DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

11 December 1990

Tuesday, 11 December 1990

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

DISORDER IN ASSEMBLY
Statement by Speaker

MR SPEAKER: Members, I wish to make a statement regarding the behaviour of members. On Thursday, 29 November, during the adjournment debate, Dr Kinloch engaged in disorderly conduct when he left his seat in the Assembly and approached other members in a threatening manner and demanded withdrawal of a comment made by Mrs Grassby. On returning to his seat, Dr Kinloch apologised for being threatening or violent. I was requested, at the time, to name the member; but, as I pointed out to the Assembly, although it was not acceptable behaviour, as the member had apologised and immediately left the chamber I did not believe that there was any benefit to be gained by suspending him from the service of the Assembly, particularly in view of his previous exemplary behaviour in this chamber.

Later, during the same proceedings, another member strutted around the chamber in a deliberate manner and impersonated the behaviour of Dr Kinloch, whilst commenting on his actions. This was a deliberate act which was aimed at forcing the Speaker to show apparent bias to some members. This theatrical ploy failed.

It was put to me by the Attorney-General that I should invoke standing order 207 and adjourn the sitting on the basis that grave disorder had arisen. I do not believe that the disorder was of such an extended nature that there was a need to invoke standing order 207. My interpretation was, and is, that, had I set this precedent, members would then be in a position to close down any parliamentary debate to which they objected simply by poor behaviour on the part of an individual. This possibility is unacceptable.

I do not believe that the behaviour during the adjournment debate of the last sitting of this Assembly was particularly edifying. The behaviour of Dr Kinloch in advancing into the chamber and acting in a threatening manner to other members was particularly disorderly, and unparliamentary. In view of Dr Kinloch's public apology, and the fact that Dr Kinloch was called to my office and admonished, as Speaker, I do not propose to take the matter any further.

Mr Moore's actions were such that he further lowered the dignity of the Assembly. However, I believe that childlike tantrums will result in a community response which will not be to his benefit. Nevertheless, I warn Mr Moore that a repeat performance will not be tolerated. I call on members to behave in an orderly manner and observe the standing orders in the proper form of debate.

QUESTIONS WITHOUT NOTICE

Security Arrangements

MS FOLLETT: Mr Speaker, my question is to you, and I would ask you: who authorised the so-called security arrangements which now prevent free access to this building; what is the cost of those arrangements; who will be paying for them; and where does that item occur in the budget?

MR SPEAKER: I would like to comment on that security aspect. To give some background to the issue: security is one issue that has been of concern to me for a number of months. In fact, there has been a series of incidents which have been worrying, and they have pointed up the need to advance security measures. As Speaker, I called for a report and have proposed improvements over the last 18 months. The current arrangements have my support.

I was kept informed of all proposals leading up to the implementation of the current trial; however, the timing and other details relating to the forwarding of passes were decided at officer level and, unfortunately, neither the Clerk nor I was kept informed. I took umbrage at that situation, and I am sure that the public servants involved in that have been informed of the error of their ways.

The situation is that, as far as public access to the chamber goes, this is a trial. I believe it is important that we do carry it out as a trial, and if we find that the public are impeded in any unacceptable manner we will review the situation and take appropriate action. The arrangements are in place for the issuing of appropriate passes for Assembly members and staff, as well as individuals nominated by members who need regular access to the building. I think it is an improvement in that members of the public who wish to see members will be notified in advance that they are being expected on whichever floor they are being issued a pass to visit. I think that is desirable in some circumstances. The majority of people do not cause a problem, but there are a few people who do.

One area of apparent misunderstanding is that relating to the security responsibility which, in turn, is dependent on the definition of the Assembly's precincts. I pass back to members that on 29 May I wrote to party leaders and the independent members proposing that the Assembly consider

defining its precincts and providing for their control and management. To date, I have not received a reply on that. It is up to the Assembly to define the precincts and, unfortunately, this had led to a misunderstanding between the Executive and the Speaker as to who, in fact, does control the security of this building. I believe that we need to move a motion before this Assembly to define the precincts. That is something that is outstanding with the Assembly leaders.

So, that covers who. Now, as to the cost: the original proposal was in the range of $140,000, however, not all of those proposals are being implemented at this time. I do not have an up-to-date figure on what the total cost is, but it will be less than $140,000. I might add that the major part of that cost relates to the wages paid to the security personnel. Of course, we have had security personnel here before, so there will be a give and take there as far as wages go; but I am not sure at what level at this time. The arrangements were agreed to by me in consultation with the Chief Minister. The Executive has proposed that it meet the cost of the security implementation at this time, because obviously the Speaker was not able to present this as a forecast in the budget arrangements.

Lyons Primary School

MR WOOD: I direct a question to the Minister for Education, Mr Humphries. Given the conflicting advice about where Lyons Primary School children will be located in term 1, 1991, what exactly will happen to these children?

MR HUMPHRIES: I thank Mr Wood for his question because it is an opportunity to clear the air. The position will be that the children at Lyons Primary School will stay at Lyons Primary School for term 1 of 1991. It is clear at this stage that the move to South Curtin could not be effected by the beginning of term 1, and as a result the Government has no desire to see that occur. As a result of that, there will be no pupil-free days at Lyons Primary School this year. Lyons Primary School will retain a principal for term 1 of next year; but, of course, other arrangements will continue to be made to effect an orderly transfer of those students when the South Curtin building becomes available.

Weston Creek Community Health Centre

MRS NOLAN: My question is also to Mr Humphries in his capacity as Minister for Health. What will happen, Mr Humphries, to the services operating out of Weston Creek Community Health Centre when they are displaced by the Therapy Centre? Will clients in the Weston Creek area lose any of those services?

MR HUMPHRIES: In response to Mrs Nolan's question, for which I thank her, I want to emphasise very clearly that no community health services will be lost to the people of Weston Creek as a result of the moves. In fact, the suggestion by someone opposite that the centre would close is a totally false and scurrilous suggestion, and I think it ought to be - - -

Mr Berry: All the community health services are going to close, though, are they not?

MR SPEAKER: Order, Mr Berry!

Mr Collaery: According to you they are.

Mr Berry: They are.

MR HUMPHRIES: To alarm people in that part of Canberra - - -

MR SPEAKER: Order, members, please! I am not going to allow the debate to degenerate in the manner it has over the last few weeks. Please proceed, Mr Humphries.

MR HUMPHRIES: I repeat that the Weston Creek Health Centre will not close, although some services will move to other locations in the Weston Creek area. A number of services are currently delivered from Weston Creek, including a community nursing area nursing service, an immunisation clinic, a podiatrist, a physiotherapist, a psychiatrist and a social worker. I believe that there is also a doctor, although it is not on this list. Most of those services are delivered sessionally, one or two days per week, from the centre by staff who are based full time at the Phillip Community Health Centre.

All of those services, with the exception of the social worker, will transfer to Phillip. Clients in the Weston Creek area will not be disadvantaged by this transfer of services. Clients who have difficulty getting to Phillip - for example, clients of the podiatrist - will be serviced by an outreach service. The senior social worker will relocate to the Kippax Community Health Centre. This move will have no effect on services in Weston Creek as it is the senior social worker who delivers a State-wide service and sees clients in community health facilities throughout the ACT.

Of the private tenants in this Weston Creek Community Health Centre, the private doctor will relocate within the centre next to the private dentist in a small separate wing of the building. The Weston Creek Community Service administrative and management unit, currently based in the centre, is considering several options for alternative accommodation including space in Cooleman Court and in Duffy Primary School. In my view, either of these sites will enable the Community Service administration and management unit effectively to continue to coordinate and plan the services delivered from the Weston Creek Community Health Centre.

Acting Minister for Education

MR CONNOLLY: My question is to the Minister for Education. Minister, will you assure the Assembly and the Lyons school community that the education department will remain under firm ministerial control, even if from an acting Minister, during your absence? Can you indicate who that acting Minister may be for the six-week period that you will be overseas?

MR HUMPHRIES: Mr Speaker, in terms of the last part of Mr Connolly's question, decisions about acting ministerial arrangements are made by the Chief Minister, and I suggest that he ask him about that matter. In terms of the first part of his question, I consider it to be somewhat political; it is one of those throwaway lines to which in recent times Mr Connolly is becoming addicted. The fact is that the department of education will continue to serve this Government faithfully and efficiently as it served the previous Follett Government, and I am confident that we will deliver a high quality of service as a result of its endeavours.

X-Rated Videos

MR STEVENSON: My question is to the Attorney-General, Mr Collaery. Is the Attorney-General aware of a recent communique by Justice Murray on behalf of the General Synod of the Anglican Church of Australia, which calls for a ban on X-rated videos because of the widespread problems caused by the exploitative and degrading nature of such pornography, particularly the effects on children?

MR COLLAERY: I thank Mr Stevenson for his question. No.

MR STEVENSON: I have a supplementary question, Mr Speaker. Would the Attorney-General be prepared to find out if that is the case, and take note of those concerns by the Anglican Church?

MR COLLAERY: Yes.

Long-Stay Parking

MRS GRASSBY: My question is for Mr Duby. Is the Minister aware that the long-stay parking areas currently operated by Capital Parking will soon be converted into automatic voucher machine operations? When will this conversion take place, and what will happen to those currently employed as long-stay parking attendants?

MR DUBY: I thank Mrs Grassby for the question. Yes, I was aware of the conversion of those long-stay parking areas within the Civic area. The simple fact is that the Government has decided to convert all current long-stay booth-operated car parks - mainly in Civic - to voucher operation. Currently, all long-stay booth-operated car parks are administered under contract by Capital Parking and the ACT Government receives a percentage of the revenue collected from those operations. Under the new arrangement it is estimated that the community, through the Government, will receive some $600,000 more than under the present arrangements. Clearly, the community and the Government must realise all the efficiencies of modern business practice, and I think Mrs Grassby especially would support that ideal.

The introduction of vouchers to these areas is expected to take place in April of next year. In effect, the decision has given the contractor some six months' notice of variation to the current contract. I think that that is ample time for the company to introduce whatever measures they may need to introduce in relation to their own commercial operations.

MRS GRASSBY: I have a supplementary question. Will the Minister make an effort to find alternative employment for those people who are now working with Capital Parking? Will he find employment for them with parking inspectors in the ACT?

MR DUBY: I must point out that it is not the Government's responsibility to undertake to place the current employees of Capital Parking within the ACT Government Service. It is my understanding that quite a number of those people are part-time employees and casual employees. The Government is appreciative of the plight that some people may be placed in, but unfortunately it cannot give a guarantee as to the future employment of those employees.

School Closures - Legal Assistance

MS MAHER: My question is to Mr Collaery, as Attorney-General. Could the Attorney-General inform the house whether a decision has been made on granting legal assistance for the challenge to school closures?

MR COLLAERY: I thank Ms Maher for her question. Mr Speaker, this is a very complex and difficult issue. As members will recall, there was an approach for legal assistance at the beginning of the process. Interposed in the process was the Hudson inquiry. After the Hudson inquiry and after the Government had announced its decision on the school closures issue the matter came forward for full examination, and it came forward for examination in the context of Mr Hudson's recommendations and the findings that the Government had made.

The question of legal assistance, as it is called, is different from the question of legal aid. Legal aid is administered elsewhere in the Territory, and it is the subject of an Attorney granting a special fund to enable litigants to - - -

Mr Moore: On a point of order, Mr Speaker: on a number of occasions Mr Collaery has drawn attention to issues that are before the courts, and it seems to me that a comment that I believe he is about to make would fit into the same category. Mr Speaker, he has also drawn attention recently to where I have come between - - -

MR SPEAKER: Order! I believe that you have made your point of order.

Mr Moore: No, there is a second part, Mr Speaker, and that is to do with the relationship between one attorney in a case and the solicitors. There has certainly been no comment from - - -

MR SPEAKER: Order! Thank you for your observation, Mr Moore. Mr Collaery, please be warned.

MR COLLAERY: I beg your pardon, Mr Speaker?

MR SPEAKER: Please be warned.

MR COLLAERY: Warned of what?

MR SPEAKER: Of the possibility of your getting into a legal debate, but I am sure that you do not need to be.

MR COLLAERY: Mr Speaker, you are not using that in the context of the standing orders; you are cautioning me about trespassing into the sub judice rule. We all need that caution occasionally. Thank you, Mr Speaker.

Mr Speaker, I was going on to outline to the house the factors that Attorneys in this nation generally consider in the context of an application of that kind. I have no intention of discussing the case or the facts in the matters whatsoever. Mr Speaker, the factors that Attorneys consider - and particularly the Commonwealth considers, and those are well known to me - are the financial standing of the applicants, the prospects of success, the availability of legal aid generally and the public benefit in the matter.

They encompass wider issues; but, simply put, my decision in this matter is based on the prospects of success. I concede that incorporated P and C associations may not have the financial resources in themselves - I am not referring to the members, whoever they are - to pursue litigation of this size and magnitude, nor do I deny that a matter of public interest is involved. The Government, in line with Commonwealth practice, sought to secure an opinion as to the prospects of success of the action. No formal opinion as such, in the accepted legal term, was received by me as Attorney. In the absence of a conclusive opinion, or even an opinion that provided me with a very clear indication of what the material facts were, what the remedies and actions sought were, and what courts were to be utilised, it was my view that it was not proper to advance public funds to assist a case put only at the level of solicitors' correspondence.

Mr Speaker, that is the nature of the decision. I hasten to say that the solicitors acting for the applicants have cooperated fully; their correspondence with the Government has been exemplary, as has been their approach. The simple and very difficult decision for me to make as Attorney, emotion apart, is that the legal basis for such a challenge does not exist with a reasonable prospect of success.

Royal Canberra Hospital

MR BERRY: My question is directed to the Minister for Health, Education and the Arts, Mr Humphries. On 28 November the Minister told this Assembly that to the best of his recollection he had not seen a letter which was referred to in the course of questions - a letter from a senior physician in the ACT. On 29 November in this house the Minister said:

> I am certainly aware that a letter was faxed from my office -

referring to a letter that was faxed to the *Canberra Times* -

> ... although I do not know the time that was done, I am sure it was done after Mr Berry raised the question in question time. Such that the letter was sought by my office and then sent to the *Canberra Times* for its own information.

Will the Minister now acknowledge that the letter was, in fact, received on 22 November, a week before his answers in the Assembly?

MR HUMPHRIES: Mr Speaker, Mr Berry is suggesting that, when I said - I think on 28 November - that I had not seen the letter that he referred to in his question, I was not telling the truth. Mr Speaker, at the time I said that to Mr Berry I meant it, and I stand by that statement here in this place. However, I will indicate very clearly that what I said to Mr Berry on 29 November was not accurate in its entirety. When I said to Mr Berry that I was aware that the letter had been sent from my office to, I think, the *Canberra Times*, that was not the case; I was clearly in error in saying that and I regret having said that.

I might point out that I relied on an assumption made in Mr Berry's question, where Mr Berry said words to the effect: is the Minister aware that a letter has been sent from his office to the *Canberra Times?* In fact, no such letter had been sent from my office to the *Canberra Times.* No letter came from my office. There certainly was a copy of a letter, I understand, which was sent at about that time to the *Canberra Times.* I did not see it before it went; but it was a letter which went, I understand, from the Ministry for Health, Education and the Arts to the Canberra Times. I would suggest that, if Mr Berry considers that to be inaccurate, it would be very easy for him to produce the faxed copy showing the date and the headline showing it coming from my office; but that will not be the case because it did not happen.

I regret having said that, based on the assumption made in Mr Berry's question; but I do stand by the assertion that I was not aware of the letter from the doctors concerned before Mr Berry asked me his first question on 28 November.

MR BERRY: I have a supplementary question. Will the Minister now admit that, quite apart from misleading the Assembly, his office has been - - -

Mr Kaine: On a point of order, Mr Speaker: the Minister did nothing of the kind and that ought to be withdrawn. He did not say that he had misled the Assembly and that should be withdrawn from the record.

MR SPEAKER: I was under the impression that the Minister had admitted that he had made an error.

Mr Kaine: That is not misleading the Assembly.

MR SPEAKER: Order! It was not that he did it on purpose. Therefore I would ask you to withdraw that, please, Mr Berry.

MR BERRY: I can include the words "inadvertently misled the Assembly", according to the Minister. I will withdraw the words, Mr Speaker, and go on as follows: will the Minister now admit that, according to him, he has inadvertently misled the Assembly, and his department has been actively involved in the plan to stifle public criticism of the Royal Canberra Hospital closure and the dismissal of a senior Canberra Times journalist?

MR HUMPHRIES: No, I will not admit any of what Mr Berry has said in terms of stifling debate or arranging for the sacking of a Canberra Times journalist. Mr Berry has still, notwithstanding his assertions in this place, produced none of the evidence that I invited him to produce on the previous occasion on which he came to this place and made those allegations. In one respect Mr Berry was correct. I say again to Mr Berry: if Mr Berry believes that that has happened, let him produce a single scintilla of evidence. I say to him that he cannot, because it is not true. Neither I nor my department have been involved in such activities.

Canberra Times Site

MR STEFANIAK: Mr Speaker, my question is to the Chief Minister. I ask the Chief Minister whether he has seen the Canberra Times article which may concern him - the reported proposal by the Department of Education, Employment and Training to accommodate its public servants in offices to be built on the old Canberra Times site here in Civic.

MR KAINE: Mr Speaker, I did see that article and I must say that it caused me some concern because I have made it clear repeatedly that the ACT Government will not house further public servants in Civic because of the pressures that are being applied to it, which I am sure are well known to members of the Assembly. It has been my clear understanding that the certified National Capital Plan states that it is the intention of the Commonwealth not to house additional public servants here either. So, it is a matter of some concern that, if this proposal is on the books, it seems contrary to the intentions of both this Government and the Commonwealth.

However, it is a Commonwealth department that is alleged to have made this proposal and, of course, there would be no objection and there could be no objection if all that is intended is to relocate public servants currently in Civic into this new location. I do not know the facts of that, but I would expect that, as we will live by our undertaking not to put additional public servants in Civic, the Commonwealth will also live by its undertaking as expressed in the certified National Capital Plan.

Standing Committee on Conservation, Heritage and Environment

MR MOORE: Mr Speaker, my question is to Dr Kinloch as chair of the Conservation, Heritage and Environment Committee. Dr Kinloch, can you explain why you cancelled a meeting of the Conservation, Heritage and Environment Committee without consultation and at short notice on Tuesday, 4 December, when important business of the committee was to have been conducted which could well have allowed the presentation of an interim report on environmental matters to this Assembly? To what extent was your concern for the vulnerability of your own position as chair of that committee, where there is prestige and an allowance - - -

Mr Collaery: On a point of order, Mr Speaker: I raise standing order 117. This question is intimidating and speculative, and there is an imputation there. Mr Speaker, if you are going to rule this Assembly strictly, I would ask you to ask Mr Moore to withdraw the inferences that he has drawn already.

MR SPEAKER: Mr Collaery, your objection is upheld. Mr Moore, I would ask you to put your question in a more amicable manner if you are leading the way you are.

Mr Connolly: On a point of order, Mr Speaker: can you advise the Assembly which standing order refers to intimidatory questions?

MR SPEAKER: It is - - -

Mr Collaery: I refer to standing order 117(b), arguments.

Members interjected.

MR SPEAKER: Order! Mr Moore, please proceed.

MR MOORE: I apologise, Mr Speaker, if I have intimidated the Attorney-General. Dr Kinloch, to what extent was your concern for the vulnerability of your own position as chair of that committee, with its prestige and allowance, an influencing factor in that decision?

Mr Duby: On a point of order, Mr Speaker: you have already ruled on this and the member is continuing to ask exactly the same question as you ruled to be out of order.

MR SPEAKER: I did not particularly rule it to be out of order. I asked him to rephrase his question, and I believe that he has not done that in the correct manner.

MR MOORE: I shall rephrase it, Mr Speaker. Dr Kinloch, to what extent was your decision influenced? Was it influenced by factors other than the business of the committee, for example, your own position as chair of the committee?

DR KINLOCH: Thank you, Mr Moore, for the question. Of course, I can think of no-one on that committee who has the ability to intimidate me, so I cannot see how we could possibly have been intimidated.

MR MOORE: I have a supplementary question, Mr Speaker. In fact, it is not a supplementary question. Dr Kinloch, in this sense - - -

Members interjected.

MR SPEAKER: Order!

MR MOORE: I will rephrase that. It is only a supplementary question insofar as Dr Kinloch has answered an interjection by Mr Collaery and has not attempted to answer my question at all. In fact, my question to Dr Kinloch was: can you explain why you cancelled, without consultation, a meeting of the Conservation, Heritage and Environment Committee at short notice on Tuesday, 4 December, when important business of the committee was to have been conducted which would have allowed the presentation of an interim report on environmental matters? To what extent was your concern for the vulnerability of your own position as chair of that committee - and I rephrased that, you will remember, in a certain way, but the gist of it was: what influence did that have? Dr Kinloch, you have not attempted to answer my question at all, and I would ask you to do so.

DR KINLOCH: I did, of course, consult, and it is my own business as chairman of this committee with whom I consulted. I do not propose to discuss that, and I am happy to take - - -

Mr Moore: It was an arbitrary decision. You did not consult with anybody.

MR SPEAKER: Order, Mr Moore!

DR KINLOCH: Under standing order 61, I do not wish Mr Moore to interject while I am speaking.

Mr Moore: Tough tit.

MR SPEAKER: Order! Mr Moore, withdraw that immediately.

DR KINLOCH: Could I ask Mr Moore to reject his gutter language?

Mr Moore: I withdraw that immediately, Mr Speaker. In future when I go like that, we will know the meaning.

MR SPEAKER: Order! Mr Moore, your theatrics are not welcome here. Desist. I warn you.

DR KINLOCH: I have listened carefully to Mr Moore's question and, of course, I will most considerately and thoughtfully take it on notice and talk to the people with whom I have already consulted. I will, in due course, give Mr Moore an answer to his question, but I would welcome the question in writing.

Land Care

MR JENSEN: Mr Speaker, my question is to the Minister for Finance and Urban Services. I presume that the Minister is aware that 1990 and the following decade have been declared the era and decade of land care. I understand that today the Minister signed and presented land care awards for the ACT. I wonder whether the Minister is able to indicate to the Assembly what the awards were for and what other programs the Government has been involved in as part of its participation in the era and decade of land care.

MR DUBY: I thank Mr Jensen for the question. The ACT is participating in the national land care awards and today I presented the ACT awards to the various recipients. The purpose of the awards is to encourage and stimulate public awareness of the importance of land care and the adoption of land care principles. The awards were made under eight categories, ranging from land care primary producer, through community land care group, through media, through research, and through business and education. The winners, of course, will be eligible for nomination to the national land care awards to be presented in the Great Hall of the Parliament by the Prime Minister.

As members may be aware, this is the decade of land care, and the Federal Government has made the issue a high priority for Australia. This Government has a number of programs in place which are aimed at rectifying land degradation and raising community awareness of the importance of land care, and I remind members of this Government's commitment of $1.25m over the next decade for land care purposes. The Government is actively involved in regional programs such as the New South Wales total catchment management scheme. The ACT is also a member of the Standing Committee on Soil Conservation and several national soil conservation working parties. The ACT also manages the Lake Burley Griffin catchment protection scheme within New South Wales.

The Government is actively participating in the national soil conservation program. The projects under this scheme include a land capability survey of rural land and the design of a hands-on land care display at the National Science and Technology Centre. Tree planting, of course,

is an important component of land care and the Government has set aside $100,000 this year especially for community tree planting projects. Funding applications are currently being received and friends of nature park groups have been established throughout the community.

Additionally, Mr Speaker, two short-term positions are about to be filled using funds made available under the national soil conservation program - one of an environmental education officer to educate children in the ACT and the south-east region as to the requirements and needs of land care and tree development, and one of a land care coordinator who hopefully will be used in the implementation of the land care schemes between the Government and the Land Care Action Committee.

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

DEATH OF DR C. HIGGINS

MR KAINE (Chief Minister): Mr Speaker, I move:

> That the Assembly expresses its deep regret at the death of Dr Christopher Higgins and tenders its profound sympathy to his widow and sons in their bereavement.

Dr Higgins' sudden and untimely death at the age of 47 has extinguished a brilliant career before it realised its full potential. The nation has lost a most distinguished public servant and a gifted intelligence. Born in Murwillumbah, Dr Higgins graduated from the Australian National University with first-class honours in economics. He gained his doctorate at the University of Pennsylvania. In pursuit of his academic interests he was a senior Fulbright-Hayes scholar at that university in the 1970s. He was also a visiting associate professor at the University of British Columbia in the same decade.

Dr Higgins' public service career began with a position in the Australian Bureau of Statistics in 1963. In 1969 he joined the Commonwealth Treasury and made significant contributions in the field of economic modelling and macro-economic policy. He is recognised in particular for his leadership in developing the Treasury forecasting model.

Dr Higgins represented Australia in the international arena as Minister, Economic and Financial Affairs, to the OECD, and as Director of the OECD's Department of Economics and Statistics. In 1984 he returned from Paris to the position of Deputy Secretary, Economic, in the Treasury, and he succeeded Mr Bernie Fraser as Secretary to the Treasury in 1989.

Dr Higgins died before the full benefits of his intellect, experience and style of management could mature to the benefit of the Treasury and the nation. Mr Speaker, Dr Higgins is survived by his wife Paula and two sons, to whom I move that our condolences be now expressed.

MS FOLLETT (Leader of the Opposition): Mr Speaker, I would like to associate the Labor members with this motion of condolence. Mr Kaine has outlined Dr Higgins' career and I will not revisit that ground, except to say that between 1981 and 1984, when Dr Higgins was representing Australia at the Organisation for Economic Co-operation and Development, he held the most senior position in that organisation that has ever been occupied by an Australian. So quite clearly he was marked for great things at quite an early stage in his career. His promotion to Deputy Secretary in 1984 and subsequently, in 1989, to Secretary to the Treasury at the very young age of 47 was an indication not only of his enormous ability but also of the very high regard in which he was held by his colleagues and by his political masters.

We have all seen the tributes to Chris Higgins in the newspapers - throughout the national press, in fact - and those are a further indication not only of the greatness of this man but also of the deep affection that was felt for him by so many of his colleagues.

He has been described as the quintessential team player and also as a great manager and nurturer of people whose management style was particularly marked by his encouragement of junior staff. The Federal Treasurer observed that Chris Higgins was a public servant in the high tradition of public service, devoting his life's work to the public good, ahead of personal gain or advancement.

Dr Higgins was a very thoughtful and a very active member of the Australian Labor Party for some 20 years. In that time he took a particular interest in social justice issues and brought to bear his own expertise as a leading economist to tackle the social justice aspects of international, national and local economic policy. Dr Higgins' very great talent, his compassion and his work as an economist will be very greatly missed by the Australian Government and also by the Australian people, not to mention, of course, his own community, the ACT. So we join with Government members in offering our sympathies to his widow, Paula Higgins, and his two sons, David and Tim.

Question resolved in the affirmative, members standing in their places.

DISORDER IN ASSEMBLY

Mr Berry: Mr Speaker, I wish to raise a point of order under standing order 202 in relation to a member who persistently and wilfully obstructed the business of this Assembly on 29 November, who was guilty of gross disorderly conduct, who persistently and wilfully refused to conform to any standing order and who persistently and wilfully disregarded the authority of the Chair. Mr Speaker, I refer to Dr Kinloch in relation to that - - -

Mr Collaery: I take a point of order, Mr Speaker.

MR SPEAKER: One point of order at a time. Order, Mr Collaery, it is a point of order. I can only take one at a time.

Mr Berry: The fact that confronts the Assembly, Mr Speaker, is that there was a gross confrontation in this place. I have to say that none of the Government members opposite will be expert enough to speak on this matter because none of them were here when Dr Kinloch entered this chamber and in the most violent way meandered around this Assembly threatening members with clenched fist. There were some of us who felt intimidated by that and some of us who felt that it verged upon an assault.

Mr Speaker, the issue that is before you is one of setting standards in this Assembly and maintaining some of those precedents which have been set in the past in terms of the maintenance of order here. The Assembly has been suspended on one occasion and I take it that it was suspended in accordance with standing order 207, which states:

> In the case of grave disorder arising in the Assembly, the Speaker may adjourn the Assembly without question put, or suspend any sitting to a time to be named by the Speaker.

In that case, of course, it was because of the behaviour of the Chief Minister. I can only assume that it was suspended because of grave disorder and the fact that the Chief Minister would not accept the rulings of the Speaker. The actions of the Chief Minister, though grave indeed, pale into insignificance compared with the threatening action taken by Dr Kinloch in this place on 29 November and the sitting was not suspended. Although you gave reasons why you did not suspend the sitting, Mr Speaker, I think firmer action is required to ensure that the dignity of this place is in some way preserved. I will just refer to a couple of - - -

Mr Collaery: Mr Speaker, are you going to continue to allow this?

MR SPEAKER: Mr Collaery, on a number of occasions I have put to the Assembly that on a matter of substance a point of order can be debated. That is common parliamentary procedure in all parliaments I know of. If you wish to comment, you will have your turn. Please proceed, Mr Berry.

Mr Berry: Thank you, Mr Speaker. Just for Mr Collaery's edification, you gave him the same advice on 29 November when he was attempting to do the same thing.

Mr Connolly: A short memory.

Mr Berry: And a selective memory. Mr Speaker, a former member of this place was suspended in the first place for not bowing to the Speaker. He was again suspended for talking over the Speaker. I suggest that no member would be suspended from this place unless it was considered to be a grave contravention of order. On those two occasions Mr Whalan was suspended for something significantly less threatening than the violent actions of Dr Kinloch in this place.

It is a matter of concern to me that Dr Kinloch should be made an example of; otherwise this sort of violent behaviour will persist and get worse. It is a matter of public record that Dr Kinloch has been involved in other violent matters. I for one am keen to ensure that that sort of violence does not persist in this Assembly. It is a matter of record that Dr Kinloch smashed up a model of the casino at the NCDC building some time ago.

