra Hospital South in the Accident and Emergency Department.

(b) Initially, there will be one nurse on duty on all after hours shifts, requiring 3.6 full time equivalent staff. There will also be additional call out assistance if home visiting is required and this will be provided from a pool of staff available for a second on-call roster.

The integration of day and after hours crisis care will occur as consultations with professional associations and unions allow.

(c) The projected capital cost is less than \$3 000, and is for communication equipment.

(d) The expected recurrent expenditure is \$280 000 full year effect.

(e) A purpose built psychiatry unit is being established at Royal Canberra Hospital South as part of the Governments hospitals redevelopment program. This unit will have an admissions centre which will replace the Accident and Emergency Department as the location for emergency assessment and care of the psychiatrically ill. The needs of the crisis service will be considered as part of the planning process for the psychiatry unit, as it is expected that the crisis service will be based and managed from this site.

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**ATTORNEY-GENERAL FOR THE ACT  
LEGISLATIVE ASSEMBLY QUESTION NO. 270**

**Police Dogs**

Mr Wood - asked the Attorney-General:

When will the Minister answer question 179 on the Notice Paper?

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

The question was answered on 26 November 1990.

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**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 280**

**Freedom of Information**

MR BERRY - asked the Minister for Health, Education and the Arts on notice on 16 October 1990:

In relation to the Section 7 statement under the Freedom of Information Act 1989 published in Special Gazette S23 dated 10 May 1990; can the Minister confirm (a) does the Department of Healths Freedom of Information manual bear the date of 1983 and relate to the Freedom of Information Act 1982; and (b) when will the new manual be produced so that members of the public can exercise their rights under the Act.

MR HUMPHRIES - the answer to Mr Berrys question is:

The Section 7 statement does not specifically list the ACT Board of Healths Freedom of Information Manual, as it is listed in the Section 8 statement. The Boards manual does bear the date of 1983 and relates to the Freedom of Information Act 1982. It is anticipated that the new manual will be available in early 1991.

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**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 281**

**Health Department Policies**

MR BERRY Asked the Minister for Health, Education and the Arts on notice on 16 October 1990:

Can the Minister confirm that the ACT womens health policy, youth health policy, charging policy, clients rights policy, ACT equipment scheme, health promotion policy and client focus policy strategy contained in the ACT Health Departments current policy manual are listed as both draft and in development; if so when will the documents be completed.

MR HUMPHRIES The answer to Mr Berrys question is:

The listings were correct as August 1990.

The policies referred to are documents relating to the development and administration of services within the health system. As such they are detailed documents rather than broad position statements.

A document outlining the Development of Womens Health in the ACT is currently being considered in draft form by senior officers of the Board of Health. Once it has been considered by myself and Ms Maher, it will be published for community comment.

A youth health policy process was initiated some six months ago, and an interagency working group, consisting of officers of several Government Departments and a number of community members has been compiling a profile of the health status of ACT youth and health issues and services. It is anticipated that the document will be available for public comment fairly early in the new year.

Whilst a charging policy was the original aim, the document referred to is now being developed into a guide to charging for program managers, incorporating both policy issues and implementation aspects. A further stage of consultation with Program Managers is required before the document is complete.

Policy in relation to clients rights is being handled on a number of fronts. A recent review of health related legislation made certain recommendations which are being considered. A broad position statement will be developed in the initial stages and subsequently more detailed policy and legislative implications will be proposed. This is, however, awaiting the establishment of the ACT Board of Health.

"Guidelines for the ACT Equipment Scheme" were published in September.

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The development of a Health Promotion Policy has only recently been agreed. A policy reference group is being established so that all areas of the Health Service will have an input. It is expected to be some months before a draft is available.

The client focus strategy is not a specific policy so much as a philosophy which has been accepted by the Government and which it is hoped will ensure that the emphasis of program management is on client effectiveness as well as efficiency. Some documentation of the policy relating directly to health services may be required.

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**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION TAKEN ON NOTICE ON 23 OCTOBER 1990**

**Green Potatoes**

MR STEVENSON - asked the Minister for Health, Education and the Arts:

1. My question is to Gary Humphries as Minister for Health. It concerns the availability of unhealthy food in Canberra. As it is well known that green potatoes cause a toxæmic reaction, is the minister aware that green potatoes are readily available in Canberra? That they are quite often sold in coloured plastic bags making it very difficult to ascertain their colour when they are being purchased and is the Minister contemplating taking any action or has taken any action concerning the availability of green potatoes? And, secondly, has it been noted that they are harmful and is that knowledge being made available to the general public?

MR HUMPHRIES - the answer to Mr Stevensons question is:

Glycoalkaloids are present in all potatoes and other plants of the solanaceae (or nightshade family), and is a natural pesticide.

The amount of glycoalkaloid present depends on a number of factors including the strain of cultivate used in the crop, whether the tubers have been stressed, eg. frost damage or damage by mechanical harvesting and also the extent of the greening.