MR SPEAKER: Relevance, please, Mr Berry.

Mr Berry: It is the issue of violence in this Assembly, Mr Speaker, and the violent nature of the person, and these matters in my view ought to be taken into account.

Mr Collaery: I take a point of order, Mr Speaker. You are allowing this member to accuse Dr Kinloch of having a violent nature. Are you going to allow this to continue, Mr Speaker? It is an imputation which should be withdrawn immediately, Mr Speaker.

Mr Berry: You were not here. You would not know.

MR SPEAKER: Order!

Mr Berry: Mr Speaker, may I assist you on that very point?

MR SPEAKER: Mr Berry, under the circumstances I think you are going a bit too far.

Mr Berry: Well, let me repeat Dr Kinloch's own words. Dr Kinloch raised a point of order on 29 November and said: "Mr Speaker, on a point of order: I apologise for being either threatening or violent". So he knew what he was doing. I would suggest that Mr Collaery ought not to talk about something he did not even bother to come and listen to.

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

Mr Berry: These people opposite are kidding themselves on this issue. It was frightening for people in this chamber. The fact of the matter is that on one other occasion, Mr Speaker, Mr Moore was suspended from this Assembly for behaviour which was considered to be a grave offence against order in this place, otherwise he would not have been thrown out. And I was suspended from this place when I said to you, Mr Speaker, something about reprehensible behaviour and my lack of tolerance with the way this place was being run.

I say to you, Mr Speaker, that on all of those occasions the behaviour that presented itself to you was significantly lighter in terms of threat to the Assembly than the actions of Dr Kinloch. I think it is up to you, Mr Speaker, to observe the standing orders and to name Dr Kinloch for that outrageous behaviour in this place. If you do that I will move to have him suspended because I think that, to preserve the dignity of this place, he ought to be suspended.

Mr Collaery: Mr Speaker, there is a very simple answer to what Mr Berry is saying. The standing orders are the rule book to control the conduct of debate and the proceedings in the chamber. Mr Berry is addressing an issue that has occurred - something on which you, as Speaker, have ruled already. He is either reflecting on your previous rulings, Mr Speaker, or reflecting on the statement you made when the house resumed today. I am not sure which, as he did not make it clear. Mr Berry is attempting to dredge up an issue that has been ruled on, and on which you, Mr Speaker, quite properly have commented. I put to you, Mr Speaker, that there is no substance in this point of order - - -

Mr Berry: You were not here.

MR SPEAKER: Order!

Mr Collaery: The Opposition knows, Mr Speaker, that the Government has a great deal of business to do this week and we are seeing the union tactics again.

Dr Kinloch: Mr Speaker, am I allowed to make a - - -

Mr Berry: You are allowed to raise a point of order; otherwise sit down.

MR SPEAKER: Order! You are allowed to debate the point of order, but not the substance, per se.

Dr Kinloch: Am I allowed to make any comment in general?

MR SPEAKER: You can seek leave to make a personal explanation.

Dr Kinloch: There are some errors of fact, Mr Speaker. I seek leave to make a personal explanation.

Leave granted.

DR KINLOCH: Thank you. I very much respect Mr Berry's concern for the proprieties of this chamber. Over the period from May 1989 to the present, I have been very concerned about that and I have already apologised for a temporary breach, from my point of view, of that propriety, which I do fairly believe has been exaggerated. Furthermore, I would welcome Mr Berry quoting, in full, my apology. It was not to say that I was violent; it was to say: if that is the way I was perceived to be, I do indeed regret it, because that is not what I intended.

I would like to move on to other matters. It is quite untrue that I smashed up a model of a casino. That is what the press said. It was an incorrect statement. At the time, I did not pursue it. You are very welcome to talk to Roger Smeed about that. What I did was to pick up that part of a model which was the casino in a larger model and remove it. That is what I did. For that I paid $60 and I apologised.

I regret that I am not a saint, Mr Speaker. I apologise to the Opposition that I am not a saintly person; I am a very normal person. I wish most to apologise to my fellow Quakers. At the Quaker meeting on Sunday I said that there were usually two kinds of people who joined the Society of Friends. There were those who recognised in themselves certain influences, theological views, et cetera, and found themselves in a community that was peaceful and loving. For others of us, I believe, we join the Society of Friends because we recognise in ourselves deep moods, sometimes, of aggression where we do not fully live up to the obligation to live in love and peace and we try, not always adequately, to follow through that kind of concept, which is put forward in a way which one hopes to live up to.

I have already apologised. I immediately regretted the moment I went beyond what were the bounds of propriety, of walking down to that desk. As I have said to Mrs Grassby, to whom I apologised, I do not myself recognise that I shook fists or did anything of that sort. I do not recognise that. I do not remember doing that. If it happened that way, that is your perception and I will not quarrel with it.

But I want to make this very clear. I want to make this point: I had left this chamber to go to an appointment at Gorman House. I had not left this chamber as a rat, as was suggested, and I wished to have that corrected. I honour Mrs Grassby for having withdrawn that remark. I think I overreacted to her remark. I think she probably did, as usual, mean it in a somewhat comic sense and I am sorry that I did not take it that way. I regret the times when my behaviour is not perfect, and that is so in many walks of life.

Ms Follett: There are a couple of issues that I would like to clear up, especially for the benefit of members who were not here, or those who do not remember what happened during that last sitting of the Assembly. There is absolutely no doubt in my mind that Dr Kinloch behaved in a violent and threatening manner. He rampaged up this floor of this Assembly. He shook his fist and he shouted at me, at Mrs Grassby and at you, Mr Speaker. There is no doubt about that. It was grossly disorderly behaviour.

Where I do take issue with what Dr Kinloch has subsequently said is that he is, in some way, making a personal apology. This is not a personal matter. It is a matter of the control of this Assembly and it is a matter of the appropriate standards of behaviour in this Assembly.

Mr Jensen: I take a point of order, Mr Speaker.

MR SPEAKER: A point of order is not acceptable at this time, Mr Jensen.

Mr Jensen: Mr Speaker, I do not believe that Ms Follett sought leave to make a statement.

MR SPEAKER: She has raised a point of order.

Mr Jensen: I did not hear her raise a point of order, Mr Speaker. She just rose.

MR SPEAKER: You are quite correct. I assumed that it was a point of order. Thank you, Mr Jensen.

Ms Follett: I am speaking to the point of order, Mr Speaker. Dr Kinloch has offered an apology to Mrs Grassby. Mrs Grassby may or may not accept that. Dr Kinloch has offered an apology to the Quakers and they may or may not accept that. But there is absolutely no point in his offering an apology to this house. The issue here is control and the standards within this house and whether or not we make use of the standing orders that are available to this house.

Had Dr Kinloch offered an apology to me, I would not have accepted it because I do not believe that it is the appropriate means to redress his behaviour. Mr Berry has raised the appropriate means. It is the means that has been used in half a dozen very much less serious cases by

you, Mr Speaker, and it is the appropriate means to use on this occasion. I would ask members, especially those who were not here, not to be sucked in by a personal apology. That is irrelevant. I would ask members to bear in mind the precedents that Mr Berry has spoken about and to bear in mind the need to set a standard for behaviour in this house from which there should never be any departure and in respect of which, if there is a departure, no excuse should be made.

Mr Collaery: I take a point of order, Mr Speaker. I refer to standing order 59. You are clearly allowing debate to anticipate the matter on the notice paper, Mr Speaker. There is a matter of public importance listed and Ms Follett is addressing the standards of propriety and conduct in this Assembly. She is four square anticipating debate and taking up the time of this chamber which has an urgent legislation program.

Mr Connolly: I raise a point of order, Mr Speaker. It has previously - - -

MR SPEAKER: Order! The MPI is not on the notice paper.

Mr Connolly: That was my point of order. He was wrong again.

MR SPEAKER: Please proceed, Ms Follett.

Ms Follett: Thank you, Mr Speaker. I will be brief. I find it absolutely extraordinary, considering all of these so-called security arrangements that we have recently had inflicted upon us without our consent, that I must note that in fact the only time I have ever been offered violence within this building it was offered by a member of this Assembly and that member was Dr Kinloch. This Assembly must take appropriate action.

Mr Duby: That is not true.

Mrs Grassby: You were not here. You were in Perth. We are talking about here in the Assembly.

Mr Duby: What about the time people were running around with syringes.

MR SPEAKER: Order! Mr Duby, please! Mrs Grassby! I take the validity of the points of order raised by Mr Berry and other speakers. However, as I have said before, in view of Dr Kinloch's exemplary behaviour in this chamber over the past 18 months, I stand by my original ruling. I intend to take no further action.

CHILDREN'S PROTECTION AND CARE
Ministerial Statement

MR COLLAERY (Attorney-General): I table a ministerial statement on the report entitled "Illusions and Realities: Responsibility for Children's Protection and Care in the ACT". Mr Speaker, I seek leave of the Assembly to have the statement incorporated in *Hansard.*

Leave granted.

Document incorporated at appendix 1

ALLIANCE GOVERNMENT AND MR SPEAKER
Proposed Motion of Censure

MR BERRY (3.27): I seek leave to move a motion of censure. The motion reads as follows:

> That the Assembly censures the conservative Alliance Government for its reprehensible abandonment of the ACT Assembly during the 29 November sitting. Furthermore the Assembly censures the Government and the Speaker for failing to maintain acceptable standards of behaviour in the chamber.

Leave not granted.

MR BERRY: Mr Speaker, I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Berry - - -

Mr Kaine: Mr Speaker, I move: That the motion now be put.

MR SPEAKER: Allow him to - - -

Mr Kaine: You just moved the motion. I move that it be put.

MR SPEAKER: Order, Mr Kaine! Please let him state what the motion is.

MR BERRY: I have not finished it yet. I move:

> That so much of the standing and temporary orders be suspended as would prevent - - -

Mr Kaine: And I move, Mr Speaker, that that motion be put.

MR SPEAKER: I have not heard the words, Chief Minister.

Mr Kaine: Well, I have heard enough. He is moving for the suspension of standing orders, and I move that the question be put.

MR SPEAKER: We have to allow the record to show what the motion is.

Mr Kaine: I do not see why we have to do that at all. The Government wants to get on with its business.

MR SPEAKER: Order!

MR BERRY: Why don't you swap places? Swap places with the Speaker.

Mr Kaine: I know what he is moving. I know what he intends to move. He has signalled his intention.

Mr Connolly: You are out of control.

Mr Kaine: He is out of control.

MR SPEAKER: Order!

MR BERRY: Thank you. I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Berry from moving "That the Assembly censures the conservative Alliance Government -

that is you lot -

> for its reprehensible abandonment of the ACT - - -

Mr Kaine: Mr Speaker, I move: That the motion now be put. It is quite clear what his motion is.

MR BERRY: No, you are not. I have not read it out.

MR SPEAKER: Please, Chief Minister. He has to be allowed to get his motion on the table.

MR BERRY: The motion continues:

> "That the Assembly censures the conservative Alliance Government for its reprehensible abandonment of the ACT Assembly during the 29 November sitting. Furthermore the Assembly censures the Government and the Speaker for failing to maintain acceptable standards of behaviour in the chamber".

Now you can move your motion.

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

> That the question be now put.

MR SPEAKER: The question now is: That Mr Berry's motion be agreed to.

The Assembly voted -

AYES, 6	*NOES, 9*
Mr Berry	Mr Collaery
Mr Connolly	Mr Duby
Ms Follett	Mr Humphries
Mrs Grassby	Mr Jensen
Mr Moore	Mr Kaine
Mr Wood	Ms Maher
	Mrs Nolan
	Mr Prowse
	Mr Stefaniak

Question so resolved in the negative.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISION
Papers

MR COLLAERY (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989 I table subordinate legislation in accordance with the schedule of gazettal notices for a number of ministerial determinations, as follows:

Consumer Affairs (Amendment) Act - Notice of commencement of provisions other than sections 1 and 2 (S88, dated 5 December 1990)
Machinery Act - Determination of fees - No. 72 of 1990 (G39, dated 3 October 1990)
Scaffolding and Lifts Act - Determination of fees - No. 71 of 1990 (G39, dated 3 October 1990).

VERY FAST TRAIN PROJECT
Ministerial Statement and Paper

MR KAINE (Chief Minister), by leave: Mr Speaker, yesterday, Monday, 10 December, I met with the Prime Minister, the Premiers of New South Wales and Victoria, and senior executives from BHP, Kumagai, Foster's Brewing - formerly Elders - and TNT to agree on a two-stage process to streamline mechanisms for assessing effectively the potential economic, environmental and social impacts of the VFT project. I will table in the Assembly the joint statement by governments and the Very Fast Train Joint Venture made at the conclusion of that meeting.

Stage 1 of the assessment process will involve governments immediately examining the key issues relating to the very fast train proposal, including project justification, major

route choice, economic cost/benefit, the right of way and project finance. At our meeting in Sydney the four governments agreed to the formation of a joint government standing committee comprising the permanent head of the agency in each jurisdiction with responsibility for very fast train matters. This heads of agency standing committee will be assisted by a joint government task force of officials to undertake detailed work.

Within the next week or so the VFT Joint Venture will publicly release its project evaluation report which, together with the "Economics of the Very Fast Train" - a paper released in October 1990 - will enable informed public comment to continue. This public response will be incorporated into the ACT Government's consideration of the stage 1 issues.

By the end of March 1991 the stage 1 assessment will show clearly whether the very fast train project is a viable and beneficial project capable of obtaining the necessary finance to proceed. If this can be shown, then governments and the Joint Venture will agree that the project should proceed to a detailed environment impact study over the following 18 months.

Mr Speaker, this Government has maintained constant surveillance and consideration of this project and has encouraged public examination of this important transport proposal. We have produced three documents: firstly, setting out our position in relation to the VFT concept; secondly, reporting on the potential economic costs and benefit to the ACT of the project; and, finally, we have undertaken an inquiry through the Very Fast Train Advisory Committee to ascertain the community's views on the very fast train.

With the establishment of the March 1991 target in relation to stage 1 assessment, the Alliance Government, in close consultation with the Commonwealth, New South Wales and Victoria, will be giving the highest priority to a careful and considered evaluation of the material put forward by the Joint Venture. This process will include consideration of all the issues raised publicly to ensure that the community's interests are being well served. Mr Speaker, I table the statement released at the end of the meeting yesterday and a copy of this ministerial statement, and I move:

> That the Assembly takes note of the papers.

MS FOLLETT (Leader of the Opposition) (3.39): Mr Speaker, I welcome the opportunity to respond very quickly to Mr Kaine's statement on the very fast train proposal. There are a couple of issues here that Mr Kaine has drawn attention to that I think really are historic in relation to this project. The first, of course, is that it is now a joint government approach. That is something that I very much welcome. I believe that it is long overdue.

As well as that, there is the interest now being shown by the Federal Government. That was a matter that I commented on last year. I believe that it is essential to this project to have a national perspective, particularly in view of the need for a full environmental impact statement. I am very pleased indeed to see that there is now a cooperative approach and that the Federal Government is taking what I believe to be an appropriate interest in the project.

I am also pleased to see that there is some kind of a timetable now established for consideration of this project. I think that for quite some time now it has been in the realm of the dreamtime really - everybody thinks it is a good idea, but nobody really has any idea whether it is going to happen. There is now a timetable for the consideration of the project through the different phases that it must go through, and I think again that that is an important approach to the project.

I have said many times, Mr Speaker, that this is a project which could be of enormous significance to us in the ACT. It could bring us tremendous benefits, but it could also have an undue impact on our way of life in Canberra. Clearly we need to be aware that it could be a mixed blessing. I do welcome the fact that there is this cooperative approach now available on the very fast train project. I particularly welcome the fact that there is a project timetable and that the need for a detailed environmental impact study has now been built into that timetable.

Question resolved in the affirmative.

TECHNICAL AND FURTHER EDUCATION - WORKING PARTY
Ministerial Statement and Paper

MR KAINE (Chief Minister) (3.41): Mr Speaker, I seek leave to make a ministerial statement on the response to the recommendations of the working party which I convened to review the provision and financial management of TAFE in the ACT.

Leave granted.

MR KAINE: Thank you. Members will recall that on 29 May this year I tabled in the Assembly a statement on the report which had been submitted to me by the working party. The members of this group comprised representatives of employer and union organisations, the student body and the Vocational Training Authority. The report contained a number of recommendations which were the subject of wide community interest and so, after the report's release, I asked the Advisory Committee of the ACT Institute of TAFE to undertake a round of public consultation on the working

party's findings and proposals. This process was initiated immediately and an extensive number of education, industry, union and community bodies were invited to respond to the recommendations. The committee has reported to me now on the outcomes of those consultations and has also provided advice on those recommendations.

The Government's decisions on the working party's recommendations have been reached recently and I have asked the Institute of TAFE, with support from its Advisory Committee, to proceed with their implementation immediately. I might add that the institute is well on the way towards establishing the mechanism for addressing many of the issues raised by the working party. My colleagues in the Assembly will know already of the funding agreement negotiated recently between the Institute of TAFE and the Treasury which enhances greatly the institute's ability to plan its activities well ahead and thus improve its service to the community.

In addition, work on an institute business plan is well advanced, a move which is supported strongly by all sectors of the community. The Government is keen to strengthen the role of the Institute Advisory Committee, and, indeed, examination is under way at present of a proposal to establish a TAFE management board which would subsume and extend the roles of the existing committee. The working party's review of TAFE services has played a significant part in assisting the Government and the Institute of TAFE to refine its policies and practices in respect of TAFE activities. I commend the members of the working party for their work and I would like to convey my gratitude to them, Mr Speaker, through the Assembly for their dedication to their task.

I am pleased to table the Institute of TAFE Advisory Committee's advice on the working party report and the Government's response to the report's recommendations, and a copy of this ministerial statement. I move:

> That the Assembly takes note of the papers.

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

DIGNITY OF LEGISLATIVE ASSEMBLY
Discussion of Matter of Public Importance

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

> The failure of the Government and the Speaker to maintain the dignity of the Assembly.

MR BERRY (3.45): This matter of public importance would not have gone ahead had the Government had the good manners to allow leave for our motion of censure against the Government of which it was advised two hours in advance. It has been the decision of the Opposition that leave will be granted for Government business which is on short notice, provided reasonable notice is given. It is significant that the Chief Minister is leaving the chamber when the failure of the Government is being debated and it is important - - -

Mr Collaery: I take a point of order, Mr Speaker. The Chief Minister has not left the chamber and that is going in the record.

MR SPEAKER: That is not a point of order.

Mr Collaery: Mr Speaker, I have to raise my voice because I do not have a microphone today. It is broken.

MR BERRY: We can be thankful for small blessings.

MR SPEAKER: Mr Berry, you were pre-emptive. The Chief Minister has not left the chamber at this time.

MR BERRY: He has left it now. It took him a little while to work out where he was going, but he has made it.

Mr Speaker, the Government's behaviour on this issue has been appalling. They have behaved reprehensibly. It all began, Mr Speaker, when members of the Government, beginning with the Minister for Urban Services, et cetera, moved away from the Assembly to deal with some Government business in Perth. The Assembly was not advised of his departure; nevertheless, he left earlier in the day. The Government Whip in the Assembly departed on Assembly business. The Chief Minister left the chamber on Chief Minister's business, one expects, to attend some sort of a function. Next, during the adjournment debate, Minister Humphries came over to me, as the manager of the Labor Party's business in the Assembly, and asked whether I would be calling for a vote.

That is quite appropriate because I think Mr Humphries would not like to be outside or away from the premises when a vote was called. That could be embarrassing. But, of course, there was no need to call any votes because it was the adjournment debate and, as far as anybody knew, the debate would proceed without anything unusual occurring.

Mr Jensen: Never trust the left.

MR BERRY: What was that?

Mr Collaery: Never trust a lefty.

MR SPEAKER: Order!

MR BERRY: Having left the chamber, Mr Collaery began, as I recall, to exhibit those traits of behaviour that we have become used to and he was reminded by Opposition members that the Government did not have the numbers. Well, Mr Speaker, at about that time Mr Collaery's eyes started to roll like a poker machine. It dawned upon him - and he seemed to be panicking - that something awful was about to happen. Well, I can tell you that it was not going to be a call for a vote because I had already given an undertaking to Mr Humphries that that would not occur. That was never going to happen. Suddenly Mr Moore, and I guess Mr Stevenson, woke up to the fact that the Government did not have the numbers. Mr Moore, as he had not been whipped, decided to act in accordance with his own conscience and took the opportunity to move on the Royal Canberra Hospital debate.

We have been over that debate a dozen times and the Labor Party's position on it is very clear. It is our private members' business in relation to it which is before the place and if ever there is a vote on the Royal Canberra Hospital you can back it in that the Labor Party will support it. There is no doubt about that.

Ms Maher: You could have adjourned it.

MR BERRY: Ms Maher said something. That must be her statement for today. She said that we could have adjourned it. There was no agreement from us that we would take any action other than not call a vote. This all gets back to the remnants of the whipping procedures of the Government members opposite. It was all left in the hands of Mr Jensen. That is probably where the big mistake was made - leaving anything in the hands of Mr Jensen - because that day he proved his incompetence to whip for the Government. He did not even know what to do, or Mr Humphries did not tell him what was happening, or other Government members did not tell him what was happening. There was no approach from Mr Jensen other than to come over and threaten me if we supported Mr Moore's motion.

Mr Jensen: What were my words?

MR BERRY: "You will be sorry". They were your words, Mr Jensen.

Mr Jensen: Your words.

MR SPEAKER: Order, Mr Jensen!

MR BERRY: The fact is that it was the incompetence of the Government members which led to the disarray in this Assembly. I hear Mr Duby laughing, and well he might. He must have some sort of mental telepathy. He was winging away while all of this was on; so how can he chuckle? He must be chuckling at his Government members. He should be chuckling particularly at the behaviour of Mr Collaery. If it were not so serious, it would be funny. It should

appear in a comic strip, Mr Speaker. It was the sort of behaviour which continually has brought this Assembly into disrepute. It has been actions such as those taken by Mr Collaery which have brought this place into disrepute in the past, as we all know.

Mr Speaker, the next thing was that there was some debate - and it is all on the record - about rats scurrying. The activities of the Government members opposite as they abandoned the Assembly were described. They abandoned the Assembly. Mr Collaery then took it upon himself to whip the Government. He was making sure that they all left the Assembly. It was some sort of token gesture to remind the - - -

Mr Collaery: To test your honour.

MR BERRY: It was some token gesture to remind the Labor Opposition that they were in panic. Mr Collaery says that he was going to test my honour. He does not have to test it because I never called for the vote. The funny thing about it is that the only vote that was called for was called by their whip. Fancy putting anything in this man's clumsy hands! He is the fellow who is one of the front runners for your position, Mr Speaker, in the great reshuffle when they get the new ministry. We have Bill Stefaniak for Minister and Norm Jensen for Speaker. What a disaster! He cannot even whip for the Government.

Mr Jensen: That is a new one on me, Wayne.

Mr Stefaniak: That sounds pretty good, Wayne. What is wrong with that?

MR BERRY: Well, he is one of the contenders. There you are.

Mr Jensen: You are spinning a yarn again, are you, Wayne? This is another of Wayne's yarns.

MR BERRY: I think it is not a bad bet. I am not a betting person, but I think that is not a bad bet. The fact is that it was the incompetence of the Government members that caused all of the disarray here. They abandoned the chamber. This lot walked out, although I must say that Ms Maher was a bit reluctant. I think she was rather puzzled, more than reluctant, about what was going on because there was not much of an explanation for what Mr Collaery was doing. But that is quite often the case with Mr Collaery's actions. Quite often they are inexplicable and I can understand why she would be puzzled.

All the members having been whipped outside, it must have dawned on them, "Heavens, we now cannot call a quorum. Mr Speaker is still in the chair and he will not come out". The difficult position for the Government members was that the house did not collapse in accordance with what was expected by Mr Collaery. I think Mr Collaery ought to give

up the business of management of Government business. He ought not give it to Mr Jensen because he obviously cannot handle it. They ought to make sure that Mrs Nolan stays here all the time. Never let her out of the place. Put a manacle on her. Keep her in the place because she is the only one who understands how to deal with the Opposition members. All of you would have seen her moving around the chamber consulting with members on the Opposition benches. Mr Jensen could not even take the time to come over here and talk to us, except to threaten. The fact is that the Government's behaviour was outrageous. They abandoned the chamber. They paid the price for it, and they will pay again and again.

Now, Mr Speaker, I turn to the issue which I raised earlier in relation to your involvement in procedures here. For the record, Mr Speaker, I have to go over some of the old ground because it involves the outrageous behaviour of Dr Kinloch. It has to be said again and again because the performance of this chamber is a matter of public importance for the people of the ACT, not just now but well into the future. The performance of this chamber is a matter of significance for the people of the Territory. It is important that this Assembly recognise, although it seems slow to do so, that proper behaviour is required. Dr Kinloch seems to recognise, because he has apologised for it, that violent and angry behaviour is unacceptable in this place, particularly behaviour of the order which he displayed on 29 November. The odd thing about it, Mr Speaker, is that he does not seem to be able to convince you. We have in the standing orders, which Ms Follett has properly raised, provision to deal with people irrespective of their past performance in this place. There is provision for you to deal with members when they disrupt the proceedings of this Assembly in the way that Dr Kinloch did. You did it with the Chief Minister when he refused to accept your directions, but in the case of a much angrier display of violence from Dr Kinloch you took no notice.

Mr Speaker, I have to say that you deserve to be censured for those sorts of inactions, but we will not be able to do so because the Government has refused to give us leave to put that sort of a motion before this place. As I have said, it is a matter of public importance that this Assembly address this sort of behaviour. The behaviour of members in this Assembly will in future be a measure by which this Assembly is judged. It has been in the past. It is going to be up to you, Mr Speaker, and other Speakers who follow you to demonstrate to the people of the ACT that you are prepared to manage this place in a way which is acceptable to the community generally.

The Government members opposite do not seem to care what the community thinks of their behaviour; otherwise we would see so many outrageous outbursts of odd behaviour from time to time. Mr Jensen does not seem to care, or he just does not know how to deal with his position as Deputy Whip, although some blame must rest - I do not know how much he

has tried - on Mrs Nolan because she has not trained him properly. The method of training would probably be unacceptable to this chamber because it would involve a leash and a choker chain. I think she does share some of the blame because she really has not been seen to be putting the pressure on Mr Jensen in relation to his performance here. But Mr Jensen takes the money; so he should perform and deliver that which one would expect him to do as the Deputy Whip in this place.

Mr Collaery is not one who has a reputation for stable behaviour. One would not expect him to behave any differently than he did on 29 November. After all, he is the Deputy Leader, the Pied Piper if you like, and, if he were to move out of this place playing his tune, then one would expect the others to follow. I had better not say what I was going to say; otherwise Dr Kinloch might get angry again. The other members followed Mr Collaery out while he played his merry tune.

Mr Speaker, what is of most concern to the people of the ACT and of Canberra is that the management of the ACT Government is going to be left in the hands of Mr Collaery. That is the difficulty for the Territory. *(Extension of time granted)*

Do not panic; you will be right. Bernard is not here; so he cannot lead you into any trouble. Where is he? Did I hear him? No, he is not here. He has left too. I can understand why they would leave. If I were Mr Collaery I would be embarrassed about the behaviour of the Government in this Assembly on 29 November. I can see that the Chief Minister is not here. I understand why he is not here. I would be embarrassed about that behaviour as well.

I would also be embarrassed about the mismanagement of Government business in the Assembly and the fact that his colleagues on the Government benches have not been able to discipline themselves sufficiently to maintain a presence in the Assembly and to deal with the business before the house. It is also appalling that the members of the Government who were here were inefficiently briefed on the operation of the standing orders. They did not seem to know what would happen if they left the chamber, or what would happen if they returned, or what would happen if members moved motions to suspend standing orders and they did not have the numbers, and all those sorts of things.

Mr Speaker, it is of great concern that the Government should behave in the way that it did, but what I find most disturbing is that Dr Kinloch was allowed to march out of control around this chamber and was not pulled into gear. I know that you have made your point on this matter, but because of the behaviour demonstrated by Dr Kinloch I think it really needed to be addressed again. It sets an awful precedent for behaviour in this chamber. It permits outbursts of a similar nature. I was most amused at your comparison of what Mr Moore was doing with what Dr Kinloch

had done. There was no comparison, sir. None of the Government members could comment because they were not here. Irrespective of one's judgment as to whether Mr Moore's behaviour was acceptable or not, Mr Moore was completely in control of what he was doing. I say to you, Mr Speaker, that Dr Kinloch was not.

It is an issue of grave importance, as I have said before, for the people of the ACT. The Government deserves to have it brought to attention again and again until their performance improves. There is a lesson there for Government Ministers - I suspect that they will have learnt it by now - and that is: do not let Mrs Nolan out of the city while the Assembly is sitting, because she is the only one who seems to be able to organise such a group. I think she probably deserves some sort of an award for that. But she has some work to do on her performance because she has been unable to train Mr Jensen. That is a daunting task; I understand that. I suspect that she will never be able to achieve reasonable standards in that respect, but I dare her to proceed.

MR JENSEN (4.04): Mr Speaker, I think we can see, by the nature of the frivolity in which Mr Berry has brought this matter on today and the way that he has addressed it during this debate - - -

Ms Follett: I raise a point of order, Mr Speaker. I find Mr Jensen's reference to frivolity with this matter of public importance quite improper and I ask him to withdraw it.

MR SPEAKER: That is not a valid point of order. Please proceed, Mr Jensen.

Mr Berry: Well, it is an imputation against me, Mr Speaker.

Mr Duby: It is not an imputation; it is a statement of fact because you have a grin from ear to ear.

Mr Berry: I take a point of order. You were laughing about the Government's behaviour, but that is laughable. Mr Speaker, there is an imputation that this is a frivolous matter. It is not a frivolous matter and I too ask you to have him withdraw it.

MR SPEAKER: Frivolity is not something that the parliament would accept as being unparliamentary. You can make a personal explanation to that effect, but I do not believe that it is proper to raise a point of order. Please proceed, Mr Jensen.

MR JENSEN: Thank you, Mr Speaker. I think it is important to draw attention to the way Mr Berry sought to introduce a degree of hilarity into the debate. I was making that point because, quite clearly, it indicates to the members in the Assembly and others that he is not taking it very seriously.

Mr Berry: I take a point of order. I do not care much about what Mr Jensen thinks of the way that I approach things, but I object to the record showing that there is an acceptance from the Opposition that the matter was put before the chamber in a frivolous way. It certainly was not, and Mr Jensen should be asked not to pursue that line.

MR SPEAKER: Mr Berry, I, personally, found some of your comments hilarious. I am sure other members did and I am sure that was the way you intended them. I thought you intended them that way and therefore - - -

Mr Berry: Well, Mr Speaker, that is the difficulty.

MR SPEAKER: Assuming then that you were serious, I could ask you to withdraw the comment about Mr Jensen being led round on a leash. That was taken as an hilarious comment. I think you are wasting the time of the Assembly. Please proceed, Mr Jensen.

MR JENSEN: Thank you, Mr Speaker. It is quite clear that in this matter Mr Berry wants to have his cake and eat it too. He wants to make jokes, but he is not prepared to accept people referring to the way in which he makes them. I think the MPI that has been brought on today by the Opposition is, quite clearly, sheer opportunism and grandstanding. It is not an attempt to engage in serious debate. That clearly is the way Mr Berry has approached this today; it is not serious debate at all. If they were fair dinkum about this matter, Mr Speaker, they would have brought forward a substantive motion.

Mr Connolly: We did, and you denied us leave, you dill.

Ms Follett: You denied us leave.

MR JENSEN: No. You are clearly implying that the motion relates to Mr Speaker. The whole tone of Mr Berry's discussions during the debate was an imputation against the ability of your ruling, Mr Speaker. Mr Berry was not prepared to bring forward a substantive motion in relation to your ruling. It was a motion in relation to the performance of the Government, not a motion in relation to your particular ruling. Therefore, Mr Speaker, the way that Mr Berry is seeking to approach this is, once again, quite hypocritical. They are seeking, once again, to raise the issue outside the normal processes within the standing orders for dealing with such matters. If they had a problem with your ruling, they should have moved accordingly; but they did not do that.

They sought, during a long period of points of order, to denigrate the ruling that you made, and that was most unfortunate, Mr Speaker. In fact the Opposition have sought, once again, to take power without real responsibility for their action. Once again we see from across the chamber rhetoric without reality, something

which we in the Assembly have come to expect from an Opposition devoid of any real ability to be an objective and active Opposition in this place.

We clearly saw this during the budget debate when the so-called alternative Chief Minister and prospective Treasurer spoke no more than three times. I think I counted up. She spoke for a total of no more than 10 minutes during the budget debate.

Mr Connolly: Quality, not quantity, Norm.

Mr Berry: I take a point of order. My colleague Mr Connolly rightly interjects "quality, not quantity", and relevance, I think, is appropriate.

MR SPEAKER: I do not believe that is appropriate to the debate, Mr Jensen. Would you stick to the matter of dignity.

MR JENSEN: I take your ruling, Mr Speaker, but I think the dignity of the matter relates to the way that people handle themselves in this Assembly. We have seen today continuous interjections by Mr Berry. It is okay for people not to interrupt Mr Berry and he takes continuous points of order, but as soon as people - - -

Ms Follett: I raise a point of order. I think Mr Jensen quite clearly is making an adverse comment about your control of the house.

MR SPEAKER: Mr Jensen, would you please stop.

MR JENSEN: I am sorry, Mr Speaker. If at any stage it is thought that I am seeking to make some comment in relation to your handling of the house, as Ms Follett seems to be suggesting, clearly that is not the case. Once again this matter has been brought on by those opposite in an attempt to improve their image. However, once again, they have failed miserably. It has been suggested to me, in relation to decorum within a place like this, that one should be very concerned and never trust the left, because that in fact is - - -

Ms Follett: Mr Speaker, I take two points of order. Firstly, this is totally irrelevant and, secondly, any imputation that you could never trust a member of this Assembly is quite disorderly.

MR SPEAKER: I believe that there was an imputation there, Mr Jensen. Please withdraw the trust bit.

MR JENSEN: I withdraw. Clearly the people opposite are a little tetchy about the particular issue.

Ms Follett: I take a point of order. That is a qualified withdrawal.

MR SPEAKER: Mr Jensen, I believe that that was a qualified withdrawal. Please just withdraw the word "trust".

Mr Duby: Which members of the left do you trust, Norm?

MR JENSEN: I am not allowed to say that, Mr Duby. I will be asked to withdraw it. It is incredible. I withdraw whatever is offending the people opposite.

Mr Stevenson: I take a point of order. Mr Jensen mentioned "the people opposite". I had no particular complaint with what he said.

MR JENSEN: Let me now turn to some comments that Mr Berry made in relation to my role in talking to him during the process after Mr Moore had sought to go outside the traditions of the adjournment debate. I will come to the adjournment debate a little later. I did speak to Mr Berry. I went across to Mr Berry and suggested that it would be appropriate for him to abide by the spirit of the agreement reached with Mr Humphries. Mr Humphries explained to me prior to his leaving the chamber that he had spoken to Mr Berry and had obtained agreement from Mr Berry that Mr Berry would not pull on any votes during the adjournment debate.

Mr Berry: And neither did I. Only Norm Jensen did that.

MR JENSEN: Right. I went across to Mr Berry to suggest to him that he had made an agreement with Mr Humphries and it was appropriate that he continue to maintain the spirit of the debate because, quite clearly, there are going to be times during proceedings in this Assembly, in a small Assembly like this, when members opposite are going to have some wish or requirement to leave the chamber to undertake certain duties. That is going to happen a number of times and they are going to seek our support. For example, there will be times when a member of the Opposition may wish to pair with a member of the Government, as is often the case in the other place. Mr Berry and his people opposite have indicated to us that they have some difficulty in being able to keep to the spirit of any future agreements that might be reached with Mr Humphries.

Also, one has to ask why the motion brought forward by Mr Moore did not relate to one of his own matters. Mr Moore sought to bring on private members' business but not one of the issues that he had placed on the notice paper. I trust Mr Moore will address that, if he gets a chance to make some remarks. It was an ALP motion that Mr Moore sought to bring forward, not one of his own; so one must wonder whether the discussions that were going on between Mr Moore and Mr Connolly during that period had any bearing on that.

Mr Collaery: Which we all saw.

MR JENSEN: Yes, which we all saw and we all noted. My suggestion at the time to Mr Berry was, as I said, that there would be times when they would want a similar sort of arrangement.

Now, let us consider problems within the Assembly in relation to the naming of members. Page 503 of *House of Representatives Practice* says that it is not uncommon for the Chair to withdraw the naming of a member after other members have addressed the Chair on the matter and the offending member has apologised. That has happened on a number of occasions. The situation, quite clearly, from what I can read in *Hansard* of the debate that took place, was that Dr Kinloch - - -

Mr Berry: You would have to read *Hansard* because you were not here.

MR JENSEN: I was in the Assembly precincts, Mr Berry. I was listening to what was going on by means of the speaker system within the Assembly. Clearly, I was present at the time in the Assembly when - - -

Ms Follett: You were not.

Mr Connolly: You were not. You were upstairs.

MR JENSEN: Will you listen? They are not prepared to let me finish. I was in the chamber when Dr Kinloch apologised to the Assembly. Thank you, Mr Connolly; you are a bit quick off the mark. Just wait until I finish my remarks.

I was present when Dr Kinloch apologised and I was also present when we saw disgraceful behaviour on the part of Mr Moore who was parading up and down the chamber like a schoolboy, waving a piece of paper and being rather objectionable. It was very surprising that Mr Moore was not asked to leave the chamber because at no stage, I seem to recall, did Mr Moore apologise for his behaviour. I may be wrong on that, but I do not believe that Mr Moore apologised for his behaviour. If anyone should be censured in this particular matter, it is Mr Moore for acting in a highly disorderly manner without apologising.

Ms Follett: I raise a point of order, Mr Deputy Speaker. If Mr Jensen wishes to move censure of Mr Moore he has the mechanisms available to him, but that is not the subject of this debate. It is irrelevant.

MR DEPUTY SPEAKER: I overrule you on that one, Ms Follett. We are talking about the events of 29 November.

MR JENSEN: Thank you, Mr Deputy Speaker. Ms Follett clearly has not read the topic raised as a matter of public importance, because it talks about maintaining the dignity of the Assembly. Mr Moore in no way was attempting to maintain the dignity of the Assembly. That was the point I was making.

Ms Follett: I raise a point of order. I have indeed read the MPI and it relates to "the failure of the Government and the Speaker". Mr Moore fills neither of those positions and I think any debate on a possible censure of Mr Moore is irrelevant.

MR DEPUTY SPEAKER: I do not think we are discussing a possible censure. It is all part and parcel of the debate on the motion as far as I see it, Ms Follett. Continue, Mr Jensen.

MR JENSEN: Thank you, Mr Deputy Speaker. I think it is important to remember that the role of the Speaker, as Mr Wood has often said, depends a lot on the behaviour of the members in the Assembly. If the members in the Assembly continue to carry on with unnecessary interjections, nuisance interjections, and seek to disrupt the Assembly, the sort of activity that Mr Moore was involved in - - -

Ms Follett: I raise a point of order, Mr Deputy Speaker. I refer you to standing order 55. Mr Jensen has quite improperly imputed to all members of this Assembly quite improper motives in taking part in debates and interjections. It is a reflection on all members of this Assembly and a reflection on everybody who has been in the Speaker's chair. He cannot be allowed to continue in that vein.

MR DEPUTY SPEAKER: I do not quite follow this. I do not think we are on the same wavelength there, Ms Follett. I do not get that intention at all.

Ms Follett: Well, read standing order 55.

MR DEPUTY SPEAKER: What improper motives or personal reflections is he talking about?

Ms Follett: That we are intending to disrupt the business of the house. He said it.

MR DEPUTY SPEAKER: I do not believe that he is actually doing that. Be careful; I think there is a possibility that you might stray into that, Mr Jensen.

MR JENSEN: I will try to be very careful, Mr Deputy Speaker. It is very difficult. One just has to read the record of the Assembly in relation to this matter to see that there are occasions when interjections take place. It would be a very quiet place if interjections were not allowed.

Mr Berry: I raise a point of order. It seems to me that he is supposed to be defending the Government and the Speaker.

Ms Follett: He has not mentioned either of them yet.

Mr Berry: He has left them out in the cold.

MR DEPUTY SPEAKER: Do you really want to pursue it? His time has expired, Mr Berry.

MR WOOD (4.10): Mr Jensen has claimed that the Opposition is not serious in its approaches. For Mr Jensen's sake, can I read again the motion that we proposed - a most serious motion that in any other parliament I know of would have been taken on board as a matter of priority. That censure motion reads:

> That the Assembly censures the conservative Alliance Government for its reprehensible abandonment of the ACT Assembly during the 29 November sitting. Furthermore the Assembly censures the Government and the Speaker for failing to maintain acceptable standards of behaviour in the chamber.

We were serious, but you do not want to face up to the responsibilities following upon your actions here. Mr Jensen's tactic was to endeavour to lighten the debate. That was the way he took it, because he wanted to push the seriousness of our thrust as far away as he could. His whole speech further lowered the dignity of this house.

Mr Speaker, the most regrettable circumstances in the Assembly last Thursday that led to this motion arose from three failures. The first failure was that of organisation. After one year, this Government has been unable to find a system for the effective operation of this parliament. It is simply unable to operate so that this Assembly runs as a real parliament. We saw evidence of that a moment ago. Perhaps it is inevitable, because the people opposite know so little about parliamentary traditions. We have seen ample evidence of that in the last year and a half. This Government cannot even observe one basic rule, and that is, keep the numbers. Keep the numbers is the basic rule, and it could not even do that. Last Thursday we saw the round eyes of Mr Collaery when he suddenly realised that he had lost the numbers, and the sort of panic that then followed. It was a relatively simple operation of maintaining its majority, and the Government could not do that. No wonder the whole system is in such a mess.

Government members demonstrate that same lack of planning that we have seen in so many other things. We have no formal arrangement for pairs. That should be a clear enough warning to the Government and to its whips and to the leader of the house, but they could not understand that. We have this strange business of Mr Humphries coming over to Mr Berry. It has not yet been asked: why did Mr Humphries come over? It was not his business. That is how disorganised a rabble they are. It was Mr Jensen's business. I would imagine that, in the absence of Mrs Nolan, it may have been Mr Collaery's business as manager

of Government business; but it had nothing to do with Mr Humphries. So, why is it that they have started to complain? Of course, that was typical of Mr Humphries' approach anyway - an off-the-cuff, quick approach to something; just do it now. No wonder his education planning is also in such a mess.

The second failure was that of managing what happens here. Their incompetence led to a crisis in this chamber, and having manufactured that crisis they simply could not handle it. It got worse and worse. Mr Collaery, in a panic, ordered those few remaining members of the Alliance Government out of the house; of course, that only confounded the problem and eventually they had to come creeping back in again. They left the mess to the Speaker. In subsequent media interviews he made it clear that the fault was not his. The disorder we got into in this chamber, the failure of the Government, had nothing to do with him. It was not his fault, and he gave the Chief Minister and other Ministers quite a serve because of the very difficult situation that he had been left in.

Mr Collaery: Why is your motion against the Speaker?

MR WOOD: I will tell you. It is no good the Speaker simply blaming the Government, because he did not respond at all adequately in that debate. Making a ruling and then changing the ruling under some pressure from the Government did not enhance the Speaker's image either. So, he is joined in the proposed censure motion that we have.

The third failure - - -

Mr Jensen: On a point of order, Mr Speaker: I seem to recall that I just heard Mr Wood indicate that some pressure was put on the Speaker by the Government. That is a clear imputation. I request that that be withdrawn.

MR SPEAKER: I will check Hansard and review that. I cannot remember what Mr Wood said then. Please proceed, Mr Wood.

MR WOOD: You might take this point, Mr Jensen: who was it who suggested to the Speaker that he should change the ruling that he had already made? It did not come from this side of the house. If you do not call that pressure, well, I do not know what is.

The third failing was that of conduct, the conduct of all the members on that side of the house, and that includes those members who were not here, those who were flying away or had gone off - at least for a short time - to a function somewhere or other, because by removing themselves from this parliament at a time while it was still in session they were showing great disrespect for the parliament, and that was, in itself, a lowering of the dignity of the parliament. Of course, we also have the failure of conduct of Dr Kinloch, who set a standard that I am sure he will not want to repeat. Yet in the actions today, with the

numbers that the Government has, there has been no censure of that behaviour. It is almost an endorsement of that behaviour.

Who was responsible for all this miserable failure that came to a head last Thursday? Was it Mr Duby or Mrs Nolan, who had flown off to Perth? I do not know; maybe not. Two out of their numbers left the Government still with a majority, so let us not blame them. Was it Mr Kaine or Mr Humphries, each of whom left knowing - or perhaps they did not know - that by so doing the Government was going to go into a negative position in terms of numbers? Or was it Mr Jensen, the Acting Whip, who at the time did nothing and only came into the fray rather ineptly later on? Was it Dr Kinloch or Mr Prowse? The Speaker was not able to handle the situation. Who was to blame? The only names that I have not mentioned are Ms Maher and Mr Stefaniak, two of the 10. We will leave them out of any sense of responsibility; but, of course, the blame is firmly sheeted home to the 10 Alliance members. No one person was responsible and there was no one oversight, or no one act of incompetence that was responsible for what happened on Thursday. It was due to the collective incompetence of the Alliance Government.

There are three basically incompatible groups, and in those are 10 people who are simply not capable of overcoming their inherent difficulties. The failure of this Government last week, the loss of dignity suffered in this Assembly, the lack of planning behind all this, the ineptness of it all and the incompetence are a result of the alliance that they have. Those tensions between the parts of the Alliance, those jealousies and rivalries between the members of the Alliance, the lack of openness and of confidence in each other led to this remarkable occurrence on Thursday last week. That is where the problem lies.

You simply are not able to manage yourselves; you cannot manage this parliament and you have certainly demonstrated that you cannot manage the ACT. And arising from all this, of course, are the suspicions. That is why you will not talk to each other; that is why Humphries came over here and not Jensen. There is all this suspicion, and we see it outside the front door today, demonstrated with the security arrangements.

Mr Connolly: Paranoia.

MR WOOD: Exactly. We see it up on the fifth floor which was once, I suppose, a cosy little enclave; it became a safe retreat and now it is nothing more than a fortified bunker to keep everybody away from the Government. You are not only suspicious of each other, you are suspicious of the whole community out there; so no wonder there was a mess last Thursday. No wonder the administration of government in this Territory is in a mess, and the dignity of this Assembly is the thing that suffers as we focus on

this particular motion. We have lost a great deal of dignity in this Assembly because of your ignorance, and because of your contempt for what should be a genuine parliamentary system. You do not know about it and you have messed it up, I regret, very greatly.

MR STEFANIAK (4.29): Mr Speaker, I do not think I have heard so much drivel for quite some time. This motion, supposedly on the failure of the Government and the Speaker to maintain the dignity of the Assembly, is really a waste of a matter of public importance because it totally misses the point. Let us get a few things - - -

Mr Wood: I was not blaming you. You were one of the more innocent.

MR STEFANIAK: Let us get a few things in perspective, Mr Wood. This matter on 29 November, which the Opposition are harping about here today, came on during the adjournment debate - a debate that is meant to go for 30 minutes at the end of the business of the day and in which members can get up and talk on anything. There were talks of various deals to ensure that nothing would go wrong between various members of this house, and reference has been made to them today. Indeed, nothing should have gone wrong, because the adjournment debate is not the place for people to pull stupid little tricks - like trying to bring on private members' business at an inopportune time - because that does, in fact, lower the dignity of the Assembly. It is a debate at the end of the day for members to raise any sort of matter they want to, and it is meant to go for 30 minutes.

I think it is about time that we in this place all grew up a little bit. Let us look at what happens in other parliaments. Mr Wood spoke - I am looking at what happens in other parliaments - of pairs. I have had a number of conversations with other members of the Government and we would be absolutely delighted if we could get pairs. It was pleasing to see - and I hope we can do it fairly soon - that in recent weeks members of the Labor Party are finally starting to take a little bit of notice and they agree that we can arrange to have some sort of pairing arrangement at least with them.

We are now a couple of weeks off Christmas 1990; this Assembly has now been going for about 19 months and we still do not have the pairing relationship. I think that is quite ridiculous and I would stress to the Opposition that its members pull their fingers out and let us get some sort of arrangement going so that we can start looking like other parliaments.

Mr Wood then mentioned, as his second point, the Government creating a kind of a crisis. What crisis did the Government create? It takes two to tango. As Mr Wood has pointed out, two members of the Government were off on business: one on Assembly business, Mrs Nolan, the

Government Whip; and the other, Mr Duby, off on ministerial business.

Mr Wood: Yes, fair enough. You still had your majority.

MR STEFANIAK: We certainly did still have the majority. There were other members of the Government who had other commitments; no doubt other members of the Opposition did too. Let us look at what happens in the big house.

Mr Wood: That is right, and I did not go.

MR SPEAKER: Order, Mr Wood, please!

Mr Wood: You would not dare name me.

MR SPEAKER: Order, Mr Wood!

Mr Wood: You would not dare name me after what happened on Thursday.

MR SPEAKER: Order! Mr Wood, please desist. Continue, Mr Stefaniak.

MR STEFANIAK: Let us look at what happens in other parliaments. This comes under the term "conduct". Members in the House of Representatives and in the Senate are quite often not on the floor of the house. They have other business to attend to. They are on the floor of the house when they have to be there. Business proceeds in an orderly way according to tradition and also according to further practice of the house which has been going a lot longer than this Assembly. I will come up with one little example, Mr Speaker. On Tuesday, a very busy Prime Minister, Bob Hawke, spent three hours at the Prime Minister's XI cricket game. So he should; it is his cricket match, he helps pick the team; that is a tradition. He went back to the house on occasions when he absolutely had to, but he was there going about other business whilst the House of Representatives was sitting. Is the Opposition saying that everyone should be here and never leave to attend to other essential business out there in the community?

Mrs Grassby: Mr Stefaniak, you have got it all wrong. He did not clear the whole house out like Mr Collaery did.

MR STEFANIAK: I do not think I have, Mrs Grassby. I think you people have got it all wrong. What we saw happen on 29 November - and that is disregarding the rightfulness or not of whatever Mr Collaery did or did not do - the fact of the matter is that those Government members remained in the building. Towards the end of the adjournment debate - and I think the persons mentioned were absent for only about five minutes - the Opposition and the two independent members tried to pull a nice little stunt and bring on private members' business. I think that in itself does not help to maintain the dignity of the Assembly.

Mr Moore: You goofed; admit it.

MR STEFANIAK: Not at all. What would have happened if they had succeeded? What would have happened if they had passed all sorts of amazing edicts and motions? All right, we would have come back with the numbers and reversed them, and that would have been even more of a farce.

Mr Speaker, they say that you were not maintaining the dignity of the Assembly. You were in a very difficult position and in that difficult position you finally managed to adjourn the Assembly, an Assembly which should have been adjourned some time earlier had the adjournment debate gone on in its normal course without people trying to pull a whole lot of clever stunts. They should have just got on with the actual business of the Assembly. I think that if we did a little bit more of that we might have a little bit more dignity as a chamber.

In terms of the dignity of the Assembly, let us face it, not only the Canberra community but everyone else in Australia is all set to look at anything we do, especially anything ridiculous, and make a lot of fun of it, and - - -

Mr Connolly: There are plenty of opportunities on your side.

MR STEFANIAK: There are quite a few on your side as well, Mr Connolly. We probably all really need to lift our game. There is nothing wrong, of course, with cross-chamber banter. I suppose we are here to play politics as much as anything else, and that is all part and parcel of performing in a chamber such as this. But we are also here to get on with business. Really, when it all boils down, it is what governments and oppositions actually do substantively that decides whether the Opposition wins an election or the Government loses it or the Government wins it. That is what concerns the public out there - not what sort of amateur theatrics go on in here, with people trying to make rather petty and rather stupid little political points along the way and trying to take advantage of situations. I do not think there is any real cause for that.

The bottom line is basically how a government's policies are going or not going, and perhaps how effective the Opposition is in highlighting those problems. That decides who wins elections. Let us face it, the next election in 1992 is certainly not going to be decided on theatrics in this house at all. That is simply not relevant, and people watching such theatrics just think, "There they are; the politicians are at it again". I think we would do a lot better if we discussed substantive matters of debate. Certainly people are going to take points scored and they will play a few little games there. I have no problems with that; that is part and parcel of being in politics. But I think it is far more important that we actually get

on with the business of this house and not spend so much time on what are frivolous points of order, with people trying to make rather ridiculous and petty points which I do not think help the dignity of this chamber one iota.

Mr Speaker, the Opposition has tried to suggest to you that the Government and, indeed, you, yourself, have failed badly in maintaining the dignity of the Assembly. I would remind Opposition members that they have spent a hell of a lot of time this year playing time-wasting games. On occasions they have accused the Government of not having enough business, yet quite amazingly when they have done that - and in some weeks I have actually counted it up - 40 or even up to 50 per cent of the time has been spent by the Opposition taking amazing points of order and on putting on rather spurious motions. Perhaps if they had shut up when they thought the Government did not have enough business, they might have been a lot more successful. However, here we are at the end of the year; we have a large number of Bills which we have to get through, some, of course, which will go over into the new year. We are 19 months or so into the term of this first Assembly and the work is banking up.

Mr Speaker, I think it is very important that we get on with the work. That way we, both the Government and the Opposition, will maintain the dignity of the Assembly and will look a lot better in the community's eyes than if we just waste time with such frivolous motions as this.

MR STEVENSON (4.38): This matter of public importance would lay the responsibility for the dignity of the Assembly at the feet of the Speaker and the Government. I believe that it can only be all the members of this Assembly who can ensure that this is a place that is fit to be called a parliament. Members in this place who involve themselves in personal name calling, who use offensive language and do various other things in the Assembly to denigrate other people instead of debating the issues that are before the parliament, will do nothing to solve the problem and nothing to build the dignity of the Assembly.

I think it could well be said that the party leaders have a particular role in this matter. After all, it is they who should take responsibility if there are members within their party who are not upholding the dignity of the Assembly. In the Speaker's case, indeed he has senior responsibility; but neither our current Speaker nor any other Speaker that sits in an assembly or a parliament anywhere can uphold dignity unless all members accept the responsibility. It does not happen in the bunker and it will not happen here unless individuals get together and decide to create a different environment. Personal name calling is offensive language in *House of Representatives Practice*. It talks about "offensive" and says that it means offensive in some personal way. That happens often in this Assembly.

Until we accept responsibility, we will not have the dignity that people suggest they require. I think the public has an expectation of something different and it is unfortunate that it does not receive it. It is unfortunate that the public has become used to hearing of problems in the Assembly caused by people conducting themselves in an unparliamentary manner. Dignity cannot be maintained in this Assembly by the Speaker and the Government, whoever the Government is, unless the other people in the house act accordingly.

There was a point in our last sitting where apparently Mr Humphries gained an agreement with Mr Berry that the Labor Party would not move any motion. The Labor Party did not move any motion. I voted with members on this side of the house on the day because I had not been approached to give any agreement. I thought it was fitting to make the point, and make the point strongly, that, if members of the Alliance make an agreement with other members of parliament in this Assembly for certain things, it should be done with all relevant members, not just those who happen to be in the Labor Party. Perhaps that could be noted, and, in future, the matter could be looked upon. Who knows, there may be yet another case where it could be important that agreement from all members of the house was obtained. So, as far as the matter of public importance goes, it cannot be directed at any particular person or group. The responsibility has been, currently is, and always will remain with every member in this Assembly.

MR MOORE (4.43): Mr Speaker, it was my intention to make a personal explanation, but since there is a little bit of time left at the end of the debate I might use the debate to do so. I think it is important to point out that, if there is going to be a certain amount of dignity in this Assembly, and it is to be maintained, then one has to be careful about what precedents one sets in the Assembly.

It was certainly my intention to draw that to your attention when I moved from my desk to next to Mr Berry's desk. In the bottom of his drawer was a particular poster which the Canberra Times had illustrated and published at one stage, with the title, "House of Farce". And my conduct in moving there and showing that poster to you and to the single member - or perhaps two people in the gallery - was to illustrate that a precedent had indeed been set, and that you were in no position to name me. For Mr Jensen to say that he saw me stumbling up and down the gallery is misleading this Assembly, because it is simply not true. Previously we saw Dr Kinloch, who walked from where he sits right down to in front of the gallery, and then right up to in front of the desk of the Leader of the Opposition, and, certainly, that was a totally inadequate and inappropriate way to act. He certainly ought to have been named.

Mr Deputy Speaker, when the Speaker, himself, made his statement earlier today and decided that he considered my conduct to be equivalent to Dr Kinloch's, and then a very short time after that put me on warning, I considered his conduct to be appalling. I consider that for the Speaker to move this situation away from the conduct of Dr Kinloch and move it to me was totally inappropriate and inept.

The reality of the situation was that, had the Speaker named Dr Kinloch, he knew that the leader of Government business would never have put the motion forward and that, in effect, would have been a vote of no confidence in him. He was put in the unenviable position that he would not have had the support of the Government when he named somebody, independent of what Dr Kinloch could have done, and would have done, because Mr Collaery would have looked after his own.

That is the problem with the Government. That is why its members have failed to maintain the dignity of the Assembly. That is the problem we have here, because they are more concerned - as this Alliance Government always has been concerned - about self-interest long before they are interested in anything else, and that applies to almost every member of that Alliance Government - - -

Mr Collaery: Are you going to pay your Rally debt?

MR MOORE: Each of those individual people is involved in self-interest, and self-interest only. Mr Collaery interjects, "Are you going to pay your Rally debt?". I have said to Mr Collaery before, and I will say it again: if he thinks I owe the Rally some money, he ought take me to court and I will defend it there.

MR DEPUTY SPEAKER: Members, the time for the discussion has now expired.

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE
Alteration of Reporting Date

MR PROWSE (4.46), by leave: I move:

> That the resolution of the Assembly of 19 September 1990 concerning a proposed Standing Committee on Ethics be amended by omitting "by 11 December 1990" and substituting "by 1 May 1991".

I would just like to make the point that, simply through pressure of work, more time is required by the members' staff who are analysing the data - and there is a large amount of it. Before the Assembly takes a view on this matter, we believe that we should investigate it in an appropriate manner, and we seek the extra time to do so.

Question resolved in the affirmative.

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL 1990

MR COLLAERY (Attorney-General) (4.47): Mr Speaker, I present the Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Mr Berry: Why doesn't Craig Duby present this one?

MR COLLAERY: Mr Speaker, the ACT Motor Traffic (Alcohol and Drugs) Act, which is administered by me as Attorney-General, was introduced in 1977 and relates to persons who drive motor vehicles after consuming alcohol or drugs. This Bill introduces measures relating to alcohol and driving included in the Prime Minister's 10-point package of road safety initiatives. The initiatives were discussed by the Australian Transport Advisory Council, made up of Commonwealth, State and Territory road transport Ministers in May 1990, and were subsequently endorsed by the Alliance Government.

The Bill addresses three separate issues, namely: a lowering of the current .08 blood alcohol limit to .05 for all drivers; a further reduction to .02 for young drivers under 25 years during their first three years of driving; as well as a .02 level for heavy vehicle drivers, drivers of dangerous goods vehicles, and public vehicle drivers. All States and Territories have agreed to ensure that these measures are in place by 1 January 1991. As members will be aware, many States already have legislation relating to .05 for all drivers and zero or .02 for inexperienced drivers. However, the extension of the .02 limit to other categories of driver is a new initiative for all States and Territories.