It is therefore quite possible to have normal looking potatoes that have greater glycoalkaloids levels than green potatoes.

The glycoalkaloid is water soluble, so that cooking potatoes in water (boiled potatoes) poses no threat at all.

Symptoms of the poisoning are headache, vomiting, abdominal pain, diarrhoea and circulatory collapse, neurological disturbances such as hallucinations, trembling and alterations to vision.

It is very much dose related, so that if more than 5008 of potatoes are eaten at one sitting then it is best to peel and boil them. Glycoalkaloids do provide an unpleasant taste at higher levels providing a bitter taste with a long lasting burning sensation. Flavours, oils and salts inhibit the detection of the glycoalkaloid. Normal levels of glycoalkaloids are considered to be an important component of potato flavour.

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Research indicates that higher levels of glycoalkaloids can have a teratogenic effect (that is, may cause birth abnormalities) and can suppress conception.

of equal concern with relation to green potatoes is the manufacture of potato chips and crisps. The cutting action of chipping/ slicing increases the glycoalkaloid levels if not stored at cool-room temperatures. Frying of potato crisps markedly increases the levels of glycoalkaloids due to the dehydrating effect.

In conclusion, my Health Surveillance Service is aware of the potential for poisoning, and during inspections of retail/wholesale outlets does endeavour to ensure that potatoes are not exposed to daylight. However, given the lack of cases of solanene poisoning in Canberra and the extent of consumption of potato crisps and chips that are prepared outside the Territory, the potential problem is not given a high priority.

The Health Surveillance Service provides an extensive educative role in the community, and the problems of green potatoes are addressed at various opportunities, including food hygiene seminars and earlier in this year during radio talk back sessions.

The matter of coloured plastic bags for the storage of potatoes is a matter for Consumer Affairs. It is the opinion of the Health Surveillance Service that the pink bag colour is an attempt to indicate that the potatoes are pontiac potatoes, When in fact they are Sebago or similar.

The question of greening can also be approached from a trade practices aspect, as extensive removal of potato peel to remove all green colouration, and the fact that these potatoes should be boiled, does reduce customer choice, and in fact when sold by weight does reduce the amount of dible potato.

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27 November 1990

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION WITHOUT NOTICE**

**24 OCTOBER 1990**

**Hospital Redevelopment Project**

MRS GRASSBY: ON 27 SEPTEMBER 1990 THE A.F.C.C. WERE NOTIFIED OF THEIR APPOINTMENT AS CONSULTANTS TO COORDINATE INDUSTRIAL RELATIONS AND OCCUPATIONAL HEALTH AND SAFETY ON THE A.C.T. PUBLIC HOSPITAL REDEVELOPMENT PROJECT. WHY WAS THAT CONTRACT CANCELLED THREE WEEKS LATER?

MY ANSWER IS:

DISCUSSIONS TOOK PLACE WITH THE AUSTRALIAN FEDERATION OF CONSTRUCTION CONTRACTORS REGARDING A POSSIBLE ROLE FOR THEM IN THE COORDINATION OF INDUSTRIAL RELATIONS ON THE HOSPITAL REDEVELOPMENT PROJECT. HOWEVER IT WAS DECIDED NOT TO PROCEED WITH THIS APPROACH TO INDUSTRIAL RELATIONS COORDINATION ON THE PROJECT.

IT WAS CONSIDERED APPROPRIATE THAT ANY COORDINATION OF INDUSTRIAL RELATIONS BEYOND THAT NORMALLY PROVIDED BY THE RANGE OF EMPLOYER BODIES REPRESENTING THE CONTRACTORS ON SITE BE CARRIED OUT IN CONSULTATION WITH THE INDUSTRIAL RELATIONS GROUP OF THE CHIEF MINISTERS DEPARTMENT.

NO CONTRACT WAS EVER SIGNED WITH THE AUSTRALIAN FEDERATION OF CONSTRUCTION CONTRACTORS.

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**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION TAKEN ON NOTICE 24 OCTOBER 1990**

**Hawker community response to Weetangera community's  
submission on Schools Reshaping**

**Weetangera Primary School**

MR WOOD - asked the Minister for Health, Education and the Arts:

Why did you undertake a deliberately divisive course of action in requiring one school community to criticise another, and that is the Hawker school community was asked to comment on the submission of the Weetangera School community in relation to the closure of Weetangera School?

MR HUMPHRIES - The answer to Mr Woods question is:

I have not invited one school community to criticise another. I am informed that no officer from my Ministry requested the Hawker community to submit a response to the Weetangera submission.

Hawker parents did write a response to the Weetangera submission after a copy of the submission came in to their possession.

The Weetangera submission was being widely distributed and was not being treated as a classified document.

The Hawker response pointed out inaccuracies concerning Hawker Primary that had been made in the Weetangera submission.

The Hawker response was made available to the Ministry.

I reject Mr Woods assertion that I deliberately initiated a divisive course of action.

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