These measures represent an important step towards reducing the road toll, both in the ACT and on a national basis. The Bill particularly targets those drivers who have been shown to be most at risk in road crashes; that is, the young inexperienced driver. From 1 January 1991, all drivers who are less than 25 years of age and who have held their licence for less than three years will be in breach of the law if they drive while having a blood alcohol concentration of .02 or above.

The Bill also focuses on drivers of heavy vehicles and drivers of vehicles which are carrying dangerous goods such as explosives or chemicals. Drivers of vehicles which exceed 15 tonnes gross vehicle mass and drivers of dangerous goods vehicles which exhibit or are required to exhibit a sign under the dangerous goods legislation will be subject to the blood alcohol concentration limit of .02 when driving such vehicles. Drivers of public vehicles, including vehicles which are being driven for hire and

reward, such as taxis and hire cars, buses and coaches, have a particular responsibility towards the public whom they carry. Passengers in such vehicles have a right to expect that these drivers have adopted a responsible and safe approach to the driving of a public vehicle.

To reduce the burden on the courts, given that there is likely to be an increase in prosecutions, the Bill provides that first offenders in the .05 blood alcohol concentration category who register between .05 and .08 are to be subject to a $500 fine on the spot. Repeat offenders in the same circumstances will be subject to a court imposed fine, automatic licence suspension up to six months or licence cancellation.

I take this opportunity to foreshadow that in 12 months' time a points demerit system will be introduced in the Territory in compliance with the Prime Minister's 10-point road safety initiatives. The Motor Traffic (Alcohol and Drugs) Act will be amended at that time to impose a fine and six demerit points, as an added deterrent, against the licence of a person to whom the higher .05 limit applies for each offence between .05 and .08.

This Bill is part of the Alliance Government's ongoing commitment to improve road safety and reduce the road toll in the ACT. It comprises part of a graduated drivers licence scheme for novice drivers to be introduced in 1992 and also complements such measures as increased penalties for traffic infringements, increased enforcement of seat belt and child restraint requirements and continuing road safety education programs in schools. Drink-driving offences are regarded most seriously by all, and this Bill serves to reinforce this message to the community. I present the explanatory memorandum for the Bill.

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

MAGISTRATES COURT (AMENDMENT) BILL 1990

MR COLLAERY (Attorney-General) (4.52), by leave: Mr Speaker, I present the Magistrates Court (Amendment) Bill 1990. I move:

> That this Bill be agreed to in principle.

Mr Speaker, the purpose of this Bill is to streamline the keep-the-peace provisions in part X of the Magistrates Court Act 1930. Keep-the-peace provisions provide protection to people who have been threatened with or have sustained physical injury or whose property has been damaged in a non-domestic context, such as - and I use the words advisedly - in girlfriend-boyfriend relationships or between neighbours. As such, it is an important corollary to the protection offered in our domestic violence legislation. The present procedure for keep-the-peace

orders is limited in scope, cumbersome, and sometimes ineffective, and does not provide adequate protection for the victims of threats, violence and property damage.

Keep-the-peace orders are made in the form of a recognisance where the respondent pays a bond, and an order is made which prohibits the respondent from engaging in certain behaviour and being in certain places. If the respondent fails to comply with the recognisance, he or she must be brought before the court again so that the court may find that the amount of the recognisance has been forfeited. Because breach of recognisance is not in itself an offence, the police cannot arrest the person for breaching an order to keep the peace, and the complainant must bring a further action to enforce the order.

Other problems with the existing provisions include delays, the lack of interim protection, and the limited range of people who may bring applications. Further, the orders are not available in respect of intimidation and harassment. The result of inadequacies in the current legislation is that, while the institution of keep-the-peace proceedings, where available, often leads to the defendant refraining from the apprehended conduct, it does not provide an effective deterrent in many cases.

This Bill will provide for a more effective, speedier and less cumbersome regime for the protection of victims of violence, threats, harassment, intimidation, and property damage in non-domestic situations. These amendments are modelled on the provisions of the Domestic Violence Act, which have proved extremely effective in the prevention of violence in domestic relationships. Under these amendments, an application for a keep-the-peace order may be made by an aggrieved person, an aggrieved person's relative, or a police officer. Where an aggrieved person is a child, an application may be brought by a parent or guardian, or a person who normally lives with the child, or the child may bring the application in his or her own right and would receive legal assistance.

Where the court is satisfied on the balance of probabilities that a person has caused or has threatened to cause personal injury or damage to property, or has behaved in a provocative or offensive manner, the court may make an order restraining that person from such conduct and may impose certain conditions and prohibitions. For instance, the court would be able to make an order that the defendant is prohibited from approaching, contacting, harassing, threatening or intimidating the aggrieved person. It will also be possible for the court to recommend counselling and conflict resolution services where appropriate.

Importantly, the Bill allows the court to give interim protection where it considers this is necessary to ensure the aggrieved person's safety. A breach of an order will no longer simply result in a forfeiture of money, but will be a criminal offence punishable by a $1,000 fine, imprisonment for six months, or both.

The Bill also provides that, upon a restraining order being made, any gun licence held by the respondent will be automatically cancelled unless the court is satisfied that it should not be, and also that the court will have a discretion to order the seizure of any gun in the respondent's possession.

I am confident that this Bill is a much needed reform for the prevention of violence in our community and an important counterpart to the protection offered by our recently amended domestic violence legislation. These amendments have the support of the Magistrates Court, the ACT Legal Aid Office, the Law Society, the Domestic Violence Crisis Service, the Australian Federal Police and, I am sure, most members of our community.

This Bill demonstrates the Alliance Government's commitment to the prevention of violence in our community. It complements a series of packages in our community service area that have been instituted in recent times, including provision for psychiatric day care for young persons, adolescent mediation and provisions relating to the 24-hour mental health crisis service, as well as ongoing funding for the Domestic Violence Crisis Service, the Conflict Resolution Service and other family dynamic resolution services in the community. I commend this Bill to the Assembly, and I present the explanatory memorandum.

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

TERRITORY OWNED CORPORATIONS BILL 1990

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

That this Bill be agreed to in principle.

MS FOLLETT (Leader of the Opposition) (4.58): Mr Speaker, the Labor Party in considering this Bill, the Territory Owned Corporations Bill, is not opposed to corporatisation in principle. We believe that there are occasions where a corporate model may well be an appropriate one, particularly for some commercial government operations. But I would like to say at the outset that we do not believe that corporatisation as such represents micro-economic reform.

It is a fact that the corporatisation arrangements may simply be, in effect, shuffling the deck chairs on the *Titanic*, and will not in fact effect any kind of reform of themselves. What you need in order to achieve efficiencies is, we believe, a fundamental understanding of the role of government business enterprises, so that their functioning is more directed, and we are very concerned that the Alliance Government may in fact be using corporatisation as

a first step towards privatisation. This, I believe, would be a very retrograde step - and, really, a step that would not recognise the important community function of many of the agencies that we are dealing with.

The privatisation philosophy has, of course, long been the Liberal agenda, and we have seen that operating in New South Wales. We have seen a similar agenda operating in the United Kingdom and, of course, in the United States of America. If this corporatisation package that we are considering today does represent the thin edge of the wedge towards privatisation, I take the opportunity at the moment to express grave concern about it.

A further point that I want to make about the Territory Owned Corporations Bill is that it does require that corporations and subsidiaries be 100 per cent government owned. Again, that is of concern to me in my consideration of whether this is in fact privatisation by another name - because what that means is that as a further step there could not be any partial privatisation; that you would in fact be looking at the whole box and dice. I think that that must be of concern to people who have a worry about the operation of privatisation. Of course, anybody who is aware of what has happened in New South Wales and the United Kingdom must have that concern.

As I say, we have no objection in principle to the structures proposed by the Territory Owned Corporations Bill to be set up for Territory owned corporations. But this does not mean that we would support every case where the Government plans to change authorities into corporations.

There are a couple of aspects of the Bill which I am also very concerned about, and the first of those is the continuation of community services that are currently provided by government business enterprises and which are now planned to be operated under the new legislation, the Territory Owned Corporations Bill. I am concerned that the Bill we have before us appears to leave it to the board of a Territory owned corporation to decide which services it will provide. If the government of the day - and it could be this Government or it could be a future government - disagrees with the board's assessment and wishes other services to be provided, then the government will be required to fund those directly.

That is obviously a great concern, and the concern is, of course, that this could mean a reduction in services or in fact a greater cost to the community for the provision of particular services. I would ask that the Government consider - and Mr Kaine might want to address this question - whether they are prepared to guarantee the funding of those community services once this Bill comes into operation.

I would also like to draw the Assembly's attention to a further problem that we have, and that is that it is possible, in considering these sorts of corporatisation models, to confuse increases in efficiency with reductions in wages and working conditions of employees. And that is obviously a concern at the moment in the ACT where we know that there is pressure on employment; where we know that there is enormous pressure to increase efficiency.

It is very disturbing to me that the Government has been unwilling or unable to provide employees, through their unions, with some fairly fundamental guarantees on the question of their wages and working conditions. I would ask that the Government consider some of those questions and perhaps respond in this debate. I would ask, first of all: can the Government guarantee that the Territory owned corporations will become parties to awards? You must bear in mind that the awards that exist have been fought for for a long time and often with great difficulty by the workers and their unions; and, if that is all to be thrown out in the name of corporatisation, then we must oppose the Bill. It is my understanding that there is no guarantee, and therefore I raise that concern today.

I would also like to ask whether the Government is prepared to guarantee that the Territory Owned Corporations Bill will not be used as an opportunity to attack award conditions. As I have said before, many people in their employment have fought hard - and their unions have fought for them - to achieve award conditions, and they cannot be thrown out lightly. I know that there has been no agreement reached on it and I think that Mr Kaine should address that matter.

I would also ask him to address whether the Government can guarantee the maintenance of non-award working conditions. Some of those conditions, of course, are particularly important to employees of these organisations. They include, for example, long service leave arrangements and maternity leave arrangements. I would ask Mr Kaine to guarantee that once staff are transferred to Territory owned corporations there will be no reduction in those non-award conditions either.

I would ask also, in the interests of staff who are or who will be employed under Territory owned corporations: what kind of undertaking or guarantees will exist for their mobility into the public service - into the ACT Government Service or into the broader public service? I am aware, of course, that the Government has said that they should retain their mobility. I do not think "should" is quite a strong enough statement in all of the circumstances. I would ask the Government whether they are prepared to give that commitment that there will be that mobility.

Finally, I would like also to address the issue of industrial democracy. It is an issue which I believe you must give more than lip-service to, and it is an issue that I believe has largely been ignored in the drafting of this Bill. I think that the Government has not adhered to some fundamental principles about the rights of workers to participate in the decision making, and particularly to participate in the decision making about their work place and about issues in the work place that directly affect them.

I would ask why the Bill, as presented to us, does not contain a provision requiring the Territory owned corporations boards to contain a representative of the workers nominated by the Trades and Labour Council. There is no such representation provided for, and yet that is a fundamental issue in industrial democracy. If we are to pay more than lip-service to industrial democracy those kinds of issues have to be addressed in the legislation. I would ask, also, why there is no commitment about the Territory owned corporations boards involving the unions and requesting union input into the development of the Territory owned corporations' statements of corporate intent. This is the fundamental statement of what the organisation is about and I think it is a basic management principle - apart from being a basic requirement of industrial democracy - that the workers are involved in that kind of a statement, have had their say in it, and feel that they, in fact, own that intention of the organisation. So it is of concern to me that that is not reflected either.

On that basis, I advise that we will be opposing this Bill because I do not believe that it has been developed to a sufficient state that we can support it. My principal reasons, as I have stated, are that the workers in Territory owned corporations have not so far been able to receive a guarantee from this Government as to their award and non-award conditions of employment, so there is no guarantee at the moment that the corporatisation model we have before us will protect those workers - no guarantee at all.

I have said before that we do not oppose corporatisation in principle. I believe that we should look at each and every case as it arises; but this piece of legislation, being the umbrella legislation, must have built into it those basic precepts which protect the workers' rights and also which allow for full expression of the workers' views through quite normal industrial democracy processes. So, at this point we do not have sufficient guarantees, and the Bill must therefore be regarded as deficient in those aspects.

Sitting suspended from 5.09 to 8.00 pm

MR DUBY (Minister for Finance and Urban Services) (8.00): We are resuming tonight discussion of the Territory Owned Corporations Bill 1990. The Territory Owned Corporations Bill 1990 represents a major initiative on the part of the Alliance Government for reforming the commercial activities of its major business enterprises. As members will be aware, Commonwealth funding arrangements for the Territory present us with a very tight budgetary situation now, and in future years. It is imperative, therefore, that we ensure that the business activities operated by the Territory are structured to ensure that they operate as efficiently as possible to become profitable businesses and provide appropriate returns on the funds that the ACT community has invested in them.

We cannot afford to have the Territory taxpayers subsidise the services provided by these business activities. This Bill will provide the basis to enable the Territory's major businesses to be restructured to enable them to operate properly as fully commercial activities. I am sure that is something that the taxpayers of the community will support. Once established as Territory owned corporations, they will be required to meet financial and other performance targets determined by the shareholders in conjunction with the board of each corporation.

These targets will normally be included in a statement of corporate intent produced by each corporation and tabled in the Assembly. The statements of corporate intent will also cover the corporate and business plans of the corporations. Any commercial-in-confidence information contained in the statements of corporate intent will not be published, quite naturally, in order to protect the commercial viability of these corporations.

Other accountability measures will include audit by the Territory's Auditor-General in accordance with audit requirements under the Commonwealth Companies Code.

In addition, there is the requirement for all Territory owned corporations to satisfy all reporting requirements specified under the Commonwealth Companies Code and to provide detailed annual reports, which will be tabled in the Assembly.

As mentioned by the Chief Minister in his presentation speech, this Bill is about corporatisation, not privatisation. I would like the Leader of the Opposition to take that on board. All Territory owned corporations and any subsidiaries must be 100 per cent owned by the Territory. I think that answers one of the major queries that the Leader of the Opposition raised in her speech earlier today.

Other Bills currently before the Assembly will result in the TAB operations becoming the first Territory owned corporation on 1 January 1991. We will provide for the board of our largest prospective Territory owned

corporation, ACT Electricity and Water, to be expanded from four to seven members. The expansion of the ACTEW board will facilitate the oversight of its transition to a Territory owned corporation on 1 July 1991. Members will be aware that the Government has already put into place an interim board for the Mitchell Health Services Centre.

That interim board is making good progress for the corporatisation of the Mitchell Health Services Centre on 1 July 1991. That is something which I think a lot of people in the Territory will welcome greatly. Each Territory owned corporation will have its charter spelt out in its memorandum and articles of association. Provided each corporation acts within their charter, they will compete on a level playing field with all the private sector, in that they will be required to pay all Territory and Commonwealth taxes and charges. However, most Commonwealth taxes will be paid to the Territory under arrangements currently being negotiated with the Commonwealth.

In view of the Territory's financial position, largely brought upon us by the Commonwealth Government, this Bill provides the opportunity for a significant improvement in the Territory's financial position by ensuring that the Territory owned corporations are structured to provide appropriate returns to their owners, namely, us and the other members of the ACT community. I urge that the members opposite support this Bill as an important long-term initiative in micro-economic reform for the Territory and something which has been long overdue.

MR BERRY (8.05): As has been indicated by the Leader of the Opposition, the Labor Opposition will be opposing this Bill. It has also been pointed out that the reason for opposition to the Bill has some relationship to the fact that there are certain matters which require acceptance by the wider community, and community organisations such as the Trades and Labour Council.

The fact of the matter is that the conservative Government members opposite would argue that these changes lend themselves to the privatisation thrust of a Liberal administration. In my view, to say that it does not avoids the facts. The last speaker, the Minister for Finance and Urban Services, seemed not to understand the full effect of what has been enacted by the Government's approach in relation to this Bill. It is true that change can come about and deliver more efficient services for the people - in this case, for the people of the Australian Capital Territory - but, if those changes are merely to put in place the first stage of some philosophical commitment to the privatisation of Territory owned corporations, then that has to be resisted. Some of the most important things which have to be protected in the pursuit of this so-called micro-economic reform relate to the terms and conditions of employment of workers involved in those outfits and, most importantly, of course, the continuation of community services currently provided by government enterprises.

They are the sorts of things which are most important for the people of the ACT. If a government does not make a commitment to the provision of those community services, then it sadly lacks in the delivery of services to the people of the ACT. This Government has demonstrated that it does not have a strong commitment to the delivery of services to the people of the ACT. Since it has been in office, it has set about the process of reducing services to the community. It has done so in the case of the schools where, with three different formulas, it has set out to reduce the services provided to the community. It has done so with the hospital system, where it has set out - - -

MR SPEAKER: Order! Relevance, Mr Berry, please.

MR BERRY: The fact of the matter is that it is entirely relevant because the issue before us is Territory owned corporations and whether or not those corporations will continue to deliver very important - - -

Mr Kaine: On a point of order, Mr Speaker: there is no way that the hospital is a Territory owned corporation. It is totally irrelevant.

MR BERRY: If the Chief Minister had been paying close attention, he would have noticed that I had not said that the hospitals were a Territory owned corporation. What I was talking about was the lack of commitment by the Government to the delivery of services to the community. By way of an example, I quite rightly pointed to the cutbacks in hospital services implemented by the Minister for Health as a measure of the lack of commitment by the Government to the delivery of community services - - -

Mr Kaine: Totally irrelevant, Mr Speaker.

MR SPEAKER: Order!

MR BERRY: And well might you get touchy about that, Chief Minister. I would be embarrassed about it too.

MR SPEAKER: Order!

Mr Kaine: I am not the slightest bit embarrassed, but I wish you would stick to the point.

MR SPEAKER: Order!

MR BERRY: Thank you, Mr Speaker. The Chief Minister, of course, is, as I have said, rightly touchy about the issue of cutbacks to community services. That is what we are concerned about with this Government's philosophical position in relation to Territory owned corporations.

One of the things that we have to look to in assessing the Government's position on these sorts of things is its industrial relations policy. I note that the Alliance Government employment policy lacks any detail on the issue of industrial relations, but I am told that that is up for redrafting. It was particularly relevant for redrafting when the Opposition asked for a copy of the one-page document on employment. I suggest that any government that sets out to set up Territory owned corporations and has put together such a poor document on the issue of industrial relations is not capable of anything positive in the area doing of micro-economic reform and, in particular, with this sort of corporatisation.

It has certainly proved the absence of an understanding of industrial relations. It has yet to come to an agreement on some very important issues in the industrial relations field. There are, of course, some outstanding issues which have yet to be sorted out with the trade unions. What the Government seems to be doing is heading into a confrontation situation with unions as it moves towards these Territory owned corporations.

One of the most interesting areas, of course, has been the union position which required that existing terms and conditions - award and non-award - continue to apply to employment in the Territory owned corporations. The Government has been unwilling to come out and give a total commitment to that. Of course, while they do that there has to be some doubt about their commitment to the workers who are going to be involved with those corporations in the future. It is all right to say that these matters will be negotiated some time in the future and that the workers will be all right with this Government. There will not be too many of them who would believe you. The Government is incapable of giving an unequivocal commitment to the unions in relation to that request; that is, that existing terms and conditions of employment - award and non-award - should - - -

Mr Kaine: We have given it to the trade unions in writing.

MR BERRY: Well, that is not the information that has been - - -

Mr Kaine: I will table the document in a minute.

MR BERRY: It would be very nice of you to do that.

MR SPEAKER: Order!

Mr Kaine: I would suggest that you ask the trade unions, because we have already given them - - -

MR SPEAKER: Order, Chief Minister, please!

MR BERRY: We did. As you claim to have such a close relationship with them, perhaps when they explain to you that they are not entirely happy with what you are doing it might eventually sink in.

Mr Kaine: They do not have to be entirely happy. They are not the Government.

MR SPEAKER: Order, Chief Minister!

MR BERRY: That is right. We understand the confrontation between conservatives and the trade union movement and their worry about the power of the trade union movement versus the power of capital and all of that old stuff. The fact of the matter is that you have not been able to stitch up a deal yet and it is an embarrassment to you. What you cannot do is move to the corporatisation of organisations as a means to ensure that wages and working conditions are cut and to ensure that the savings from those cuts in wages and working conditions go into the corporate pocket. That is not what this is about. This is about improving the efficiency of organisations without damage to the wages and conditions of workers who work in those places.

Mr Kaine: He would be an expert on corporatisation, of course. He corporatised everything when he was in government.

MR SPEAKER: Order!

MR BERRY: The Chief Minister, of course, did not mention that whilst the Labor Government was in place it had - as I said earlier - a very responsible position on the delivery of community services. That is one of the initial issues that I raised in the course of this debate when I referred to schools and hospitals. This Government has demonstrated that it is an expert Government in the cutting back of services. That is, of course, a relevant - - -

Mr Humphries: On a point of order, Mr Speaker: I have to ask what schools and hospitals have to do with this debate, none of which are in any format put forward by this Government to be corporatised.

MR SPEAKER: Mr Humphries, I uphold your objection. Mr Berry, we have asked you to skirt round that issue, if you would not mind.

MR BERRY: Mr Speaker, you probably were not listening when I also mentioned the same issue with the Chief Minister a little while ago.

Mr Kaine: Yes, and you were told to stick to the point then.

MR SPEAKER: Order!

MR BERRY: Who is running this show, the Chief Minister or the Speaker?

MR SPEAKER: Order, Mr Berry! Please proceed.

Mr Kaine: Well, you certainly are not.

MR BERRY: I do not pretend to. The fact of the matter is that the Government is sensitive on this issue of the delivery of community services. It has made no outstanding commitment. They still do not seem to understand. As I have said twice before in this debate, the measure of their commitment to the delivery of community services can be found in health and education.

We also need to look further at the Government's approach to industrial relations and the dominance of the conservatives in the Government. For example, will the Government now move to enact essential services legislation for those workers who work in these industries that might be described as essential? Bill Stefaniak certainly believes that they will. That is what he promised the people of Canberra when they moved towards an election. He said that there would be essential services legislation. I expect that the rest of the Liberal Ministers support Mr Stefaniak as well. Is that the sort of philosophy that is going to creep through into the - - -

Mr Humphries: Once again, it is very edifying to hear about industrial relations and essential services legislation, but we are talking tonight about the Territory Owned Corporations Bill.

MR SPEAKER: That is a valid point, Mr Humphries. The issue before us is the Territory Owned Corporations Bill.

MR BERRY: Indeed, it is; and the people who work in those Territory owned corporations and, of course, the industrial relations policies of any government which says that it will move towards the management of those corporations. I know that the Liberal people opposite are very sensitive about that - - -

Mr Kaine: We are not sensitive at all.

MR BERRY: Why are you twitching and jumping up all the time?

MR SPEAKER: Order, Mr Berry! Please get on with it!

Mr Kaine: Because you keep telling lies.

MR BERRY: I heard that. It is your turn now, Mr Speaker. I would like the Chief Minister to withdraw his - - -

MR SPEAKER: Yes.

Mr Kaine: I withdraw that. He just keeps bending the truth a bit, Mr Speaker.

MR SPEAKER: That is a qualified withdrawal, Chief Minister. Please proceed, Mr Berry.

MR BERRY: I think you will have to do a bit better than that.

MR SPEAKER: Please withdraw.

Mr Kaine: I withdraw that.

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

MR BERRY: I seem to recall, with a sense of deja vu, that there was another instance of this, and we ended up with a short break in the Assembly so that people could settle down. I can see that we all learn, even the Chief Minister.

MR SPEAKER: We all learn, Mr Berry. Please proceed.

MR BERRY: That is an important issue for those workers who will be concerned and will be working in those Territory owned corporations. In closing, may I say that it is very disturbing that the Government has not been able to give to the trade union movement and to the community generally the guarantees that would satisfy those elements as to the propriety of its approach - I say propriety, in the industrial relations sense - on the corporatisation of these important ACT facilities. Unless the Government does that and is able to convince those trade unionists, then I believe that it will be some time before we will see a settling down of this position.

It is not good enough to merely corporatise. It is necessary, of course, to ensure that corporatisation not only delivers a better service to the people of the ACT but is not done at the expense of other Territorians. The workers in these organisations ought not be, if you like, screwed as a result of the corporatisation of organisations within the Territory. I think the Government stands warned about that issue. If it does not address those issues in the corporatisation of its facilities, then, of course, it will not work.

MR STEVENSON (8.20): I rise to mention the fact of the Bill being rushed through the Assembly. It was brought in on 29 November. As I have said before in the Assembly, this does not allow people in the ACT the time they should have for correct community consultation. It is one thing to talk about consultation. It is another thing to actually deliver.

It has been recently stated by the Labor Party that Bills are being brought on without sufficient time. That is quite correct. It was also mentioned in the *Canberra Times*

that the Labor Party did the same thing when they had the opportunity. That is also correct. It should not be a difficult thing to allow a minimum of one month for the passage of any Bill. It would be a far better thing. There can be only two reasons for Bills being brought on in such a hurry and they both have to do with planning - either good planning, if the intention is to not allow people the time to fully understand and consult on the Bills; or bad planning, if it is a matter of just not being organised to do the job correctly.

This matter has been brought up in this Assembly that so that something could well have been done about it. Perhaps a new year resolution, by all relevant people in this Assembly, could be that in 1991 Bills are to be allowed sufficient time to go through the many stages that should be necessary in a community when new laws are being brought in. That is indeed what we are talking about. We are talking about laws that affect the lives of people who live in Canberra. Their representatives should have the opportunity to talk with them about it. In this case, it is a sad situation that that time has not been allowed.

MR KAINE (Chief Minister) (8.22), in reply: In closing the debate in principle, there are a few things I would like to say and some in refutation of what the Leader of the Opposition and "Big Ears" said on the other side of the house.

MR SPEAKER: Order! Mr Kaine, please do not start that.

MR KAINE: I thought it was a common appellation; but if it is offensive, I withdraw it, Mr Speaker.

Ms Follett: On the other hand, we could always call the Chief Minister "Mr Grumpy".

MR KAINE: You will not faze me in the slightest.

MR SPEAKER: Order! Please proceed.

MR KAINE: This Bill provides for the restructuring and reform of the Territory's major business activities. Together with the other Bills relating to the restructuring of the ACTEW board and the establishment of the TAB as a Territory owned corporation, this is a major step in progressing micro-economic reform in the Territory. This, I might add, is consistent with what the Commonwealth Treasurer and the Commonwealth Prime Minister are advocating. I do well understand it, but I hear some mumbling from the other side from people who simply do not or will not understand. Perhaps it is the latter.

Although the Commonwealth has presented us with a difficult budgetary situation, it has been cooperative in passing a regulation under the ACT (Self-Government) Act 1988 to place beyond doubt the Assembly's power to legislate in respect of Territory owned companies. However, the

Commonwealth legislation does require all Territory owned corporations and any subsidiaries to be 100 per cent owned by the Territory. We are also expecting the Commonwealth to cooperate fully in relation to the Territory's business activities continuing to be exempt from most Commonwealth taxes when they become Territory owned corporations.

Since presenting the Territory Owned Corporations Bill 1990 on 29 November, it has been found necessary to propose a number of minor amendments to the Bill. The proposed amendments deal, for example, with clarifying, beyond all doubt, that TOC subsidiaries are to be 100 per cent wholly government owned; also to deal with enhancing the mechanisms for shareholder oversight of assets of TOCs in cases where they may mortgage significant assets; to deal with aligning the provisions for the Auditor-General, as company auditor of these corporations, with the requirements under the Commonwealth corporations legislation; and there are one or two minor editorial corrections. I table the amendments to the Bill, and the related explanatory memorandum, so that people have them available before we get to the detail stage.

Arising from these amendments, and from consultations with the ACT Trades and Labour Council on the general issue of corporatisation, which the members opposite do not seem to believe ever took place, the principles paper that I tabled when the Bill was introduced also requires some minor amendments. The main amendment to the paper arising from the union consultations is to provide that any staff employed by a Territory owned corporation at the date of corporatisation, and who become surplus to their requirements, will be eligible for assistance in placement elsewhere in the ACT Government Service. Mr Speaker, the amendments that are proposed in the principles paper are contained in another paper, which I also table.

Turning briefly to the issues raised by the Leader of the Opposition and Mr Berry, there are some points that need to be made. First of all, of course, their objections to this Bill are totally spurious. They know that to be so. On the question of privatisation, which is a word that they use, I reiterate the point I emphasised earlier in my presentation speech, namely, that the Bill is not about privatisation.

Simply put, had I wanted to privatise these functions, I would have done so. But we have gone to great lengths to explain that it is not privatisation. We have gone to great lengths to say that they must be 100 per cent Territory owned corporations. The reason that the Bill provides that all Territory owned corporations and any subsidiaries must be 100 per cent Territory owned is that the Commonwealth ACT (Self-Government) Act 1988 and regulations made under that Act do not enable the Assembly to legislate in respect of companies that are not 100 per cent Territory owned. There is no question of turning these corporations into private companies.

Mr Berry made much, of course, in his usual rambling ideological way, of the Government cutting back on community services. I can only assume that Mr Berry keeps hoping that he will make his mark if he says that often enough. He has got to the point where no-one is listening to him. To make my point, there are no media present; they have lost total interest in you because you say it over and over again. They are sick of it, just as everybody else is. Repeating it might get it into the Hansard and you might mail it out to your acolytes, but they are the only people who read it. Nobody else reads it; they know it to be the canard that it is.

On the funding of community services, the question of the provision by Territory owned corporations of any significant non-commercial services will normally be a matter for the Government, of course, and not for the boards. Where such a corporation has been directed to perform such community services, the Government will fund the cost. Despite Ms Follett saying that we have not said or done anything about this, in fact, clause 16 of the Bill provides specifically for that. It reads:

> Where the voting shareholders of a Territory owned corporation request it or a subsidiary to perform, to cease to perform or refrain from performing an activity or to perform an activity in a manner that is different from the manner in which the directors intend ... the voting shareholders may, by written direction, require the company to comply with the request.

At subclause (5) it reads:

> The Territory shall reimburse the company for the net reasonable expense of complying with a direction.

It is there in black and white. We have made specific provision for the possibility that a corporation might be directed to perform some such community service, and if it does it will be reimbursed. There is no question about it.

On employee terms and conditions, my department has been consulting with the ACT Trades and Labour Council on these issues over the past month or so. Each of the issues raised by the Leader of the Opposition has been addressed during those consultations and the Government has provided a clear response in each case. For the information of members, I table a document forwarded to the ACT Trades and Labour Council early today which sets out the Government's responses to the very issues raised by the ACT Trades and Labour Council and, of course, parroted by the Leader of the Opposition here today without knowing that we have, in fact, responded.

Again, in terms of the certainty of employment, our response to the union is that an undertaking be given that any staff member employed by a TOC at the date of corporatisation, and who becomes surplus, would be eligible for assistance in placement elsewhere in the ACT Government Service. I cannot be more specific than that. Of course, the Opposition would not know that we had consulted with the unions. They never talked to them. They would not be interested even if they knew.

In conclusion, I should point out that initiatives to reform government trading enterprises are being pursued by the Commonwealth and by New South Wales, and that other States are moving in a similar direction. The Alliance Government has moved very quickly to initiate these reforms relative to the Commonwealth and the States. In part, we have been spurred on by the difficult financial position imposed upon us by the Commonwealth; but, in any event, there is a need to ensure that the ACT community is not subsidising the services provided and that the community gets an adequate return on its business investments. That is what corporatisation of these business enterprises is about. I would suggest to the Opposition, if they are really serious about assisting the community, that they get behind this Bill and support it.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 11, by leave, taken together, and agreed to.

Clause 12

MR KAINE (Chief Minister) (8.32): Mr Speaker, I move:

> Page 5, line 13, omit "objectives", substitute "objective".

This is a minor amendment. It is intended to identify the singular objective, which is the principal objective of Territory owned corporations as set out in clause 7, rather than the incorrect plural.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 13

MR KAINE (Chief Minister) (8.33): Mr Speaker, I move:

Page 5, subclause 13(1), lines 15 to 20, omit the subclause, substitute the following subclause:

"(1) The Chief Minister may authorise a person -

(a) to participate, on behalf of the Territory, in the formation of a company; or

(b) to acquire, on behalf of the Territory, shares in a company;

being a company that is, or it is intended will become, a Territory owned corporation or a subsidiary.".

This amendment seeks to omit the existing subclause and substitute a new subclause in its place. This deals with a correction of the layout of subclause (13)(1), whereby both paragraphs (a) and (b) of subclause (13)(1) relate to a company that is or is intended to become a Territory owned corporation or a subsidiary.

Amendment agreed to.

Clause, as amended, agreed to.

New clause 13A

MR KAINE (Chief Minister) (8.33): I move:

Page 5, line 33, after clause 13 insert the following clause:

Acquisition of subsidiaries

"13A. (1) A Territory owned corporation or a subsidiary shall not enter into a specified transaction if, as a result of the transaction, a company would or could become a partially owned subsidiary of the Territory owned corporation or subsidiary.

(2) In this section -

'partially owned subsidiary' means a company that -

(a) is a subsidiary, within the meaning of the Corporations Act, of a Territory owned corporation or subsidiary; and

(b) not all of the issued share capital of which is held by or on behalf of the corporation or subsidiary;

'specified transaction' means -

(a) the participation, whether direct or indirect, in the formation of a company;

(b) the acquisition of shares in a company;
(c) an agreement to underwrite the issue of shares in a company or proposed company; and
(d) the lending of money on the security of shares in a company.".

This is a further amendment to clause 13, which is to introduce a new clause 13A which prohibits the acquiring of subsidiaries, as defined by the Corporations Act, by Territory owned corporations where those subsidiaries are anything other than 100 per cent wholly owned by the Territory.

MS FOLLETT (Leader of the Opposition) (8.34): I have had a look at this amendment proposed by Mr Kaine and at the so-called supplementary explanatory memorandum. The first thing I have to say is that I have listened carefully to Mr Kaine's comments in the in-principle debate on this Bill. I still do not understand why it is that the amendment that is being moved prevents Territory owned corporations from undertaking fairly standard business practices of obtaining subsidiaries with less than 100 per cent ownership.

I think Mr Kaine mentioned something about Commonwealth legislation applying or restraining his hand in some way. It is not contained anywhere in the material that we have been presented with on the Bill, or in the supplementary material provided on the amendments. I would ask Mr Kaine to do the house the courtesy of making an explanation as to why it is that he seeks to do this. It is, in fact, an artificial restriction that he is seeking to place on Territory owned corporations which does not apply to private sector companies. In my view, if your objective, through corporatisation, is to increase efficiency and put these businesses on a better footing, then you are placing a restriction on them that could, in fact, do quite the reverse.

I would be grateful for an explanation of the reason for this amendment. The explanatory memorandum is really no more than a reiteration of the amendment itself and gives no background or reasons for it at all.

MR KAINE (Chief Minister) (8.36): The essence of this amendment really is in the first paragraph of the proposed clause 13A, where it states: "... if, as a result of the transaction, a company would or could become a partially owned subsidiary". I have already pointed out that in accordance with the self-government Act itself, and the regulations passed under it by the Commonwealth to allow us to move into Territory owned corporations, we can deal only with wholly owned Territory corporations. If it is only partially owned, then it would become illegal under the Act. This simply prescribes that the Territory owned corporation may not perform transactions which would have the effect of making it less than a fully owned corporation. It is pretty straightforward to me.

New clause agreed to.

Clause 14 agreed to.

Clause 15

MR KAINE (Chief Minister) (8.37): Mr Speaker, I move:

> Page 6, paragraphs 15(1)(d) and (e), lines 9 to 12, omit the paragraphs, substitute the following word and paragraph:
>
> "or (d) acquire, dispose of, mortgage, or give security over, a significant asset, or give a charge over the whole or a significant part of its undertaking or assets.".

Amendment No. 4 on the circulated list substitutes a new paragraph for those that are appearing at lines 9 to 12 in the original document. What this does is add an enhanced mechanism for shareholder oversight of assets of Territory owned corporations in cases where Territory owned corporations may mortgage significant assets. It is simply a control mechanism to limit what the corporations may do.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 16

MR KAINE (Chief Minister) (8.38): I move:

> Page 7, subclause 16(6), line 3, omit "The reference in subsection (5)", substitute "In this section a reference".

Amendment No. 5 on the circulated list is a very minor amendment to ensure that the interpretation of the term "net reasonable expense" applies to the whole clause rather than to only a part of it.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 17

MR KAINE (Chief Minister) (8.38): I move:

> Page 7, lines 12 to 20, omit the clause, substitute the following clause:
>
> **Audit**
>
> "17.(1) A Territory owned corporation or a subsidiary, or the directors of such a corporation or of a subsidiary, shall not appoint a person other than the Auditor-General as auditor of the company.

(2) A company that has appointed the Auditor-General as its auditor shall pay his or her reasonable fees and expenses.".

Amendment No. 6 on the list as presented is to ensure that the provisions in clause 17 appointing the Auditor-General as company auditor of Territory owned corporations align with the requirements under the Commonwealth Companies Code.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 18

MR KAINE (Chief Minister) (8.39), by leave: I move:

Page 7, line 40, after "15", insert "sitting".
Page 8, subclause 18(4), line 4, after "Assembly" insert ", at the same time as he or she lays the statement,".

The purpose of these amendments is to make it clear that we are talking about 15 sitting days and not just 15 days.

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 19 and 20, by leave, taken together, and agreed to.

Clause 21

MR KAINE (Chief Minister) (8.39), by leave: I move:

Page 9, paragraph 21(2)(d), line 20, omit "the Auditor-General's report", substitute "a copy of the Auditor-General's report".
Page 9, subclause 21(3), lines 36 to 38, omit all words after "under", substitute "a law of the Commonwealth dealing with the regulation of companies, it may be produced for the purposes of this section in the manner required by that law.".

Amendments Nos 9 and 10, as appearing on the list, both relate to clause 21. The first of those amendments is merely to note that we are talking about only one report. There could have been an inference drawn from the original Bill that there were two different reports. There was one, in fact. We are making it clear that it is only a copy of the Auditor-General's report that we are talking about.

The second amendment is to subclause 21(3). It substitutes a more general reference to Commonwealth legislation dealing with the regulation of companies and it ensures the appropriate link to Commonwealth companies legislation irrespective of the specific title of that legislation.

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 22 to 27, by leave, taken together, and agreed to.

Clause 28

MR KAINE (Chief Minister) (8.41): I move:

> Page 12, subclause 28(5), definition of "relevant company", paragraph (c), line 22, after "that" insert "the Portfolio Minister certifies in writing that".

Amendment No. 11, as appearing on the list that I presented, has to do with the definition of "relevant company". It is merely to make sure that there is no misunderstanding of what is intended.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 29

MR KAINE (Chief Minister) (8.42): I move:

> Page 14, subclause 29(17), line 4, omit "(12)", substitute "(15)".

Amendment No. 12 is merely to correct a typographical error and to insert "(15)" where previously it read "(12)".

Amendment agreed to.

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

AUSTRALIAN CAPITAL TERRITORY GAMING AND LIQUOR AUTHORITY (REPEAL) BILL 1990

[COGNATE BILLS:

BETTING (TOTALIZATOR ADMINISTRATION) (AMENDMENT) BILL 1990
LIQUOR (AMENDMENT) BILL (NO. 2) 1990]

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

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Betting (Totalizator Administration) (Amendment) Bill 1990 and the Liquor (Amendment) Bill (No. 2) 1990? There being no objection, that course will be followed, and 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) (8.43): The Bills that we now have before us relate to the abolition of the Gaming and Liquor Authority and to the establishment of the Totalisator Agency Board as a Territory owned corporation. During the course of the debate today on the Territory Owned Corporations Bill, the Labor Party has indicated its opposition to the creation of Territory owned corporations while the Government remains unwilling to provide some reasonable guarantees to workers about their wages and conditions.

In response to that, Mr Kaine has tabled a document which, he asserted at the time, should have resolved those difficulties. It does not. In fact, the document that has been tabled, while it addresses each of the issues that I raised, in no way offers any guarantees whatsoever. Quite the contrary. If this is what is being offered to the Trades and Labour Council, it is no wonder they are concerned. Not only does it not offer those undertakings on award conditions for workers but, in fact, it makes quite clear that the Government, if it can, will be backing away from any such undertakings. It is quite clear to me, from this document, that workers need to be very much aware that they are going to have a battle on their hands with this Government to maintain the conditions of work that they have fought for so hard and over so many years.

That was one of the main bases on which we opposed the Territory Owned Corporations Bill. The Bills that we have before us at the moment fall into exactly the category that I spoke of earlier. We are simply not convinced that the Government has done its work there. I am not at all confident that there has been any meaningful negotiation between the Government and the trade unions. In my view, slapping a piece of paper in their direction does not constitute negotiation.

Mr Speaker, I am also not convinced, with regard to the Bills that we have before us, that the Government has proposed any good reasons why it would want to abolish the Gaming and Liquor Authority. The Gaming and Liquor Authority, or GALA as it is usually known, has provided a very effective instrument for the administration of gaming and liquor functions in the ACT. It has done so over many years. The question of course is: why does it need to change? We have not heard much from the Government on that subject. Gaming and liquor administration in the ACT has not been subject to the kind of corruption and allegations that have happened in other States - allegations of fraud and allegations of all kinds of misfeasance. That just has not happened here. I think that we can give most of the credit for that to GALA.

It has also, of course, been a very important source of revenue for the ACT. If we have a look at how important it has been in that area, we get a little bit to the heart of why the Government now wants to abolish it. I refer members to the Priorities Review Board report, which Mr Kaine claims is not his agenda. Of course, in relation to GALA, this is the PRB at work. The PRB have recognised that GALA is a very efficient and very lucrative function. Of course, what Mr Kaine is now proposing to do with it is, in fact, exactly what the PRB recommended that he do with it. The PRB have recommended that GALA be re-established as either an authority or a Territory owned corporation, and surprise, surprise; here it is happening.

Mr Collaery: What page?

MS FOLLETT: Page 124. They go on to say that the newly established corporation should have a restructured board of up to seven people - surprise, surprise; that it establish or sponsor a representative racing forum - I think we have something about that before us right now; and that regulatory processes, including statutory requirements, should be reviewed and streamlined. Again, I think Mr Kaine is doing exactly as his PRB masters would wish.

Any suggestion that the PRB report is not this Government's agenda is absolute rubbish, because here we have an example of just how closely Mr Kaine wishes to follow the Priorities Review Board agenda. In my view, the Bills that we have before us suffer from all of the problems that the original Territory Owned Corporations Bill suffered from. Further, there is no real reason why we should be dealing with these Bills at all. Nobody has told me what is wrong with GALA. Nobody has told me why you would want such a lucrative body to be altered.

Mr Berry: Is it broken?

MS FOLLETT: As Mr Berry says, "If it ain't broke, why fix it?". Mr Kaine's answer would be, "Because the PRB said so". They are, as I said, his masters.

On those grounds we must oppose these Bills. Of course, you have also to note that, as with the Territory Owned Corporations Bill, they have been in such haste to prepare these pieces of legislation that they have been introduced with any number of drafting errors. It is now necessary for the Government to propose, on the run as it were, a range of corrections by way of amendment. It really ought to be made clear where the corrections are actually corrections to errors of drafting or other errors rather than amendments of the Bill.

Of course, as with all of the legislation that this Government has sought to ram through this house without proper consultation, the ACT community must be wondering why we are inflicted with such hastily drafted legislation that contains basic errors. What on earth is going on? It is not as though we have been overwhelmed with legislation all year. It is only this week that we have had anything resembling a workload; and most of it is wrong. There are amendments that I would personally find extremely embarrassing if I had to propose them as the Minister sponsoring this Bill.

As I say, our grounds, basically, for opposing this package of legislation are that there are none of the guarantees which we required for employees of Territory owned corporations. Particularly in relation to GALA, there is no good reason for doing what the Government proposes. They have not given us any good reason for doing it. They are merely following the Priorities Review Board agenda. I will not go along with that.

MR STEFANIAK (8.51): I rise to speak in support of these three Bills and to provide some further details of their effect. The repeal Bill introduces transitional provisions that preserve the legal effect of contracts, agreements and arrangements made by GALA. Contracts relating to gaming machine and liquor matters will become the legal responsibility of the Territory. Contracts relating to TAB functions will become the responsibility of the new TAB company, ACTTAB Ltd. All other rights and liabilities of GALA, as well as its assets, revert to the Territory, except to the extent that the Minister, who, in this case is the Attorney-General, transfers assets, rights and liabilities to the TAB before 1 July 1991.

The Government is, of course, committed to providing the TAB with adequate working capital. So, most of the current GALA assets that relate to TAB functions will be transferred to ACTTAB Ltd. The Bill sets a deadline for transfer of 1 July 1991 to allow for ongoing adjustments. A full audit of GALA's books and records will not be available immediately after its abolition. It may be that further transfers of assets, rights and liabilities will need to be made once that audit is available.

Another aspect of the transitional provisions worthy of mention is that the Bill provides specifically for the new TAB company to inherit the employment contracts of existing TAB staff. (Quorum formed) GALA also had public servants on attachment to perform regulatory functions. These staff are being transferred to the Department of Justice and Community Services and to the Finance Bureau respectively. Different transitional arrangements are made in respect of the chief executive of GALA. The chief executive is not an employee. Of course, ACTTAB Ltd has to be free to choose its own chief executive. For this reason clause 7 of the Bill provides only that the current chief executive of GALA is deemed to be the acting chief executive of the new TAB company until such time as the company makes its own appointment.

I turn now to the amendments to the Betting (Totalizator Administration) Act. The Attorney-General has already outlined, in his presentation speech, the shift from a full regulatory regime to a TAB/punter relationship governed primarily by the law of contract. The Government does recognise, however, that in many aspects of its business the TAB is a monopoly. It also recognises that betting needs to be subject to controls for social purposes. Hence, the continuation of the prohibition on credit betting, for example.

To protect the punter, clause 19 of the Bill provides for a new section 46 in the principal Act. The effect of this new section is that a copy of the rules of betting - that is, the betting contract - and a copy of this Betting Act must be available for inspection at any TAB office or agency. The Government also proposes to make regulations extending the jurisdiction of the ombudsman and freedom of information Acts to the TAB, although, consistent with practice at Commonwealth level, the FOI Act will not apply in respect of the competitive commercial, as distinct from monopoly commercial, activities of the TAB.

I now turn to the Liquor (Amendment) Bill No. 2. The fact that the Registrar of Liquor Licences will be a public servant located in the Department of Justice and Community Services reflects the Government's view that liquor licensing is a regulatory function that belongs in the mainstream of government, not in an authority which has an otherwise commercial charter. The Government also recognises, however, that licensing decisions need to be made objectively and without outside interference. For this reason, the registrar's position is a statutory one, with appeals lying to the Administrative Appeals Tribunal rather than to the Minister. The decision making process will work as follows. The matter will come before the registrar, usually in the form of an application but in some cases by other means, such as a complaint. The registrar will ask the deputy registrar to investigate the matter and to prepare a report.

In the vast majority of cases the matter will be straightforward and the registrar will approve the application concerned after having considered the report from the deputy registrar. If, however, there is a difficulty with the matter, such as a criminal record which suggests that a person is not fit and proper to hold a licence, the registrar will refer the matter to the Licensing Board. Because the registrar is a member of the Licensing Board it would be inappropriate for the registrar to have reached a concluded view prior to considering the matter as part of the board. For this reason the Bill is drafted in such a way that the registrar is required only to consider whether the case is of a type that should be considered by the board.

Once the matter comes before the board it can be dealt with in a number of different ways under the board's flexible procedures. If the facts are straightforward and the issue is one of policy, the board might decide the matter on the papers. If, however, the facts are not clear, the board might direct the deputy registrar to make further inquiries. If the facts remain unclear after those administrative inquiries, or if the issues are such as to make it appropriate, the board will convene an oral hearing at which legal representation is allowed. Hopefully, such oral hearings will be relatively infrequent; but, where they are required, a full court style of procedure can be adopted if that is the only way in which fairness can be achieved. Of course, once the board takes it decision, an appeal will generally lie to the Administrative Appeals Tribunal, whose decision is final, except on points of law, which can be taken to the Supreme Court.

In summary, these are worthy reforms that will enhance the operating efficiency of the TAB and ensure an efficient and accountable system of liquor regulation.

MR CONNOLLY (8.58): An Opposition can have a variety of reasons for opposing government legislation. In this case, in relation to the Gaming and Liquor Authority, our reason is the most basic. We really do not understand where the Government is coming from. The Gaming and Liquor Authority is an organisation which has performed its task exceptionally well. As Ms Follett quoted, even the Priorities Review Board, in its report, noted that it had achieved quite remarkable administrative efficiencies since 1981. It had reduced its staff allocation from some 76 to 37 and at the same time dramatically increased its turnover.

It is a body that is widely respected throughout the industry. The principal client group, if you like, the bodies dealt with by that regulatory agency - the club industry and the Hotels Association - have full confidence in GALA and support the work that GALA has been doing. This just seems to be an unnecessary process of scrambling eggs for the sake of being seen to produce some activity.

We remain to be convinced that this is a wise or prudent move. It must be said that we have heard no argument in justification for this move. We have heard an explanation of what is happening. We have heard an explanation of the new structure which Mr Stefaniak outlined. Indeed, that new structure will clearly work. However, we have not heard a more basic justification for a decision to abolish a body which, it is universally acknowledged, is working efficiently and well and enjoys the widespread support of the industry which it regulates. In short, the Opposition sees this as a quite unnecessary piece of legislation.

MR COLLAERY (Attorney-General) (9.00), in reply: Firstly, I wish to endorse the comments of my colleague, Mr Stefaniak, and then to make one or two comments in reply to the Leader of the Opposition. One of the principal submissions made by the Leader of the Opposition was that the Government - in particular the Chief Minister - was driven by the PRB. I think the Leader of the Opposition used the expression "the PRB was his master". This was said in the context of the PRB's recommendations about the Gaming and Liquor Authority. If you look at page 123 of the report of the Priorities Review Board, you see that, far from the PRB being his master, the Chief Minister has rejected their recommendation. I will put this on the record. At paragraph 5.199 the PRB said:

> The racing industry is important to the ACT and has significant employment, tourist and recreational, and revenue implications. The concerns of the racing industry might be addressed by more coordinated action and a restructured Authority, rather than by a separate Authority.

The Leader of the Opposition cannot have it both ways. There is that well-known, little document that circulates irregularly in Canberra, called the Insider. It has a 1920s sort of philosophy. It does not bear an imprimatur anywhere.

MR SPEAKER: Relevance, Mr Collaery, please.

MR COLLAERY: I am getting to that, Mr Speaker. On the front page of an issue - the origin of which one cannot tell - it says, "Public Accounts Committee investigates PRB". In that issue the Leader of the Opposition is quoted as saying that the Government has been backing away from the report. Where are we going with this Leader of the Opposition? She is opposing our Bill and basing her arguments on the fact that we are slavishly following the PRB, when, explicitly in the report at paragraph 5.199 on page 123, it says that we are not accepting their recommendation. One could hardly say that the PRB is the master of the Chief Minister, as Ms Follett said. I just make that point to indicate the level of credibility of the Opposition's argument that has been put forward to reject this Bill.

The Leader of the Opposition has not given us credit for the advice we have received. There has been a pretty tough attack on the people who draft our legislation - and there is much of it at the moment - because we had to bring in a few amendments and tidy a few things up. I thought that remark was unbecoming. I want to publicly place on record that I acknowledge the debt of the Territory to our draftspeople.

From 1 January 1991, the TAB, trading as ACTTAB Ltd, will be free to trade to maximum commercial advantage, with the benefits, of course, flowing to the people of the ACT. That says it all. As a Government we are seeking to maximise the benefits of this process to the people of the ACT. This Government has made these arrangements openly and is putting them on the table in the best traditions of the open system of management, which the Federal Labor Party seems to endorse fully on the hill these days. On the advice available to us, we believe that this is a new process for maximising the commercial advantage of the TAB. I believe that having a separate TAB is something that is reflected in interstate practice. Perhaps this is another aspect of the ACT processes coming of age.

The Liquor Licensing Board and the Registrar of Liquor Licences will, under the new provisions in the Liquor Bill, be equipped to regulate liquor matters in an efficient, cost-effective and accountable manner. That, again, is the rationale. There are many other amendments. There are social imperatives in some of our amendments to do with surveillance of liquor licensees, under-age drinking, and the rest. They are good motives.

I believe that the Leader of the Opposition cheapened the debate by suggesting that the Chief Minister was driven by some ideology in the Priorities Review Board report. Some of these reforms have been pressed on us. Indeed, they have been pressed on us by the same people who were pressing them on Ms Follett when she was in power. In that sense, how could they be seen to be the hallmark of the Alliance when they had been part of the agenda prior to self-government, they were taken up by the previous Government as part of their stated intentions, and now we are bringing them forward?

The fact is that this Opposition is not willing to do us the courtesy of allowing us the normal processes that oppositions give in other parliaments. We all wait for the day when they will start doing that and start supporting Bills that clearly, on their face, attempt to tackle some of the issues facing society. It is not really clear from the speech of the Leader of the Opposition what is going to be opposed and what will be finally accepted in the Bill.

We heard a fulsome speech earlier this evening in relation to the TOC Bill. At the end of it we learned that the Opposition would be opposing it. Throughout the speech it seemed that the Opposition was recognising the utility of TOCs and would support the Bill, but at the end they indicated that they would not.

I want to circulate two supplementary memoranda relating to some supplementary amendments to the Liquor (Amendment) Bill (No. 2) 1990 and the Betting (Totalizator Administration) (Amendment) Bill 1990. I formally table those documents.

The imperatives facing our Government are that we need to effectively maximise Government revenue and balance the social issues involved. It is the Government's intention to appoint a professional managerial-style board to run ACTTAB Ltd, and I believe that as time unfolds ACTTAB Ltd will prove that it can compete in a rapidly competitive market.

The New South Wales Government is improving and upgrading its racing facilities in Wagga, in Queanbeyan and in Goulburn. There will be stiff competition for ACTTAB. It is appropriate that, at this stage, we give them some commercial licence to compete, and press those issues that will also result in the maximum benefit flowing to the people of the ACT. I commend the Bills. I thank members for those comments that were in support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

BETTING (TOTALIZATOR ADMINISTRATION) (AMENDMENT) BILL 1990

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

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 6, by leave, taken together, and agreed to.

Clause 7

MR COLLAERY (Attorney-General) (9.09), by leave: I move:

Page 3, proposed new section 6, lines 9 and 10, omit ", or such other percentage determined in writing by the Minister,".
Page 3, proposed new section 8(1), line 26, omit "other percentage" substitute "other higher percentage".
Page 3, proposed new paragraph 8(2)(a), line 36, omit "30 December" substitute "31 December".
Page 3, proposed new paragraph 11(a), line 17, omit the paragraph.

In moving those amendments, I acknowledge that the initiative for them came from the office of the Leader of the Opposition. We, on this side of the house, are happy to accept those amendments. Although they are moved by the Government, it is just a housekeeping effect. We accept them as having been initiated by the Opposition.

Amendments agreed to.

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

LIQUOR (AMENDMENT) BILL (NO. 2) 1990

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

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 19, by leave, taken together, and agreed to.

Clause 20

MR COLLAERY (Attorney-General) (9.11): I move:

> Page 11, paragraph 20(b), after proposed new subsection 41(1C), add the following new proposed subsection:
> "(1D) A licence shall not be transferred unless the determined fee has been paid.".

Mr Speaker, that is a housekeeping amendment. It is clear, on its face, that the intention is to ensure that revenue is protected prior to a licence being transferred to another licensee.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 21 to 24, by leave, taken together, and agreed to.

Clause 25

MR COLLAERY (Attorney-General) (9.12): I move:

> Page 12, heading, line 1, add at end of heading "or reprimand".

This is a consequential amendment following the passage of an amendment to the principal Act in our last sittings which gave the administering authority the power to issue a reprimand, among other things.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 26

MR COLLAERY (Attorney-General) (9.13): I move:

> Page 12, proposed new subsection 48(1), line 10, after "licence" insert "or issue a reprimand to the licensee".

Mr Speaker, this is another consequential amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 27

MR COLLAERY (Attorney-General) (9.14), by leave: I move:

Page 12, heading, line 18, add at end "or reprimand".
Page 12, paragraph 27(f), line 34, omit "(2)(b)", substitute "(2)(c)".

Once again, these are consequential amendments.

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 28 to 33, by leave, taken together, and agreed to.

Clause 34

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

Page 15, proposed new paragraph 60(b), line 10, omit "reason", substitute "ground".

Clause, as amended, agreed to.

Clauses 35 to 42, by leave, taken together, and agreed to.

Clause 43

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

Page 18, proposed new paragraph 96(c), line 25, omit the paragraph, substitute the following new proposed paragraphs:

"(c) the suspension of a licence or the issue of a reprimand to the licensee;

"(ca) the cancellation of a licence;".

Clause, as amended, agreed to.

Clause 44

MR COLLAERY (Attorney-General) (9.15), by leave: I move:

Page 19, proposed new paragraph 97(1)(a), line 22, after "licence" insert ", the issue of a reprimand to a licensee".
Page 19, proposed new subsection 97(3), line 31, after "licence" insert ", the issue of a reprimand to a licensee".

Again, they are consequential amendments following the changing of the principal Act in the last sittings.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 45

MR COLLAERY (Attorney-General) (9.16): I move:

> Page 20, paragraph 45(c), line 5, after "licence" insert ", the issue of a reprimand to a licensee".

This is another consequential amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 46 to 48, by leave, taken together, and agreed to.

Clause 49

MR COLLAERY (Attorney-General) (9.16), by leave: I move:

Page 21, after proposed new paragraph 104(g), insert the following new proposed paragraph:
"(ga) the issue of a reprimand to a licensee;".
Page 22, proposed new paragraph 104A(1)(a), line 1, after "(g)" insert "(ga),".

They are consequential amendments, again.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 50 agreed to.

Clause 51

MR COLLAERY (Attorney-General) (9.17): I move:

> Page 22, paragraph 51(1)(d), line 27, add at end of the paragraph "or the issue of a reprimand to a licensee".

Once again, this is a consequential amendment.

Amendment agreed to.

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

GAMING MACHINE (AMENDMENT) BILL (NO. 3) 1990

Debate resumed from 29 November 1990, on motion by **Mr Duby**:

That this Bill be agreed to in principle.

MS FOLLETT (Leader of the Opposition) (9.18): Mr Speaker, this Bill really is part of the package of legislation to abolish GALA that we have just considered. It is not clear to me why it was not included in that cognate debate. The main effect of this Bill is to transfer the existing powers of GALA under the Gaming Machine Act to the Commissioner for Revenue. It is pretty much a housekeeping matter. Nevertheless, as it does go with the other Bills which have just been passed, it is worth repeating that we are still to hear any good reason for abolishing GALA. In all of the opportunities that were given to Government members, we have not heard them put up one cogent reason for that action. I was listening to Mr Collaery's comments upstairs. Of course, he claimed that it was not really his idea anyway; that the idea had been around for ages and that they were just doing it on behalf of some unknown entity. I remain firm in my view that you need a reason to do this, and we have not heard one.

This Bill now under consideration is a part of that package. So, all of the difficulties I raised with that previous package apply to this Bill. For that reason we will be opposing it. I am also aware that there are, yet again, a raft of amendments to this Bill. I am not sure whether they have yet been circulated. Again, it is an indication of hasty drafting and an indication that the Government is not really ready to go ahead with this bit of business. They have not really thought it through. They are unable to say why they want to do it. In fact, they have not even managed to get the nuts and bolts of the legislation right.

For Mr Collaery's information, the blame for that attaches quite firmly to the Government, not to any of their Government servants. Any impression that Mr Collaery might have given that I was in any way criticising those public servants is quite false. I would sheet the blame home quite firmly to Government members opposite. This Bill - like all of the others we have seen tonight - is hasty, it is ill thought out, and it requires virtual redrafting on the run from the floor of this chamber. We will be opposing it.

MR DUBY (Minister for Finance and Urban Services) (9.21), in reply: That was very short and not very sweet. Clearly, there are no other speakers on this Bill. The Gaming Machine Act provides for the taxing and regulation of gaming machine operations in the Australian Capital Territory. As part of the legislative package to abolish the Gaming and Liquor Authority, this Bill will transfer the regulatory and revenue collection powers under that Act to the Commissioner for ACT Revenue.

Gaming machine administration in the ACT provides tight regulation of an industry commonly perceived to be susceptible to corrupt practices. As the regulation of the industry and the collection of revenue are complementary functions, the Revenue Office is to carry out all current GALA functions, which includes approval, purchase, installation and inspection, as well as the taxing of gaming machine operations. The transfer of these functions to the Revenue Office will lead to an increase in efficiency - which I think is undisputed even by those opposite - and cost-effectiveness, of course, for both the Government and the taxpayer. This is something the people opposite often forget about.

The Revenue Office presently administers business franchise fees on petroleum, tobacco and X-rated video purchases which are closely related to taxes imposed under the Gaming Machine Act. Consequently, revenue inspectors already conduct payroll and tobacco audits of financial records of clubs authorised to operate gaming machines. The elimination of this duplication of resources, coupled with the economies inherent in absorbing functions into a larger existing organisation, will lead to short- and, might I say, long-term financial savings for the Territory and the people therein.

Efficiency and equity in administrating gaming machine licences will be further increased by replacing the Supreme Court of the ACT with the Administrative Appeals Tribunal for the purposes of reviewing relevant decisions on their merits. The AAT is quicker than the Supreme Court and better equipped to review administrative decisions of the commissioner.

I should mention that the amendments that I have had circulated are only of an interim nature. Further legislation will be introduced reviewing the provisions of the Gaming Machine Act and incorporating the Taxation (Administration) Act, which provides common administration, penalty and appeal mechanisms for all other Territory tax laws. The introduction of this Gaming Machine (Amendment) Bill is something which has been long overdue and is something which all thinking people of the Territory will support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 14, by leave, taken together, and agreed to.

Clause 15

Amendment (by **Mr Duby**) proposed:

Page 4, clause 15(b), lines 5 and 6, omit "'conducted by'", substitute "'conducted'".

MR COLLAERY (Attorney-General) (9.25): I would like to take this opportunity to rise in support of the Bill. The transfer of taxation functions from the Gaming and Liquor Authority to the Revenue Office is part of the Government's reforms to bring about greater efficiency in the delivery of Government services. The Leader of the Opposition was asking earlier for explanations as to why we do things. I thought I would now interpose the reasons more explicitly.

Last year the Revenue Office collected 84 per cent of tax revenue of the ACT. Since self-government the Revenue Office has been reorganised to enable it to efficiently discharge its responsibilities as the Territory's taxation authority. Liquor licence fees collected by the Gaming and Liquor Authority from liquor licensees and gaming machine operators are taxes and should be subject to the same regime of tax laws that apply to other taxpayers.

This Bill does not entirely achieve this, but the Government foreshadows further amendments to be introduced by the responsible Minister early in the new year. Those amendments will bring these taxes within the provisions of the Taxation (Administration) Act 1987. They will also standardise the administrative and assessment procedures, penalties and objection and appeal process for liquor and gaming machine taxes with other Territory tax laws.

Since self-government was introduced, the ACT has had to look closely at its revenue effort. Members will be aware that the Grants Commission had identified the Territory's below par revenue receipts as a reason for the overfunding which must be addressed during the next couple of years. Several new taxes have been introduced: an ambulance service levy, a tax on the sale of X-rated videos, and a tax on the acquisition of businesses. They are all new tax measures. While existing taxes are being broadened, anti-avoidance provisions need to be strengthened.

The impact on the Territory's internally generated tax revenue has been significant, rising by over 34 per cent in the last two years. As mentioned earlier, over 80 per cent of tax revenue is collected by the Revenue Office. The increased tax revenue has been achieved with no increase in the size of the Revenue Office. There has also been a 31 per cent reduction in the level of debt managed by the Revenue Office over the past 12 months. That was in a period when debts in other trading areas were increasing

significantly. There was also an increase last year in default assessments issued by Revenue Office inspectors of 50 per cent. That is up to $2.7m over the previous year. In other words, the Revenue Office has a good record as an efficient and cost-effective administrative unit. The Government has every confidence that the savings already identified by transferring responsibility for collecting liquor and gaming machine taxes to the Revenue Office will be augmented in the future. I trust that the Leader of the Opposition will note these remarks.

Before closing, I would like to refer briefly to the Commissioner for Revenue's new responsibility in respect of gaming machines. This is a matter to which the Government has paid particular attention in view of the potential for corrupt practices in the industry. It is clear that anti-corruption activities and protection of revenue are closely related. There will be no diminution in Government surveillance of the gaming machine industry. The expertise in key staff built up by the Gaming and Liquor Authority, which made the ACT a model in this field of anti-corruption activity, will be transferred to the Revenue Office. I commend the Bill to the Assembly. I trust that the Opposition will note the objectives the Government has set itself in respect of this legislation.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 16 to 29, by leave, taken together, and agreed to.

Clause 30

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

Page 6, paragraph 30(a), line 38, omit the paragraph.

Clause, as amended, agreed to.

Clauses 31 to 35, by leave, taken together, and agreed to.

Schedule

Amendments (by **Mr Duby**), by leave, agreed to:

Page 9, item 1, omit "44, 45, 29 and subsections 35(3) and (4)", substitute "45, 56 and 57".
Page 9, item 2, omit all words and figures after "and", substitute "subsection 35(3)".

Schedule, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

ADJOURNMENT

MR SPEAKER: Order! It being past 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.

Members interjected.

Mr Jensen: Mr Speaker, on a point of order: I clearly heard an interjection from across the other side. It indicated that someone on this side was, and I quote, "pissed". I think it appropriate that that be withdrawn.

MR SPEAKER: Yes. Whoever made that comment, please withdraw it.

Mr Jensen: I can name the member if it is necessary.

Ms Follett: We collectively withdraw it. We will leave it to your judgment as to how true it was.

MR SPEAKER: I really wish these asides would cease. They do not do anything for the chamber. They cause upsets and duress for the remainder of the session. Please withdraw the qualification, Ms Follett.

Ms Follett: Yes, I withdraw it.

ELECTRICITY AND WATER (AMENDMENT) BILL 1990

Debate resumed from 29 November 1990, on motion by **Mr Duby**:

That this Bill be agreed to in principle.

MS FOLLETT (Leader of the Opposition) (9.33): I do not know why the Government wants to walk out on its own Bill, but it does seem to be a concerted effort on their part. The Bill that we have before us is only four paragraphs long. As yet, we have not had any amendments circulated. We will keep our fingers crossed and hope that they may have got it right. The effect of the Bill, of course, is simply to increase the board of ACTEW from its current four members to seven members and also to change the quorum requirement so that a quorum is now four. It seems to me to be a sensible move and one that nobody could really argue with; and, for that reason, we do not oppose the Bill.

MR DUBY (Minister for Finance and Urban Services) (9.34), in reply: It is such a relief to hear that the Opposition does not oppose a Bill. Usually, regardless of how sensible the matter is that is being put before them, they oppose it as a matter of course. The Government has made a commitment to fundamental change in the way we do business through the Territory Owned Corporations Bill, which was passed this evening. We are laying consistent standards for the operation of the Territory's business. It is something which I think is long overdue. The clear message is that we must improve efficiency, effectiveness and competitiveness. (Quorum formed)

Today has been a sorry day in the running of this Assembly because we have seen pettiness personified in the absence of the Opposition right through, from the ludicrous matter of public importance - - -

Mr Kaine: It is rather scandalous that people would leave the Assembly during the debate, isn't it?

MR DUBY: I agree entirely. Not only that, but the fact that members leave the Assembly en masse.

Mr Connolly: On a point of order: Relevance, Mr Speaker.

MR SPEAKER: Thank you, Mr Connolly. Please proceed, Mr Duby.

MR DUBY: Of course, it is hilarious to hear someone like Mr Connolly call for a point of order on relevance. He has no relevance whatsoever to most of the operations in this Assembly.

Mr Connolly: On a point of order: relevance. You have been directing relevance earlier this evening. Mr Duby is all over the place, understandably, after dinner.

MR SPEAKER: Yes, Mr Connolly, I accept that. Please proceed, Mr Duby.

MR DUBY: Thank you for overruling that, Mr Speaker.

MR SPEAKER: Well, I really upheld the objection, Mr Duby. Please proceed.

Mrs Grassby: He did not overrule it. You were not overruled.

MR SPEAKER: Order!

MR DUBY: I beg your pardon, Mr Speaker; is there a point of order or not?

MR SPEAKER: Order! Mr Duby, I - - -

Mrs Grassby: Relevance, Mr Duby.

MR SPEAKER: Order, Mrs Grassby! I upheld the objection. Please get to the point, Mr Duby.

MR DUBY: I find that a remarkable ruling, Mr Speaker; nevertheless - - -

Mr Connolly: On a point of order: he is questioning your ruling.

MR DUBY: I am not; I am simply making a statement of fact, Mr Speaker.

MR SPEAKER: Please proceed, Mr Duby.

MR DUBY: The simple fact is that, whenever we have something upon which the Opposition tends to agree, we now have the stalling, stuttering tactics of those opposite. They make insidious attacks that are, supposedly, under the belt, which are ruled out of order. They jump up and come out with a whole lot of points of order to get their name on the record to prove, perhaps, that they were here.

The clear message is that we must improve the efficiency, effectiveness and competitiveness of our service delivery. That is something, of course, that the Opposition was not able to do in its brief and overlong stay in government.

Mr Connolly: Brief and overlong? You are making a lot of sense tonight!

MR DUBY: It was brief and it was too long. It was brief. In my opinion it should have been briefer. There is no question about that, Mr Connolly.

The incorporation of ACT Electricity and Water will take place on 1 July 1991. As a first step, the expansion of the current four-member board to seven members will be undertaken. This particular piece of legislation that we are debating tonight will allow for the greater depth of experience and expertise necessary to operate along appropriate commercial lines.

Although this is a very simple amendment, it sets the scene for significant changes in the way the Government manages Territory business. Of course, this is something that the Opposition - even though it agrees to this amendment - cannot quite comprehend. I commend the Bill to the Assembly, and I look forward to the vote.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

INTERIM PLANNING BILL 1990

[COGNATE BILL:

INTERIM PLANNING (CONSEQUENTIAL AMENDMENTS) BILL 1990]

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

That this Bill be agreed to in principle.

MR SPEAKER: I believe that it is the will of the Assembly to debate this Bill and the Interim Planning (Consequential Amendments) Bill cognately. I draw members' attention to the fact that, when debating this Bill, you are in fact debating orders of the day Nos 7 and 8 together.

MR CONNOLLY (9.40): The Bills now before the Assembly are an admission of failure. They are an admission of failure by this Alliance Government to deal properly with planning legislation. They are an admission of failure because they are acknowledging that this Government has failed in its duty. I say "duty" advisedly, because it is a duty imposed on the ACT Government by the Federal Australian Capital Territory (Planning and Land Management) Act. This Government has failed in its duty to prepare a Territory Plan and get appropriate planning legislation into place. It has had over 12 months in government to do that.

Mr Wood: And a good start.

MR CONNOLLY: And a good start, as Mr Wood says. We are little further advanced than we were back in the middle of this year. At the time the planning Bills were introduced into the house in February, what did the Government have to say about Labor's work in bringing the Bills to the drafting instructions stage and issuing discussion papers? Was there any appreciation of the work that Labor had done? No, not a bit.

When these Bills were first introduced, Mr Jensen said, "This is legislation that we have always maintained should have been passed and operating by now". So, there we are: in February Mr Jensen, for the Alliance Government, is saying that, "The planning and land management legislative package should have been passed and operating by now. We have always maintained that". Here we are in the last sitting week in December, and we still have not seen the so-called redraft of the exposure draft of the planning and land management legislative package.

What is the consequence of this failure? The principal consequence of this failure, of course, is that, unless the Government goes to this necessary expedient of an interim planning Bill, we could reach the position where the Territory has no control over its land planning. We are all given to understand now that the Commonwealth is

virtually at the stage of approving the National Capital Plan. The expectation is that the National Capital Plan will be approved in the next few days, or certainly before Christmas.

When that happens under the Federal Act, the Australian Capital Territory (Planning and Land Management) Act, it will be open to the Commonwealth Government to declare that the transition period has ended. The consequence of the ending of the transition period under that Federal Act will be that the Territory Plan will be deemed, in effect, to be the current existing NCDC policy plans for the Canberra area.

As I said earlier, when the Federal Act was passed as part of the self-government package, it was anticipated that a 12-month transition period would be adequate. That has certainly proven not to be the case. The Federal Government has not managed to get the National Capital Plan in place within 12 months. It has taken them about 18 months. As I say, we expect it within a few days.

Where is the ACT in this process? Do we expect the ACT legislation to be ready in the next few days? Do we expect the ACT legislation to be in place within the next few weeks? Not at all. The most optimistic expectation that I have heard from the Government side of the Assembly is: perhaps, by the middle of next year. Mr Speaker, I would not be placing bets on that, if I were you, or if I were a supporter of this Government. I would not mind having some money on the possibility that by this time next year, in the last sitting week of December 1991, we will still be waiting to see this legislation. There has been a remarkable failure of administration to produce this legislation.

Having said that this is an admission of failure; having pointed out the Government's remarkable failure, given its rhetoric and given its assertion, when it took the reins of government, that Labor had somehow failed in not having the legislation in place within six months - and yet, 12 months down the track, being only a little further advanced - the Opposition, nonetheless, will be forced to support this legislation. We, clearly, cannot be in a position where the Territory has no control over its planning legislation. It is, clearly, necessary for some interim legislation to be passed, given that failure to produce the legislative package. That is cause for real concern.

The land and planning package, the five Bills that are presently awaiting the second exposure draft, is legislation unique, or almost unique, in this Assembly in that it has the broad support of both sides of the Assembly. We are very critical of the Government's failure to advance the issue, but there is support on the general principles of the legislation.

The basic principle of the land and planning package as originally stated by Ms Follett, as Chief Minister, and as restated by Mr Kaine, as Chief Minister, is to provide a planning package that provides certainty, that removes the confusion in the existing ACT arrangements and, above all, is transparent. It is to provide a system where the community can see the decision making process in action and where the community is reassured that the decision making process is being properly complied with.

That reassurance will come about by a comprehensive system of environmental assessments of proposed changes to the plan, or proposed approvals, and by a comprehensive system of appeals so that a member of the Canberra community can be assured that, if there is to be a major change to the plan, there will most likely be a very satisfactory and very thorough series of environmental assessments. There is a sliding scale that is in the draft legislation. The system provides that the citizen, at the end of the day, has a right of appeal, a right to test the decisions of the Planning Authority before an impartial tribunal. That is a very desirable system that has support across the floor of this chamber.

When we are considering this Interim Planning Bill, we are really taking the Government on trust. This Bill is a blank cheque, because it gives the power to change the Territory Plan with none of those assurances that are to be contained in the legislative package that has the unanimous support of this Assembly.

This is a planning Bill, absent any environmental assessments and inquiries legislation and absent any third-party appeal legislation. It would be possible, with this planning Bill in place, for a Territory planner to make radical changes to the plan as we know it with no possibility of meaningful public input. There is certainly provision in the legislation for consultation. As we all know, legislative provisions merely for consultation lack teeth. Legislative provisions which merely say that a plan will be prepared and shown to the community will only allow community outrage and will not allow the community a meaningful way of involving themselves in the decision making process.

As I say, there is no provision for environmental inquiries and no provision for appeals. With this Bill in place, it would be possible, for example, for the plan for the Acton Peninsula to be recast to provide for high-rise condominium development. The Canberra community could do little but man the picket lines, because there is no provision for environmental inquiries and there is no possibility of third-party appeals.

I note that the Chief Minister has given assurances that this Interim Planning Bill is being introduced purely for the purposes of avoiding a break in continuity and avoiding a planning hiatus. He has given assurances that it will be

used, really, for two purposes: for necessary variations to the plan, in the ordinary process of developments, and to provide the legislative backing for a planning authority to go about the business of developing the Territory Plan. I am sure most members would have read and examined the series of policy papers that have been issued by the Interim Territory Planning Authority outlining the direction in which they are heading in the development of the Territory Plan.

Of course, absent a Bill like this, there would be no planning authority and no way of progressing the development of that Territory Plan. When the legislation is finally in place - dare I say in December next year, if we are lucky - it is important that the plan be sufficiently advanced so that it can be quickly implemented. The Chief Minister has basically told us that that is what this planning Bill will be used for and that we will not, under this Bill, have any comprehensive changes to the Territory Plan. They will await the introduction of the formal legislation. When the final decision is made we will have those safeguards, that transparency that has uniform support across the chamber.

Assurances on planning matters are always cause for some concern. It was raised in question time today that assurances had been given by this Government. Indeed, insofar as it is within the control of this Government and the Federal Government, the assurance has not been broken that public servants would not be introduced on the Canberra Times site and yet we see that that appears to be in the pipeline. As I say, at the moment the assurance does not seem to have been breached by this Government; it seems to have been breached by the Federal Government. The point there, Mr Speaker, is that we are taking the Government very much on faith in supporting this Bill. It is a blank cheque. The very important principles of appeal and of environmental inquiry - which are the safeguards that make the comprehensive land and planning package one which commands bipartisan support - are simply not here in this planning package in this Interim Planning Bill.

It is certainly necessary to have some legislation in place. The Opposition would certainly require those full assurances, that the Chief Minister has given in his opening remarks, to be reiterated this evening to assure the community that this Bill will be used only for those limited purposes. It is always a matter of concern when executive governments are given this sort of blank cheque. I think all members of the Assembly should be aware that this is, in a sense, a dangerous Bill. It is a Bill which is one part only of the planning package that we all support. It is standing on its own. It does not provide that open, transparent planning process that all sides of the Assembly say they are committed to. Standing on its own, it allows dramatic changes to the city of Canberra, as we know it, without safeguards, without protection and without third-party appeals. I look forward to continued

firm assurances that that will not be the case. Given that some legislation is necessary to avoid a hiatus in planning, the Opposition will, with those reservations, support this legislation.

MR JENSEN (9.53): The first thing on which I wish to comment is a matter that was raised by Mr Connolly. He indicated that, in fact, this current Government did not acknowledge the work that had gone on prior to the tabling of the first package of legislation as an exposure draft by this Government. In fact, at the time that the Chief Minister tabled those draft planning and heritage Bills in the Assembly on 22 February he acknowledged the work of the Labor Government in preparing the Bills. However, I will refer to some of the tardiness of that work later in my speech.

This is the first time that any parliament has chosen to pass an integrated package of legislation which covers heritage, planning and land management in one group. It has never been attempted before in the Australian parliamentary system. This is the first time that it is being done in Australia. It is an important step forward in the management of those important integrated issues of land, heritage and planning.

Mr Connolly referred to Commonwealth legislation which established not only an Interim Territory Planning Authority but also the process for the development of the plan for the ACT based on a National Capital Plan. It soon became very clear to all involved that this process was much more complex than the drafters of the original Bills had first thought possible, as identified, for example, by the need for the National Capital Planning Authority to provide a certified plan prior to the end of the transition period.

The legislation that was passed by the Federal Parliament provided for a 12-month transition period. As I said, it was quite clear that that 12-month transition period was not enough. In fact, we saw an initial draft National Capital Plan followed by a certified National Capital Plan. Of course, we are still waiting for the final National Capital Plan to be produced, some considerable time after the process was started by the National Capital Planning Authority. I am sure all members are aware that there is a requirement for the Territory Plan to be not inconsistent with the National Capital Plan.

However, unfortunately, the ACT people lost a period of seven months while the previous Follett Government fiddled around the edges and prepared, not legislation, but drafting instructions. They were incomplete drafting instructions, because they were not able to come to agreement about two important issues within their own party room. Mr Connolly does not know that because he was not there. One was on betterment and the other was in relation to an appeals court process for the ACT.

In fact, the first two Bills that were produced, as I said, in an exposure form on 22 February, made a major start in that area. In fact, once we realised the complexity of the requirements of putting a large number of leasing Bills together and integrating them into the Heritage Bill and the Planning Bill, it took a little longer than was expected. At least, by the end of June there was, in fact, full legislation for the community to consider. Plus, of course, in a couple of situations, there were regulations in relation to an environmental assessments process, which I think was a very important aspect.

The Alliance Government recognises that Canberra is one of the best planned cities in the world. We intend to retain and enhance the outstanding characteristics of our unique city as the nation's capital. We hold the planning of this city in trust for the rest of the nation. We will continue to maintain that trust.

The Canberra community is entitled to a planning system which is open, accessible and responsive to its needs, as well as being responsive to economic and social development needs. Since December last year, the Government has devoted considerable energy, as I have already indicated, to the development of comprehensive planning and land use legislation for the ACT.

Mr Berry: Is this the Lyons school speech?

MR SPEAKER: Order!

MR JENSEN: Mr Berry seems to think it is amusing, Mr Speaker. It is not the same speech.

Since the end of the first period of public consultation on the five draft Bills which make up the package, the Government has considered the wide ranging and constructive comments received, and has revised the Bills in preparation for a second consultation period. In excess of 60 comments were received. Many of them were very detailed and required considerable consideration. This is such an important process that, I think, all those opposite would agree that it should be properly and fully followed up.

The Bill before the Assembly today is an important part of the work we are doing to ensure that the Territory's planning arrangements continue to be open, responsive and accessible. The main provisions of this Bill allow the ACT Planning Authority to be established and empower this authority to introduce and vary the Territory Plan. Only a planning authority established under an ACT enactment can release the Territory Plan.

Under the Federal legislation, which guides this area, the Interim Territory Planning Authority, of course, does not have the power to do this. It is not ACT legislation. It is Federal legislation over which we have no control. The

need for passage of this interim legislation this year, ahead of the Planning Bill and the other elements of the package, has arisen because we cannot be certain when the Commonwealth will proclaim an end to the transition period provided for in the Australian Capital Territory (Planning and Land Management) Act.

Members will**,** no doubt, be aware that action is under way in Federal Parliament to extend the transition period from one to two years, after ACT self-government; that is, until May 1991. While this might seem, to some, to make the passage of this Bill somewhat less urgent than we have suggested, it is important to point out that there are other provisions in the Planning and Land Management Act which can bring the transition period to an end much sooner than May 1991.

The Act provides that once the National Capital Plan is approved the end of this transition period shall be proclaimed. We understand that the National Capital Plan is currently before the Federal Government for approval. Therefore, the end of this transition period could be declared shortly. Unfortunately, there is no way we can be certain when the Commonwealth will act on this matter. Certainly, they have been tardy in relation to matters relating to the ACT in the past, and one would have to wonder about it for the future.

What is certain, however, is that once the transition period is at an end the ITPA will be unable to make variations to policy or release the draft Territory Plan for public comment, unless we have legislation in place that establishes the Territory's permanent planning body and provides it with appropriate control over the planning process. We have to be certain that there are no gaps in our planning arrangements which might leave us without proper planning control.

The principles behind the development of the draft planning and land use Bills, as an integrated legislative package, - will not be compromised by the passage of this Interim Planning Bill. The Government's open and consultative approach to the development of this package of legislation will ensure the maintenance of sound planning principles. We must have this interim legislation in place now to ensure continuity in our planning arrangements while, at the same time, continuing our commitment to consultation on the development of our permanent planning legislation.

The planning system we will develop in this way will guarantee the economic, social and environmental well-being of the ACT. I commend to the Assembly the Interim Planning Bill and the Interim Planning (Consequential Amendments) Bill that goes with it.

MR MOORE (10.03): The term Mr Connolly used was "a blank cheque". The note that I had made for my speech was "carte blanche". The message is just the same. The concern with this Bill is the freedom that it does give to the Planning Authority. However, let me start by saying that I can see the need for this Bill. I do not intend to oppose it in principle, but I have some major concerns about it.

The most important concern illustrates the irony, of course, for members of the Rally who are supporting this so enthusiastically, as we heard from Mr Jensen. Really, what you are saying is, "While this Bill is in place, trust us. Trust the new Planning Authority and leave it to the bureaucrats". Of course, with reference to planning, the Rally was predicated on, as much as anything, just the opposite of that.

As I stated, I realise that we are in a difficult position. We do need to take some action, and there is no doubt about that. What is clearly the case is that this Bill has been slapped together. It has been put together at very, very short notice when suddenly somebody has realised, "Oh dear, the transition period just might end, and we have a problem".

Of course, this transition period has caused problems all the way along because the Federal Government had difficulty with it in the first place. They have now moved to amend their difficulties. That has put this Government in a position where they have been caught short. The only way they can get around it is to force this Bill through very, very quickly. I presume that if Mr Stevenson comes down and speaks to it he will give a similar speech to the one he gave earlier today, about ensuring that Bills have, at least, an appropriate time for consultation.

This Bill has not had an appropriate time for consultation. I must say that, when the Chief Minister offered the Opposition the opportunity for a briefing, that letter went to the Leader of the Opposition, Ms Follett. I certainly did not get a copy of that letter and, as I understand, nor did Mr Stevenson. However, I certainly appreciate the fact that on quite short notice the members of the appropriate department were prepared to come and brief me after they had approval through the Chief Minister's office earlier today. I certainly appreciated that, and I certainly appreciated the competence with which they did that.

Let me draw attention to the attitude of that department in putting this Bill together and the fact that they recognise the sort of operation they will be running. I will get to this later in the detail stage, but if you look at section 16, subsection 4, it states:

> In addition to its power under subsection (1), the Authority may, at any time before the submission or re-submission of a draft Plan to the Executive, revise the draft Plan to correct any formal error.

So, before they even start they are already recognising they will have formal errors, or there is a fair chance that they will. That sort of attitude about formal errors, or any errors, certainly reflects that they are not going to take a professional approach to this particular issue.

Mr Jensen: That is disgusting.

MR MOORE: It is there, Mr Jensen. You can see it is there.

Mr Jensen: No-one makes a mistake? Even Mr Connolly made a mistake in the Assembly.

MR SPEAKER: Order!

MR MOORE: We quite accept that individuals make mistakes. However, with something as significant as preparing a plan, and the drafts of plans, we expect a very thorough approach. The issue of appeals is of greatest concern to me. It is quite clear that there will be no third-party appeals throughout this period under the Interim Planning Bill - while the new Planning Authority exists - prior to the new package of legislation.

It seemed to me that a reasonable compromise was available, and is still available, and that is to add to this Bill provision for an appeal to the Administrative Appeals Tribunal, which would not be particularly difficult to write into this legislation. It would probably not need to be as complicated as the one that is in the draft legislation. It would have removed that "blank cheque" that Mr Connolly talked about, and would have given members of the public a little more confidence in the planning of Canberra during this period. It would give them a little more confidence to know that members who had been elected on that sort of issue would be actually sticking by their guns.

The interesting thing about the National Capital Plan and the transition period is, of course, that during the transition period the ACT Government has been bound by the policies of the NCDC. That has, of course, meant a lack of flexibility. There has been room to vary those plans. That need to vary the plans is tied in with this particular plan as well. However, quite early in the Bill we have the ability to deal with it in stages and parts. The notion of dealing in bits and pieces really makes us question to what extent the Planning Authority and the Government are intending to produce a coherent strategy. It gives a great deal of room for movement, and certainly brings to mind a question about a coherent strategy.

As I have indicated that I shall not be opposing the Bill in principle, I will be seeking from the Chief Minister an assurance that a coherent strategy is what we should be looking at. That is exactly what a plan should be. A

Territory Plan ought be some form of a coherent strategy. The Territory Plan that will exist for us, as it does at the moment - because we are going to be adopting NCDC policy plans - will be dominated by the 1984 Metropolitan Policy Plan. That was recognised as the dominant plan by Justice Kelly in the Concrete Constructions case. It seems to me that when one looks at that plan one realises that not only does it set out strategies, but it also sets out the consequences of what is likely to happen when its provisions, or its strategies, are not adhered to.

So, the decisions that are taken can be seen not only in terms of what they might achieve but also in terms of what their consequences might be. Again and again, when people have moved away from the strategies - the policies of the Metropolitan Policy Plan - we have seen the consequences that have borne out the warnings that are part of that particular plan. The question really is: will we have a coherent strategy in the Territory Plan, will the Territory Plan also provide that sort of detail, and will it do at least as well as the Metropolitan Policy Plan?

The Metropolitan Policy Plan was set out for the year 2000. If it is to be replaced, then it is appropriate that it be replaced with something better. If it is not going to be replaced with something better, then, by and large, it ought to be adopted. That is not to say that that plan is perfect. I am not suggesting that, or that things have not changed. Of course, they have. I think there are a number of lessons we can learn about the success of that plan and what is modelled on it. Mr Jensen interjected a short while back, "Yes, yes". I hope that it is something that turns out to be the case.

The other interesting feature of this Interim Planning Bill is, of course, that it will allow variations to the plan. Over the last year we have seen a series of variations that have been possible under Federal legislation. I think there are probably no more than about 20 of them, as my memory serves me. However, the variations that are going to be dealt with over the next little while are likely to include quite contentious issues. Mr Connolly mentioned a fear that Acton Peninsula was an example of something that could be used. As I recall, Mr Jensen interjected and said that that was not going to be the case. Of course, as we are aware, it certainly fits under the National Capital Plan.

However, there is the issue of the schools that will come up for variation. There is certainly the issue of Lake Ginninderra. I presume that this could well come up for a variation to allow a private hospital. One wonders what other variations are likely to come up. There are a series of concerns about this. Of all those concerns, the most significant is that there is no appeal, and no appeal mechanism, under this particular legislation.

Another area that is most interesting is that, according to clause 3, the Act is binding on the Crown, which is a fairly standard thing. Of course, there is no way of enforcing that, so one wonders to what extent that has any real significance and how people might make the provisions of the Act actually binding on the Crown.

The final issue that I would like to raise does follow a great deal of jocularity on the part of the Government, when Mr Connolly suggested that he might make a bet as to whether or not the new legislation would be finished at this time next year. I suggest that one way of ensuring this would be to provide a sunset clause. We have a number of concerns about this Interim Planning Act. A simple way to resolve them would be to use a 12-month sunset clause to ensure that those concerns could be raised. I believe that it is not a difficult thing to do. It would reflect, of course, the confidence of the Government, instead of their awkward laughter and the jocularity we heard before when Mr Connolly was prepared to lay a bet.

I hope that in the Chief Minister's response we will hear a response to a series of those issues that I have raised, because they are serious concerns. I bring them up not in a spirit of straight opposition to this Bill, but more in a spirit of saying that I support the Bill, but that I have some serious concerns and I would like those serious concerns to be taken account of. It seems to me that the logical way to deal with them is for us to adjourn the debate on this Bill this evening, and to bring it back on Thursday, having taken appropriate account of those concerns; that is, after we have gone past the principle stage.

MR KAINE (Chief Minister) (10.17), in reply: I appreciate the fact that Mr Moore, at least in the Opposition, has understood the importance of this Interim Planning Bill. I make it clear that it is only an Interim Planning Bill. Later in this session I will table the latest version of the five planning Bills after they have been updated to reflect public input. The intention is that they will go out for public consultation again, in order that when we finally bring them before the Assembly as Bills for enactment they will be as comprehensive as possible and they will reflect the wishes of the community as far as is possible.

Of course, the Interim Planning Bill we are talking about tonight, in fact, does not relate to that package of legislation at all. The fact is that events at that other place across the lake, where we were quite unexpectedly told that the transition period could come to an end much earlier than was originally planned by the Commonwealth, raised the question of the legality of the actions of this Government in planning matters. That is why we need the Interim Planning Bill. It is not because of any failure on the part of this Government. It was necessitated by changed circumstances in the Federal Parliament and the

actions they were taking to establish their National Capital Plan. In fact, it is essential for this Interim Planning Bill to cover the period between the end of the transition period - whenever that is - that is provided for in the ACT Planning and Land Management Act and the commencement, at some future time, of our own planning and land use legislation. We expect that to be about May-June of next year. We are making sure that everything possible is done to get the legislation in place by then. I reiterate, as I have said many times before, that it is a very comprehensive set of planning legislation, more comprehensive than anything that has been done anywhere else in Australia. It is important that we get it right.

We were even criticised earlier this evening because we brought forward a few minor amendments to a minor Bill that we had on the table earlier. Mr Connolly and others seem to expect us to put this very major and very comprehensive piece of legislation on the table and then come back and amend it later. That seems to be the attitude that they are taking. I believe that, for the Government's part, it is necessary to get the legislation right from the outset, rather than put it on the table, have it inaccurate, have it incomplete and then have to come back later and amend it. I would prefer to get it right the first time. I believe that Mr Connolly really supports that approach.

While the Commonwealth may legislate to extend the transition period until May 1991, it is likely that the National Capital Plan will be approved and the end of the transition period, in fact, will be proclaimed before the end of this year. We cannot sit and do nothing. It was envisaged, when the Commonwealth legislation was put in place, that the ACT Planning Authority would have been established by the time the transition period had ended, allowing for continuity in our planning processes. That appears now to be unlikely. We wish to make sure that continuity is provided. In keeping with our commitment to full community consultation on the planning and land use legislation, draft Bills in the package will not be finalised for introduction into the Assembly until after the second period of public consultation which I referred to, which is due to conclude, I expect, by about the end of February, at which time that legislation will come to the Assembly to be enacted.

If legislation is not enacted now to establish the ACT Planning Authority and the transition period ends, there will be a gap of some months during which the Interim Territory Planning Authority will be unable to release a draft Territory Plan or to vary present policies. We have already started the process of getting the Territory Plan into place. We have already released a number of discussion papers on various issues which will influence the shape and the content of the Territory Plan. That will all stop if we do not establish the Planning Authority as a permanent body so that it can legally continue with that process.

I say again that it is our intention, in having this legislation quickly in place, to ensure continuity in the Territory's planning arrangements, while at the same time ensuring that full consultation, in relation to that whole planning package, can continue. There is nothing sinister about the legislation. There is no intention to produce shoddy legislation. It is a simple Act to ensure the legality of our Planning Authority and the decisions that it is inevitably going to have to take and the actions that it is inevitably going to have to take over the next few months until such time as our planning legislation is in place. I would ask the Assembly to treat it for what it is and support the Government in legitimising the activities of the authority.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

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

That the debate be now adjourned.

Clause agreed to.

Clause 2 agreed to.

Clause 3

MR MOORE (10.24): The issue I wish to raise is about the Crown. Clause 3 states, "This Act binds the Crown". On this particular issue we have the question of appeals and the question of penalty procedure and responsibility. It seems to me that, when one is dealing with the factor that binds the Crown, on a number of occasions this would seem to be a perfectly reasonable way to go about it. On planning issues the Crown itself will often be challenged as to its actions. On the issue in question, it would seem to me that there is no appeal provision in any part of this Bill. Had we had an appeal section in any part of this Bill, then I would have much less difficulty with how the Crown is bound.

The notion that this Act binds the Crown is fairly much a nonsense thing when there are no penalties provided. It seems to me that there is very little about this clause that makes any sense with reference to the Bill as a whole. For that reason I have some difficulty with clause 3 of this Bill and, as such, I ought to say that I oppose it.

MR COLLAERY (Attorney-General) (10.26): Mr Moore is referring to appeal procedures in this provision that are now going to appear, as Mr Connolly well knows, in most pieces of legislation in this country following the decision of the High Court earlier this year in the Bropho case, which Mr Connolly is aware of. In that case the High Court considered the shield of the Crown device, which we debated here some time ago in relation to the Careless Use of Fire Act.

The fact is that modern legislation indicates expressly whether the Crown should be bound by its own law. I would have thought members would compliment the Government for adopting a very express policy of saying that it, and future governments, will be bound by the provisions of this Act. As I interpret Mr Moore, he is saying that he wants to query whether appeal processes will, in fact, be binding on the Crown. I think Mr Moore is concerned as to whether this will let the Government out of its obligations in that regard.

This is simply a machinery clause that now makes it clear, at the beginning of most pieces of legislation in the country - although it may not be in every piece of legislation that this Government introduces. I hasten to say that there may be situations where a commercial entity should, or should not, have access to the shield of the Crown. In this case, clearly, the Chief Minister has determined that, and the Government has determined that, as a matter of policy.

MR JENSEN (10.28): I just take this very brief opportunity, in this detail stage, to respond to a comment made by Mr Moore in relation to the proposal for the private hospital at Lake Ginninderra. Might I remind Mr Moore that the proposal that has been let out for tender is, in fact, in accordance with the plan as it stands at the moment. No amendment will be required to allow that to go ahead if the tenders are accepted.

MR MOORE (10.29): I appreciate the Attorney-General's explanation in terms of binding the Crown, and the fact that the Government has seen fit to bind the Crown. That is an important step. However, my own recent experience, and the experience of others, has indicated to me that it can be a very, very expensive business to bind the Crown.

The reality of the situation is that most people would not be able to afford to test whether something is binding the Crown or not. That would be determined by the fact that the Government has the money and, as a rule, the appellant certainly would not have the money. The simple solution to the matter was to put in a clause that made things appealable through the Administrative Appeals Tribunal, which is a way of making it accessible.

My suggestion**,** in the principle stage, was to deal with that. Of course, this issue - like many of my other concerns on this Bill - could then have been dealt with in a bipartisan fashion and we could have come back on Thursday and, perhaps, even been able to deal with the Bill as a whole. As it is, I see that I am going to have to speak to quite a large number of clauses in this Bill that present me with some concern.

Clause agreed to.

Clause 4 agreed to.

Clause 5

MR MOORE (10.31): This clause deals with the stages and parts of the plan. The great concern here, of course, is that we may get a situation where we do not get a coherent strategy for the ACT. What this section provides for, as I read it, is for a part of the plan to be presented at any stage and dealt with, instead of dealing with the plan as a whole. This would allow the Government, of course, if they decide that a particular issue is of some concern to them, to incorporate that as part of their plan, and to deal with that issue as part of their plan.

There are a number of contentious issues around and it may well suit the Government to do that. The temptation may just prove to be too great. One of those issues, of course, that I mentioned briefly was the schools that they have targeted to close. I understand that there is already a draft variation available for the school site in Cook which will allow the wiping out of the school - the whole community facility - including the hall, which could well have been a community hall. I understand that the variation will provide for up to 80 medium density townhouses.

It is an absolutely appalling attack on a neighbourhood by this Government and one, of course, that - - -

Mr Berry: Vandalism.

MR MOORE: Thank you, Mr Berry. Mr Berry interjects the word "vandalism". That is appropriate. That is only one of the several school sites that the Government is vandalising. We should, of course, have a curfew on this Government to stop their vandalism. If that were the case they would not be doing any more damage to Canberra.

By taking parts of the plan and dealing with them as such, of course, it is possible to change a concept and move away from the overall strategy. In Canberra we have a strategy basically tied to a decentralised plan where the work ought to be accessible to the individuals who live nearby. If we have the plan taken in parts, it could well be that we lose this sense of strategy and the sense of coherence that is critical to the plan that we are all interested in.

What the Chief Minister has said is that without this Bill we will not be able to put out a plan. In this case it ought to be the situation that, instead of putting out stages and parts of the plan, we draw up a draft of the plan first, and then the plan as a whole. That does not stop it being constructed in stages but, at least, when it is put out we can see it as a coherent whole. I think that is a much more appropriate approach, at this particular time, for this particular situation. Of course, that also applies to clause 6.

Clause agreed to.

Clause 6

MR MOORE (10.36): The issues that were raised under clause 5, of course, also apply to clause 6, particularly clause 6(2). My comments here echo the comments I have made on clause 5 because the object, in effect, of the plan - in this case the preparation of the plan - ought to be to have a coherent strategy that gives an overview of Canberra and gives us a vision for the future.

That is what the Liberal Government promised us in their policies that they said were a vision for Canberra. It is most important to do that. Mr Jensen earlier interjected, "Come on, Michael, did you not do your homework?", as an aside. Mr Jensen, in fact, it is quite clear, if you look at the highlighting and so forth through this Bill, that I certainly did do my homework. I certainly also was aware, and drew to the attention of the people who were briefing me this morning, that there was a problem with clause 30, which we will get to. There was a drafting error, and here was this Government about to adopt the Bill as a whole. Had I not done that, you would have included that piece that needs amendment. Your attention was drawn to it by the Scrutiny of Bills Committee, yet it would have gone through.

In your attempt to rush things tonight and make sure you can get this through and finished, you seem to be quite prepared to just take things at face value and run them through. That is not the way to deal with legislation, particularly important legislation, that we may well have to wear for a year or more. I know that you are all very keen to assure us that that is not the case. It certainly seems that, if we were to consider your performance on the timing of the substantive legislation, on the five planning Bills, we would hardly expect to see that is the case. Do not mistake me. I accept what the Chief Minister was saying about those substantive Bills and the fact that we need to get them right. At the same time, we cannot always use that as an excuse for our tardiness in being ready, and getting things ready.

Clause agreed to.

Clauses 7 to 12, by leave, taken together, and agreed to.

Clause 13

MR MOORE (10.39): Mr Deputy Speaker, if we were just dealing with variations, then the notion of a 21-day specified period, I think, would be quite appropriate. Because we are dealing with a draft plan, including the background papers, and as we are talking about persons submitting written comments about the draft plan to the authority, the 21 days really is a very questionable time.

Granted the provision here says "not less than 21 days". Once again, we are supposed to put trust in the hands of the Government and make sure that they have the opportunity to prepare those and be able to get them out, so that they can rush things through, should they need to. That is certainly not appropriate. If I had had the opportunity to discuss with the Government what the appropriate period would be, I think, in fact, we could have come to a quite reasonable compromise on this. The question I am left with now is really: should we be talking about 60 days, or should we be talking, perhaps, about 50 days, or 40 days? Unfortunately we have not had the opportunity to discuss this with this Government. I get the feeling that, once again, they are going to use their numbers.

Mr Jensen: Not less than 21.

MR MOORE: Mr Jensen interjects, "Not less than 21". If "Menhir" over there - that is M-E-N-H-I-R - had heard me, he would know that not just two minutes ago I said that I recognised that it is "not less than 21 days", but you are asking the community to trust you and to trust your authority on that. Mr Jensen, surely you can remember the days when you and I sat together in the old NCDC building, and various venues that were set up by the NCDC, where we discussed such matters as this and had reasonable responses and responsible response times to such plans and to such variations.

As I said, I accept that a 21-day period does make some sense. In this case, surely we should be looking more at 45 days rather than 21 days. I think that is a most appropriate way to approach it. I think it is an appropriate time then, Mr Deputy Speaker, with reference to clause 13, for me to move that in 13(1)(a) and (b) we change the number of days to read 45 rather than 21. I will appeal to the Chief Minister and to the Deputy Chief Minister, who organises Government business, to whip around and get agreement on a 45-day period, which would be a logical and rational way to go and would show acceptance of the bipartisan approach that we have taken to this Bill as a whole.

On the other hand, I emphasise that the easiest way to deal with this is to bring the Bill back on Thursday and to resolve each one of these issues so that I am not forced to

speak to each one of them and take the time of the Assembly, particularly as we approach later this evening. Mr Deputy Speaker, you would be aware that there will be quite a large number of clauses there that I intend to speak to, and to raise these issues.

Mr Deputy Speaker, I move:

> Page 6, paragraphs 13(1)(a) and (b), lines 3 and 6, omit "21", substitute "45".

MR KAINE (Chief Minister) (10.44): I oppose this amendment. My reason for opposing it is quite straightforward. It just so happens that this is exactly the same provision that exists in the draft planning Bill, which has been out for public consultation since February 1990. Mr Moore cannot claim that this is something that has been sprung on him at the last moment. He has never before raised it. We are talking, in fact, of a period of not less than 21 days, which can be any period at all of not less than 21 days. I submit that Mr Moore is just playing a game of some kind and could not possibly be taken seriously.

MR MOORE (10.45): Once again, I am appalled by the attitude of the Chief Minister. I think it is time he started to be open-minded. He did not write to me, in the first place, to offer a briefing from his department on this particular Bill.

Mr Kaine: You asked for one and you were granted it.

MR MOORE: Chief Minister, had you been in here when I spoke at the principle stage, you would have noted that I said that I appreciated that, and at very short notice. However, I expect you to write to me, in the initial instance, and offer those sorts of things.

Mr Kaine: You will wait for a long time.

MR MOORE: I will be waiting for a long time. You can expect, Chief Minister, to find yourself in the sort of situation where you get mucked up like you did last Thursday week because you refused to take into account the fact that there are more people in here than just the Alliance and the Labor Party.

It seems to me that the substantive legislation that the Chief Minister refers to does not deal, of course, with the Territory Plan. It deals with variations, and so forth, to the plan. We are dealing here, quite specifically, with the notion, amongst other things, of preparing the plan. That is why I have suggested a 45-day period. That is a quite appropriate way to go. I think it gives a reasonable access. To expect people to respond in 21 days to a coherent strategy of a plan is absolute nonsense.

I suggest that the Chief Minister, if he was being reasonable, would allow us to discuss this Bill and come back to it on Thursday rather than having to deal with these things across the floor and to make them into a conflict situation, instead of dealing with them in a bipartisan way, as has been the attempt of the Labor Party, and me. I came out, right from the word go, saying that I supported it. This is something else that you have botched up by slapping this Bill together.

MR CONNOLLY (10.47): The Opposition is certainly inclined to support Mr Moore's points here, and we express some dismay at the turn that this debate is taking. Again, as Mr Moore points out, it demonstrates the problems of rushing through legislation such as this. The Chief Minister's response to Mr Moore's suggestion that this period is somewhat short was to ridicule Mr Moore. The Chief Minister said that this was the same period that applied in the draft legislation for the comprehensive package, and because Mr Moore had not objected to that in the comprehensive package, therefore, his objection here was merely some piece of gamesmanship or petty political point scoring. That does not follow.

As I pointed out in my opening remarks, and as Mr Moore reiterated - unfortunately the Chief Minister is out of the room - the comprehensive planning and land management legislative package provides the assurances, and the safeguards, of appeal, review and environmental assessment. It is a package which guarantees the community that the planning process will be open, and that the community concerns will be registered, both through the safeguard of the environmental assessment, so the community can feel reassured that any variation to the plan will have had the appropriate environmental inquiries, and through the safeguard of the appeals mechanism.

In a comprehensive package, which contains those safeguards, I would agree with the Chief Minister that there is no difficulty with the 21-day period. However, Mr Moore's point is very valid in regard to a system which does not have those safeguards, does not have the mechanism for the environmental inquiries, and does not have the mechanism for third-party appeals. As those safeguards are absent we ought to have a longer period for public consultation because this is the only safeguard in this legislation. We do not have the comprehensive and bipartisan supported safeguards package and review package in this Bill. This Bill will stand alone. This is the only provision for consultation. I think the suggestion that the period be expanded from 21 days to 45 days is reasonable. It would not follow that the Opposition would be seeking to extend the 21-day period in the substantive Bill, which will follow part of the comprehensive package, because we accept the Government argument that in that comprehensive package there are other safeguards.

The Government really needs to respond to this point. It is not sufficient to make the trite remark that this is the same as the draft Bill and, therefore, the Opposition is just playing politics. The substantive point that the Opposition and Mr Moore are making here is that, when you do not have the safeguards of the appeal and environmental review mechanisms of the comprehensive package, it is appropriate to expand the period for public consultation. Those are the only safeguards you have. Mr Moore's amendment is a very sensible one, given those circumstances. It is disappointing to get a partisan response. Perhaps, that is the dilemma of dealing with a matter as important as this in a hurry at 11 o'clock on a Tuesday night.

Question put.

The Assembly voted -

AYES, 7	*NOES, 8*
Mr Berry	Mr Duby
Mr Connolly	Mr Humphries
Ms Follett	Mr Jensen
Mrs Grassby	Mr Kaine
Mr Moore	Dr Kinloch
Mr Stevenson	Mrs Nolan
Mr Wood	Mr Prowse
	Mr Stefaniak

Question so resolved in the negative.

Mr Berry: On a point of order, Mr Deputy Speaker: is it appropriate for the Deputy Chief Minister to vote when he is not in his place?

MR DEPUTY SPEAKER: I understand that he has a faulty microphone, Mr Berry.

Mr Collaery: Mr Deputy Speaker, may I speak on this point of order? I take it that someone has called on standing order 161. It says:

> ... every Member within the seats allotted ...

Clearly, I was within the seats allotted to the Government. There it is. Mr Speaker, I was within the seats allotted. There can be no other finding.

MR DEPUTY SPEAKER: All right. I have looked at standing orders 157 and 161 and taken advice. It does not affect the vote, but I think it is fairly clear that you are meant to stay in your allotted seats. I appreciate that Mr Collaery does have a problem with his microphone; so, perhaps, he just has to speak a little bit louder.

Ms Follett: So your vote does not count.

MR DEPUTY SPEAKER: I am upholding the point of order, Ms Follett; but it does not affect the vote. Mr Collaery's vote is disallowed. I am upholding the point of order, but you still lose the vote.

Clause agreed to.

Clause 14 agreed to.

Clause 15

MR MOORE (10.58): In the substantive legislation clause 15(1) states:

> Before submitting a draft Plan to the Executive, the Authority shall cause to be published in a daily newspaper published and circulating in the Territory a notice stating that copies of any written comments -

et cetera, et cetera. It seems to me that over such a short period, particularly when we know that the Canberra Times is likely to exist, it would be appropriate to actually name the Canberra Times there as the daily newspaper. We have a precedent that is of some concern to me. In the Morpath situation the matter was actually advertised in the *Australian,* which is a daily newspaper circulating in the Territory; however, unfortunately, the - - -

Mr Jensen: Published.

MR MOORE: I am sorry. All right, published.

Mr Jensen: The *Australian* is not published in the ACT.

MR MOORE: I think the *Australian* mob would argue that it is published here. I think they may well argue that it is published here. I think that there would be an appropriate reason to tighten this up. Mr Jensen assures me that the Australian is not published here. His legal opinion is supported by that of Mr Duby. However, when this matter was raised earlier today with the Chief Minister's officials, they certainly were not able to give me that opinion, nor have they come back to me on that concern that I raised at that stage. I think it is appropriate that we specify that, because what we are trying to do is ensure, over this short period, that there are not ways and means around public inspection or comment.

There is no appeals mechanism. The vast majority of the problems that I have come back to that again and again. You have no appeals mechanism in this particular piece of legislation. There is a simple solution to it. A simple solution can be gained through a bipartisan approach: we take a couple of days and work out how we can tie in the Administrative Appeals Tribunal, which I do not think is, necessarily, the best way of dealing with planning appeals;

but, for interim planning legislation, it is entirely possible. Once again, I would like to appeal to those of you who think that appeals on planning decisions ought to be available to adjourn this debate now and to come back to this on Thursday with a reasonable approach in which we can deal with this very quickly rather than dealing with these issues on the floor. We can deal with them in a reasonable way by discussion and not have the sort of difficulty we have now.

We have seen the situation, already, where somebody has, in fact, published a notice in a newspaper that a limited number of people read. I am not sure what the circulation of the Australian is. I particularly think that it is not so much who reads it but who is actually going to read the public notices, whereas I think that when the Canberra Times is circulated the public notices are, indeed, read. There is certainly a group of almost professional public notice readers who draw a series of issues to my attention. They seem to be able to go through the publishing of those things. There are also people who are aware when they are published in an advertising form in a different part of the paper, which is sometimes the case, I believe, is it not, Mr Jensen?

Mr Jensen: It certainly is.

MR MOORE: It seems to me that, whilst no appeals mechanism is in place, we have to be very, very careful to ensure that each and every person in Canberra who is vitally interested in either a broad planning issue or a specific planning issue, like the schools situation that I drew attention to before, ought to be able to have access to that information as quickly as possible. I would urge the members of the Government to consider that and be prepared to agree to an adjournment of this debate. Failing that, I shall be moving an amendment to remove "a daily newspaper" and put in the words "the *Canberra Times"*.

Clause agreed to.

Mr Moore: On a point of order, Mr Deputy Speaker: did you actually put clause 15 at that stage? If so, I will come back to it later.

MR DEPUTY SPEAKER: Yes, there being no further speakers.

Mr Moore: I did indicate to you that I wished to move an amendment to insert the words "the *Canberra Times"* instead of "a daily newspaper", which I think would explain the confusion in the house. While I was being distracted by the Clerk, I presumed in fact that you actually - - -

Mr Kaine: We have already voted, Mr Moore.

Mr Moore: While I was being distracted I was not concentrating on that. I do not blame the Clerk in any way.

Mr Jensen: Mistakes, Michael.

Mr Moore: Look, it is complex legislation that I am dealing with here. You just want to push through what you have. You do not want to consider it, because you know that you have blown it. You have slapped it together and you are going to go on like this.

Mr Kaine: On a point of order, Mr Deputy Speaker: what are we debating at the moment?

MR DEPUTY SPEAKER: Mr Moore, I point out to you that at the end of the debate you can raise it as a point of reconsideration; so we do not need to do it now.

Clause 16

MR MOORE (11.05): Mr Deputy Speaker, clause 16 deals with the revision, deferral or withdrawal of the draft plan, and it states that, after the expiration of the period specified in the notice, the authority may revise the draft plan or, by notice published in the *Gazette*, defer until a specified date. It says "by notice published in the *Gazette"*. In fact, considering that there are no appeals, this does allow a back door way of getting around normal public consultation. So it would appear appropriate for the notice not only to be published in the *Gazette* but also to be published in the daily newspaper that reaches the most number of people in the ACT, and in this particular instance - - -

Mr Duby: The Tuggeranong *Valley View*.

MR MOORE: Unfortunately, Mr Duby interjects, "The Tuggeranong *Valley View"*. Whilst we recognise that as a quality newspaper - - -

Mr Collaery: For what purpose?

MR MOORE: Those of us who do not live in the valley recognise that as a quality newspaper for the valley. Mr Duby, we also recognise that it actually is not a daily newspaper at this stage.

We are looking for a notice published in the *Gazette*. I think that should also be broadly published, and I would suggest that the *Canberra Times* ought to be the appropriate spot to do that. Also, clause 16(1)(b) states:

> ... published in the *Gazette* defer until a specified date, or until the occurrence of a specified event, the submission of the draft Plan to the Executive.

When we look at the definition of "draft Plan", we see that it means a draft plan notified under clause 13 as revised under clause 16(1). If I remember correctly, that would

also, by definition, cover a part of the plan or, as well, a stage of the plan, or any part of the plan. I believe that that is a correct interpretation of clause 16(b) on pages 6 and 7. It is actually a quite serious matter because it allows even a minor part of the plan to be deferred, or withdrawn, or revised with a minimal amount of notice; in other words, just the notice in the *Gazette*. I think that is an entirely inadequate part of this slapped together Bill that the Chief Minister is trying to push through as quickly as he possibly can tonight without proper consideration.

Mr Kaine: Any time tonight will do, Michael. Tomorrow at 3 o'clock is okay with me.

MR MOORE: I am glad you feel relaxed about it.

Mr Kaine: I am quite relaxed.

MR MOORE: Chief Minister, I think it would be a far more appropriate way to deal with this in a bipartisan fashion as, indeed, I had offered. I see that that is not going to be the case, and it is not going to be your intention. It is important, I believe, to raise these matters at this time. I should like to move an amendment to add after the word *"Gazette"* the words "and the *Canberra Times"*.

MR DEPUTY SPEAKER: That needs to be in writing, Mr Moore.

MR MOORE: Thank you, Mr Deputy Speaker. I shall now sit down and put that in writing. I had expected that I would have a reasonable approach from the Government. When I was approached by the Whip it was considered that this matter would most likely come on tonight, and I was quite happy with that, but that it would also be likely that the matter would be continued on Thursday. I saw it as a quite reasonable approach rather than the bloody-mindedness we have seen of the Government in this case. I felt that we would have the opportunity - - -

Mr Duby: On a point of order, Mr Deputy Speaker: surely the word "bloody-mindedness" is unparliamentary.

MR MOORE: Bloody-minded, bloody-minded, bloody-minded - of course not. Mr Deputy Speaker, if I had said vodka-minded or something like that, I could understand why he would object; but I did not.

MR DEPUTY SPEAKER: Mr Duby, I will rule against you in relation to "bloody-mindedness". Mr Moore, I think you have said basically the same thing on about three or four occasions, so be wary of repetition.

MR MOORE: I certainly will be. I will just jot down this amendment. I move:

> Page 6, paragraph 16(1)(b), line 41, after *"Gazette"*, insert "and *The Canberra Times"*.

Amendment negatived.

MR MOORE (11.12): Mr Deputy Speaker, clause 16(4) more than anything reflects the shoddy nature of this Bill and the way it has been put together. Clause 16(4) reads:

> In addition to its power under subsection (1), the Authority may, at any time before the submission or re-submission of a draft Plan to the Executive, revise the draft Plan to correct any formal error.

The indication is, quite clearly, that they intend to put together the plan in such a way that there is a good chance that it will have some formal errors. When you refer to the interpretation clause on page 3, you see that their definition is that "formal error" means a clerical error - whatever a clerical error might be. It means an error arising from an accidental slip or omission, which could be anything. If we left out the Acton Peninsula it could be a clerical error, depending on where you happen to be sitting. It can also mean a defect of form.

It seems to me that for us to put through legislation which says to the Planning Authority, "Go for it. Go as easy as you like. If you make an error and we find it, that will be all right. We will allow you to revise the draft plan and correct anything that you find happens to be a formal error which you consider, for example, to be a clerical error, or to be an error arising from an accidental slip or omission. You just forgot to put something in. You made an accidental slip".

The power that this gives the Planning Authority is actually quite extensive. That, in itself, would be okay if there was an appeals mechanism, but there is no real, accessible appeals mechanism. There was certainly a time, Mr Deputy Speaker, that you would recognise, when there were other members of this Assembly who were concerned about appeal mechanisms. Extending this power, it seems to me, would be an inappropriate precedent. I will move an amendment to delete clause 16(4).

Mr Kaine: On a point of order, Mr Deputy Speaker: I will move that, if this member does not put his amendments in writing beforehand, they not be considered by the house. We are not obliged to sit around here all night while he writes out last minute amendments, surely.

Mr Berry: On a point of order, Mr Deputy Speaker: I heard a motion from the Chief Minister. He would have to seek leave.

Mr Kaine: I will move an urgency motion, if you like, and get the thing through in 10 minutes.

MR MOORE: Mr Deputy Speaker, are you still considering that point of order?

MR DEPUTY SPEAKER: I am still considering that, Mr Moore. Chief Minister, I believe that he is within his rights according to standing order 139. He has the right to put any proposed amendment before the Assembly which, for purposes of record, must be in writing and be signed by the mover. I have also taken advice on the matter and he can do it as we go through the debate, even though it is a very lengthy process.

Mr Jensen: On a point of order, Mr Deputy Speaker: I draw your attention to standing order 182. It says that an amendment may not be proposed unless it is in writing and is signed by the mover and copies of the amendment are immediately available for circulation to members.

MR DEPUTY SPEAKER: Mr Jensen, I think that a couple of times, in fact, we have probably short-circuited that by simply voting on the amendment, with the Assembly's consent, before it has been circulated to members, which has speeded up the process, somehow.

MR MOORE: Thank you, Mr Deputy Speaker. I believe that I am still speaking to clause 16(4).

MR DEPUTY SPEAKER: I thought you had finished. We were waiting on your amendment.

MR MOORE: I was in the process of speaking and had got to the point of saying that I was going to move an amendment when I was rudely interrupted by the Chief Minister on his point of order. No doubt it was a valid attempt by him. I thank you for your protection.

The thing that concerns me here is that, whilst we have no appeals mechanism - and I have to draw attention to that each time because it provides the validity for the individual situations that I am drawing attention to - the notion of allowing a formal error in its full range of meanings is a very broad-ranging power. It is a precedent that is set, not just here. I can clearly see the opportunity some drafters will have of saying, "What a great piece of legislation that is that we got past the Assembly; what a great line it is. We could just put in what will probably become known as the formal error provision and that way we can chop and change things without reference to the Assembly". That is exactly what this is doing. It is incumbent upon us to delete this subclause.

I move:

Page 7, subclause 16(4), lines 10 to 13, omit the subclause.

MR JENSEN (11.19): I wish to make a very brief comment on that. Mr Moore may have had a point if he was talking about a plan; but, in fact, it is the draft plan and not the final plan that he is referring to.

Amendment negatived.

Clause agreed to.

Clauses 17 to 20, by leave, taken together, and agreed to.

Clause 21

MR MOORE (11.20): You will be pleased to know that I do not feel a great deal of need to speak to this at great length, but I would like to move an amendment to clause 21(a). I would like to delete the words "in a daily newspaper" and write "in the Canberra Times". Without attempting to set this as a particular precedent, and hoping not to show any bias towards the Canberra Times in particular, I think it is appropriate that in each of these cases they get as wide as possible circulation, and that there be no room to move. After all, it would appear that there is no appeals mechanism as part of this legislation.

MR JENSEN (11.21): Quite clearly, the Australian is not published in the ACT. The only daily paper that is published in the ACT is the Canberra Times. Once again Mr Moore is seeking to waste the valuable time of the members of this house.

MR CONNOLLY (11.21): I think Mr Moore is making a substantial point here. He raised a case study where a notice was published in the Australian and not the Canberra Times. That gave rise to a fair degree of community concern. Mr Jensen responded earlier that this provision is satisfactory because the Australian is not published in the ACT. Mr Jensen may well be right on that. I had a recollection that the masthead of the Australian, in fact, lists an address which I thought may be a publication address in each of the Australian State capital cities. I actually went up to the library to see whether I could verify that; but, it being a late hour, the library doors were actually locked. This is, again, a problem. It is a late hour; a substantive point is raised by Mr Moore that there was a case where it was not - - -

Mr Humphries: At the last minute.

MR CONNOLLY: At the first minute, Mr Humphries, because this debate has only just been brought on. Mr Moore's point is a serious one. Mr Jensen has a response which may

or may not be satisfactory. There is no way that members have of really working out what to do in this situation. We are not sure. I am not sure whether the Australian is or is not published in several places or only in Sydney. It just raises the difficulty of important legislation being dealt with in a hurry and late at night.

Again, the Government's only response to these points that Mr Moore is raising is, "How did Mr Moore react to the similar provisions in the substantive Bill?". But, as we say, there is a difference. These are provisions that stand apart. Perhaps there is a need for additional caution. I would certainly like to take the opportunity to dissociate the Opposition from some of the rhetoric which has referred to this as a shoddy Bill. I do not think this is a shoddy Bill. I think there remains a point that, as the Bill stands alone, we do need to have some amendments to provide additional safeguards to the community because we are looking at a stand-alone planning Bill.

On this point of publication of a newspaper, I frankly do not know what the answer is. I do not know whether Mr Jensen is correct in his assertion that the *Australian* is not published in a number of cities and is, presumably, only published in Sydney. My recollection of that newspaper was that it listed publication addresses in each of the capital cities. Therefore, it may well be a newspaper published and circulating in the ACT. It is 11.30 at night. We cannot gain access to the library to check the point out. This is the dilemma of late night legislation in a rush.

MR MOORE (11.24): Mr Speaker, I think it is absolute nonsense for Mr Jensen to come in here and offer his legal opinion on this particular matter, particularly since I cited a specific case. I appreciate the support Mr Connolly provided on this. Of course, he is far more competent in matters of the law than Mr Jensen and I, or anybody else in this chamber sitting near Mr Jensen at the moment. Mr Speaker, I move:

> Page 8, paragraph 21(a), line 36, omit "in a daily newspaper", substitute "in *The Canberra Times*".

Amendment negatived.

Clause agreed to.

Clause 22

MR MOORE (11.25): I would like to again emphasise and add to Mr Connolly's point about this matter being pushed through, and also to clarify my understanding of what was going to happen to these matters. The Whip indicated to me earlier this week that this matter would come up tonight, and that any matters that had not been dealt with by the Assembly that were on the notice paper for today would carry over till either Wednesday or Thursday. I expected that I would still have some time to deal with this Bill

and that it would not be necessary to draw attention to these matters.

However, I see that the Government is still continuing its bloody-minded approach. I would ask them, once again, to reconsider what has been said. It was certainly not my understanding that we would set a precedent tonight by going later than we had on any previous sitting of the Assembly.

Mr Jensen: It is all up to you, Michael.

MR MOORE: Mr Jensen interjects, "It is up to you, Michael". I say that it is far better that we still consider this legislation as deliberately as we can, even though, as Mr Connolly pointed out, we do not have full access to the facilities of the parliament at the moment. For example, the library has now closed. However, they continue to push on with it.

The particular concern I have is with clause 22(2). It is interesting to note that when I mentioned this concern today to one person they referred to it as, "Oh, you have the same philosophy as Chris Donohue". As we know, on many issues, of course, I do have similar philosophies to Chris Donohue. This would appear to be one. I believe that we have a reversal here in clause 22(2), which currently reads:

> If, at the expiration of 6 sitting days after a Plan is laid before the Legislative Assembly, the Assembly has not passed a resolution rejecting the Plan, the Minister shall cause to be published in the Gazette a notice -

and so forth. I think that Chris Donohue was quite right if, in fact, he was quoted correctly - and I suspect that he was - in saying that this is reversed. What we should have is a situation that, if the Assembly has not passed a resolution adopting the plan, then the plan does not come into effect. In fact, this is something that the Assembly ought to have time to consider.

The matter we are dealing with here is that it can be the case that, the Government having put something to the Assembly, it can be allowed to lie. In effect, it can be ignored without the Assembly being forced to consider it. In such an important matter - and I know that this will be news to you, Mr Speaker - it is of concern to me that there is no appropriate appeals mechanism in this Bill.

Mr Duby: Are you concerned about that, Mr Moore?

MR MOORE: I am actually concerned about that issue. It would seem to me that we ought to have the approach of having a resolution to adopt the plan rather than having a provision saying, "Well, if you do not get around to it, then it becomes the plan". I can see that, in fact, that

could be the case. My original intention was actually to move an amendment on this part of the Bill. I have watched the reaction of the Government to all of my other suggestions, which I believe have been reasonable and sensible. They had the intention, in a bipartisan fashion, of making a better Bill. However, I have met with bloody-minded opposition to those ideas, so I think it is probably a waste of the Assembly's time to, in fact, do that, although I would like to see the issue appropriately debated.

I would specifically ask Mr Collaery whether he agrees with the Donohue approach to this particular situation, or whether he is quite happy with the notion of rejecting the plan. I presume that he has not had a particularly reasonable chance to look at this Bill, because of the way - as the Chief Minister said - that this matter has been brought on so quickly. They did not know that it was possible that the transition period was going to end. That, in itself, is an admission of the relationship between the Chief Minister and the National Capital Planning Authority. It is an admission of the inadequate relationship that he and his Executive Deputy, Mr Jensen - the menhir - have.

It seems to me that there should be a response from Mr Jensen and Mr Collaery about their reaction to this, particularly considering that I understand that their one-time executive member and certainly still strong supporter of the Rally, Chris Donohue, still supports the notion of reversing the role of this particular subclause. *(Quorum formed)*

MR COLLAERY (Attorney-General) (11.33): I rise to respond generally, and briefly, to Mr Moore's challenge. The fact of the matter is that this is an interim planning Bill. It covers a period prior to the entry, historically, to the law of the Territory of the large planning and lease appeals package. It is meant as a temporary, interim planning Bill. It is not meant to contain all of the issues that Mr Moore wants the final package to contain, because to do so would, ipso facto, negate the very process that we are setting out to achieve, which is to set in place a basic framework to ensure that the principal functions of planning survive until our large package is introduced.

The issues that Mr Moore raises about possible unintended effects can be raised again in this Assembly, if and when the occasion arises, because the law in respect of the matter that Mr Moore mentioned requires the Assembly to deliberate on the topic for six sitting days. Is he suggesting that all on this side of the house would ignore a situation that he postulates? The fact is that this is an interim planning Bill. It has been brought in in the context of the delays that have been adequately ventilated here this evening, and on other occasions. Mr Moore should not raise public concern when the Government has clearly

committed itself, politically, to a process that is reflected in the draft planning Bills.

If a situation arose that tended to negate the effects we are seeking in the draft planning process, Mr Moore could not possibly be postulating that we would want to set up a separate regime weeks before the new one came in. It does not make political sense. It is not practical. I feel that there is a lot of grandstanding going on; but, to do justice to Mr Moore, if he has some really genuine concerns I am sure they would be addressed by all in this house if that occasion arose.

Clause agreed to.

Clause 23

MR MOORE (11.36): I just draw attention to the definition of "the Plan" there. My reading of it is that it could well be that "the Plan" could be a plan or a part thereof that can come into effect. That is my own reading of that, without having had the opportunity of taking advice on it. I have some concern about that because we could bring in incoherent little bits and pieces of the plan, in the way that I have spoken of earlier; but I do not wish to repeat myself.

Clause agreed to.

Clauses 24 to 29, by leave, taken together, and agreed to.

Clause 30

Amendment (by **Mr Kaine**) proposed:

Page 11, subclause 30(4), line 21, omit "subsection (2)", substitute "subsection (3)".

MR MOORE (11.37): It is very fortunate, in fact, that we did not just allow the Government to ram this Bill through as they had intended. They wanted to take the Bill as a whole. It was only that I stood up and said that we did not want to take the Bill as a whole. This would be an error if, in fact, they had allowed it to go through, in spite of the fact that it had gone through the Scrutiny of Bills Committee and that it was a matter that I discussed today with the very competent staff of Mr Kaine's department. Mr Connolly was there when the matter was raised. It reflects much more about the attitudes of the Alliance Government than it does about anything else and it reflects the fact that they are still just trying to push this through.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 31 agreed to.

Clause 32

MR MOORE (11.38): I just noticed, having let clause 31 go through, that we could have raised a question about the $100,000; but I suppose it is a reasonable sum. With reference to the annual report, it is interesting to note from the original Interim Territory Planning Bill that this is going to replace the annual report. I refer also to clause 47 of the Interim Planning Bill that we are now discussing. I have actually noted that I wish to speak to clause 47, but I am quite happy to speak to clause 47 now as well as clause 32; so we can do the two together.

In the original Interim Territory Planning Act, No. 88 of 1988, section 17(1) reads:

> The Chief Territory Planner shall, as soon as practicable after each 30 June, prepare and furnish to the Minister a report of the operations of the Interim Authority during the year ending on that date.

Section 17(2) reads:

> The Minister shall cause a copy of each report furnished under subsection (1) to be laid before the Assembly within 15 sittings of the Assembly after the day on which the Minister receives the report.

Now, contrast that with what the bureaucracy is trying to get away with here:

> The Authority shall, after each 30 June, prepare and furnish to the Minister a report of the operations of the Authority during the year ending on that date.

It does not give any indication about when that report should appear. It is just one of those things; "You can make your report, and hand it down when you are ready". We will get a situation that we have seen here. I think it was Health that brought down a report from a couple of years ago and just recently tabled it in the Assembly. We will get a situation here where there is very little compulsion for a report to be tabled in any time at all. It is more critical, of course, because here we have interim legislation. It is an absolute nonsense.

The changes had to be deliberate. It has moved from the requirement of an annual report set out in the previous piece of legislation called the Interim Territory Planning Act. In fact, of course, clause 47 refers to the repeal of section 17, the one that I just read. We can see no other reason than deliberately giving themselves more room to move. Why is it that the Chief Minister and his department have decided that what they want to do is to report when

they feel like it, rather than report and have it before the Assembly within 15 sitting days?

What we really need to do with our reports, right across the whole of the ACT Administration, is clean up the Acts and get these reports to us within six months of the end of the year. I think all those reports should appear in as short a time as possible. It would be quite reasonable for us to expect that of our Assembly, so that we can actually see what is going on and have those annual reports, as, in fact, we did from the Office of Industry Development. Once again, I congratulate them on the excellent report that they did. It provided for a situation in the Estimates Committee where, as the Chief Minister will remember, the questioning of that particular section of his department was a far less onerous task because the sort of information that we would otherwise be seeking was there available to us in that annual report.

I think that that could well be the case in future and that we should be demanding a much more respectable way of dealing with these things. It is appropriate for this Assembly, as a whole, to ensure that reports from sections of the departments, or from our public servants, do come to the Assembly and are dealt with as quickly as possible, and at an appropriate time, so that they are meaningful.

Once you take a report past six months it becomes less and less meaningful. We could come to a situation where we have one that was 18 months or two years old and which provides very little relevant information. We have a situation here where, because it is an interim planning Bill - because it is one that should last a relatively short time - it is even more critical for us to see the annual report as quickly as possible. In fact, instead of loosening up this provision, what we should have seen was a far, far tighter provision than what we see here.

I am sure that Mr Duby agrees with me because I know that he seeks efficiency from his department. I can see that just by the comfortable smile on his face. I also see Mr Humphries joining in the jocularity with a smile. I am sure that what we will see each of these Ministers demanding, when they get to their annual reports, is that they get to them as quickly as possible. It is a very poor precedent that we are setting here when we ease the demands on that situation.

Clause agreed to.

Clauses 33 to 35, by leave, taken together, and agreed to.

Clauses 36 to 51, by leave, taken together, and agreed to.

Proposed new clause 52

MR MOORE (11.46): Mr Speaker, I move:

That the following new clause be added to the Bill after clause 51:

Cessation of operation of this Act

52. This Act, unless sooner repealed, shall cease to be in force following the last day of December 1991.

We have heard the Government confidently predicting and showing great jocularity when Mr Connolly - mind you, I have not seen some of the jocularity for a while; they are looking like they are half asleep - - -

Mr Duby: We are listening to you, for goodness sake. That is the main reason.

MR MOORE: Mr Duby, of course, finds it boring because, as far as he is concerned, this is not a particularly important matter and he would like to see it just pushed through. What we have is the opportunity for the Government to put its actions where its mouth is; but I suspect that, with the Alliance Government, most of its work is mouth work and very little of it has to do with coming up with the realities.

I think the logical time for a sunset clause to take effect would, of course, be in June or July. As the Alliance have indicated, they will be ready by then to go into the substantive legislation. Those of us who are not in the Alliance are not quite convinced that they will be able to do it in that time. Therefore, I am proposing that we actually double that time and give them a year in which to have this as the interim planning legislation. I point out to you again that there is no appeals mechanism in this interim legislation. It has been proposed, and we have been assured again and again, that it is simply an interim situation to get us out of a difficulty which has to do with the transition period.

If we accept that, then I think it is appropriate that we do put a sunset clause on it so that we do set a deadline. That is the very thing that we shortly dealt with before in an interjection from Mr Duby about deadlines. If you actually set deadlines you have an opportunity to get something. That is standard management practice. The Chief Minister likes to pride himself on being a competent manager. Here we have an opportunity to follow a standard management practice of setting deadlines, as well as his normal process of setting goals. Mr Speaker, I recommend this amendment to you and to members of the Assembly as an appropriate thing to do, and as a way of showing good faith about this legislation. Mr Speaker, I have made an attempt this evening to get all members to take a bipartisan approach to this legislation. It is really their last opportunity to show any good faith.

Proposed new clause negatived.

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

That clause 15 be reconsidered.

The Assembly voted -

AYES, 7	*NOES, 9*
Mr Berry	Mr Collaery
Mr Connolly	Mr Duby
Ms Follett	Mr Humphries
Mrs Grassby	Mr Jensen
Mr Moore	Mr Kaine
Mr Stevenson	Dr Kinloch
Mr Wood	Mrs Nolan
	Mr Prowse
	Mr Stefaniak

Question so resolved in the negative.

Title

MR MOORE (11.54): I was quite happy when this Bill was introduced, and I said quite clearly, at the in principle stage, that I felt it was appropriate that this Bill have bipartisan support. Bipartisan support does not operate from one side only. Bipartisan support requires cooperation between two sides. What we have had tonight is a pathetic illustration from that side of the house that they are not interested in that at all. They will be expecting bipartisan support on other Bills. I assure you that you are going about it the wrong way, if you want to get that sort of support.

What we have seen tonight is a bloody-minded demonstration of nothing other than flexing muscle. It is the sort of thing that members on that side of the house ought to really feel quite ashamed about, particularly in the situation with the last matter that I had wished to have reconsidered. In fact, I had an indication from Mr Stefaniak as Deputy Speaker that it was all right - "We will come back and we will reconsider that part of the Bill". Then, of course, given the opportunity to come back and do it, you turned around and backed down on what you had indicated. You talk about the Labor Party turning around last Thursday week, and then you turn around. That is a totally inappropriate way to deal with such things.

Insofar as the title Interim Planning Act is concerned, it ought to be reconsidered, because one wonders whether or not it is interim. How can you be trusted? You told me one thing a minute ago and you turned around. You have been saying to us all along, "Trust us. Trust us, because, do not worry, we will look after it. We will not do the things that this Bill empowers us to do". It is absolute

nonsense. I think you could have had bipartisan support. All we had to do was adjourn this Bill until Thursday. It would have been dealt with in 10 or 15 minutes and it would have been through. You had the opportunity to do that, but you preferred not to do that.

Mr Duby: Tell us about trust.

MR MOORE: Mr Duby interjects, Mr Speaker, "Tell us about trust". That man - - -

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

MR MOORE: Thank you, Mr Speaker.

MR SPEAKER: Relevance.

MR MOORE: Mr Duby interjects, "Tell us about trust". With reference to the Interim Planning Bill it is quite relevant, because what they are asking for is to be trusted with the power of this Bill. That man, who went to - - -

MR SPEAKER: Order!

MR MOORE: It is Mr Duby I am pointing to. He went to an election on the notion of no self-government - - -

MR SPEAKER: Order! Relevance, Mr Moore.

MR MOORE: It is about trust, Mr Speaker. He went to an election on no self-government and turned around - and Mr Collaery, who went to an election - - -

MR SPEAKER: Order, Mr Moore! Mr Moore, resume your seat. The question is: That the title be agreed to.

Mr Moore: On a point of order, Mr Speaker: I am still speaking.

MR SPEAKER: I asked you to resume your seat, Mr Moore.

Mr Moore: I am still speaking to this, Mr Speaker. I have another six or seven minutes to go. Mr Speaker, I have another six minutes and 35 seconds to go.

MR SPEAKER: Mr Moore, you have just lost it. You have lost your six minutes. The question is - - -

Mr Berry: On a point of order, Mr Speaker: Mr Moore was speaking to the Bill, and the clock is still running.

MR SPEAKER: No, I believe that he was on a different tack altogether, Mr Berry.

Mr Berry: I do not think he was. I think that is a bit rough.

MR SPEAKER: Well, thank you for your observation.

Mr Berry: More than a bit rough.

Mr Kaine: Do you want to go too?

MR SPEAKER: Order! Order, Mr Berry! We all would like to go, if you do not mind. Thank you, Mr Berry.

Mr Berry: Mr Speaker, I think that is an outrageous interference with the rights of members.

MR SPEAKER: Yes, it certainly is. Please resume your seat, Mr Berry. Your objection is overruled.

Mr Berry: Mr Speaker, just because the Speaker is tired, everybody else is going to have their debating rights taken away from them.

MR SPEAKER: That is not the case at all. Mr Moore was not being relevant to the point under discussion.

Mr Connolly: On a point of order: on what authority can you stop a person? You can tell him to remain relevant and you can direct him to make his remarks relevant; but you cannot say, "Sit down: you cannot speak again".

MR SPEAKER: I think you are wrong, and I will point out the number to you.

Mr Connolly: Well, please do, Mr Speaker. It is extraordinary.

Mr Kaine: Are you dissenting from the Speaker's ruling, Mr Connolly?

Mr Connolly: You would not allow that either.

Mr Kaine: I would be interested to hear on what basis he is dissenting.

Mr Connolly: I want to know what the standing order is. He does not know; he is looking.

MR SPEAKER: I am looking at standing order 62.

Mrs Grassby: Looking, looking, looking.

MR SPEAKER: Order! Standing order 62 states:

> Having called the attention of the Assembly to the conduct of a Member who persists in irrelevance or tedious repetition of the Member's own arguments or of the arguments used by other Members in debate, the Speaker may direct the Member to cease speaking.

Mr Berry: I think it was entirely inappropriate, Mr Speaker, because he was relevant.

MR SPEAKER: Thank you for your observation, Mr Berry; but the situation is that he was repeating himself.

Mr Moore: On a point of order, Mr Speaker: in fact, you are now saying that I was repeating myself. You were talking about relevance before. You have ordered me to stop speaking on this particular matter, Mr Speaker, when, quite clearly, I illustrated to you that there was a relationship between trust, because of this particular Bill, and - - -

MR SPEAKER: Yes, thank you, Mr Moore; we heard it.

Mr Moore: So, therefore, Mr Speaker, I think it is appropriate that I be allowed to continue speaking.

MR SPEAKER: Mr Moore, I believe that you were irrelevant and you were repetitious, and I would ask that you now bow - - -

Mr Moore: Mr Speaker, I move dissent from your ruling.

MR SPEAKER: Thank you, Mr Moore. The question is: That the title be agreed to. Those of that opinion - - -

Mr Moore: Mr Speaker, on a point of order: I move dissent from your ruling.

MR SPEAKER: Please read your standing orders, Mr Moore. There is no such provision in standing orders. If you wish to have the standing orders amended - - -

Mr Moore: Mr Speaker, please read *House of Representatives Practice.*

MR SPEAKER: Order, Mr Moore! You are on thin ground. The question is: That the title be agreed to.

Title agreed to.

Bill, as amended, agreed to.

Wednesday, 12 December 1990

INTERIM PLANNING (CONSEQUENTIAL AMENDMENTS) BILL 1990

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

That this Bill be agreed to in principle.

MR MOORE (12.01 am): Mr Speaker, I hope that I get a less partisan approach from you on this Bill. I had not actually intended to speak to the consequential amendments Bill, because I think that, once a Bill is passed, they, of

course, tend to follow. The point is that what happens here is that this is now a Bill of trust, and perhaps its title ought to have been changed; but we did not do that. It is the situation that we could hardly trust people who have not continued to stick to the promises that they went to the people with when they were elected.

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.

Canberra Times Site

MR MOORE (12.02 am): Mr Speaker, I must say that this evening's display from the Alliance Government is something that is a matter of concern and ought to be a matter of concern to members of the ACT community. What we have seen here is a government that has vandalised our schools; that has vandalised our hospitals; that has vandalised much of our planning system and probably will continue to do so. To be quite a bit more specific, I would like to speak tonight on the *Canberra Times* site.

We heard this evening the Chief Minister saying that he has no control over how the Federal Government reacts in terms of its planning as far as the *Canberra Times* site goes. However, when the original report of our select committee on the *Canberra Times* site came down, one of the concerns as I recall - and I may stand corrected by Mr Collaery - was that the protection was that no Federal public servants and, of course, no ACT public servants would go into that particular site. The Chief Minister gave that assurance. Of course, you can never hold to that particular commitment. There is no way that we, as a legislative body, can make that commitment in terms of the Federal Government. We can make that commitment in terms of our own public servants. I accept the good spirit in which the Chief Minister presented that.

The reality is that, if we are going to stop office development in Civic and if we are going to make the decentralised town plan system work, then what is most critical for us is to take a stance on that development, recognising that an office block development is a

development that allows, and will continue to allow, Federal public servants to be concentrated in the Civic area. That will contribute to the downfall of our decentralised plan and be to the detriment of that plan. Of course, there will be a detriment in environmental terms and a detriment to the ordinary people who live and work in Canberra, particularly when we have a situation where 91 per cent of people who live in the Tuggeranong area need to move outside Tuggeranong in order to work.

What we should be aiming for is a reverse of that, where the vast majority of people in Tuggeranong can also work in Tuggeranong so that the trips they make, whether by public transport or by private transport - preferably by public transport - can in fact be taken over much shorter distances and be much less demanding in terms of the fuel supplies used in this Territory. That, of course, would be a major contribution as far as the greenhouse effect goes, and a major contribution as far as preserving non-renewable fossil fuel resources and the use of those fossil fuels are concerned. It should be clear to each member of this Assembly that any further development of office blocks in Civic is unacceptable, because you do not have the control mechanism to ensure that those positions are not taken by Federal public servants. The only option left for us is to ensure that, in fact, office block development does not continue in Civic, until such time as the development in the town centres has reached an appropriate balance between Civic and those town centres.

Members' Behaviour : Members' Rights : Kings Highway

MR BERRY (12.06 am): This year has been filled with firsts; but I think there are two firsts that need to be referred to, as far as this adjournment debate is concerned. One is the first that occurred on the last sitting day, 29 November, when violent behaviour was allowed in this Assembly. There was the inability of the Government to cope with disciplining its members, and there was also the inability of the Speaker to call that member to order and deal with the matter in a way that would bring respectability to this place.

Another first that I want to refer to is the first this evening, when, in an arbitrary way, a member's right to speak was taken away from him. The fact of the matter is that the member was debating a matter that was before this place. More than one member interjected, as I recall, in the course of that discussion. The interjections were taken by the Speaker, one would assume, to have been appropriate and legitimate, and thereby encouraged some response to those interjections. The interjections, of course, were entirely relevant to the debate. So also was the member's response, as far as I could make out. I think, Mr Speaker, that your actions in this matter do nothing for debate in this Assembly; rather the contrary. They, indeed, stifle debate.

Another matter which I would like to focus on, Mr Speaker, is an issue concerned with the Greiner Government in New South Wales and the road to the coast, the Kings Highway. It has been the subject of some publicity that the Liberal members of the forum - the south-east forum, I think they call it - have been beating up the argument that it is, in some way, the Federal Government's responsibility that the road is in such poor condition. The fact of the matter is that the real responsibility lies with the New South Wales Government. In fact, it lies with Mr Wal Murray, the famous Minister - or infamous Minister - from New South Wales.

Of course, Mr Cochran, from that electorate just across the border, often seeks to move the blame for the condition of that road from the New South Wales Government to the Federal Government. What is most disturbing is that our own Chief Minister is joining with the Greiner Government to inaccurately voice a position about that road. The fact of the matter is that the proper approach is for the New South Wales Government to reorder its priorities, if it wishes to do anything about the Kings Highway. It is about time that the truth of this matter was made known to the community generally. It is appalling that our Chief Minister would join with the New South Wales Greiner Government in this distortion of the facts. If our Chief Minister wishes to continue with that distortion, he will be exposed for it, as he has been in the last couple of days.

I raise that issue just to give notice that those sorts of activities will not be overlooked by the Labor Opposition in this place; nor will they be overlooked by responsible commentators who are looking at the issue of the Kings Highway. I am certain that, if Mrs Nolan was, in any way, genuinely concerned about the Kings Highway, she, too, would be calling on the Greiner Government to reorder their priorities to ensure that the condition of the road was improved. I do not think she is genuine on this issue; she is playing politics, like the Chief Minister. The fact of the matter is that they will not scream at the Greiner Government to fix that road; they will do nothing and let it be reduced to potholes. However, they will bleat to the Federal Government, which is clearly not responsible for that highway.

Consultative Forum

MR KAINE (Chief Minister) (12.11 am): Mr Speaker, I find it rather incongruous that Mr Berry gets up and talks about distorting the truth. He opened his remarks by saying that the Liberal members of the ACT-New South Wales forum put this matter forward. There was not a dissenting voice in that forum.

Mr Berry: There was mine.

MR SPEAKER: Order!

MR KAINE: "Big Ears" was there. He did not even want to be there; that was the trouble. Since we are talking about distorting the facts, I want to refer to an incident that took place at the ACT-New South Wales forum when this member opposite deliberately distorted the truth and made a statement to the effect that this Government was reducing the number of beds in our public hospitals. That was a deliberate distortion of the truth, and Mr Berry knows it. He has the effrontery to come in here and talk about distorting the truth. Mr Berry would not know the truth if he fell over it.

Mr Berry: You are reducing services to the people of New South Wales.

MR SPEAKER: Order, Mr Berry! Mr Berry, please!

Mr Moore: On a point of order, Mr Speaker: what about giving him an order. On a number of occasions that man has not sat down.

MR SPEAKER: Order, Mr Moore!

MR KAINE: We will carry on a debate about distorting the truth, if that is what Mr Berry wants. I would submit that, if he has the nerve to turn up to the next meeting, the members of the ACT-New South Wales Consultative Forum will take issue with him over that. Of course, he will not have the nerve to turn up to the next one. We will then see who is distorting the truth and who is not.

The other fact that emerges from this debate is that Mr Berry might do a lot of talking, but he is not the slightest bit interested in getting the road fixed. All he wants to do is make a cheap political point. If he had any conviction at all about the Kings Highway, and if he really wanted to do something for this community, he would join with this Government and the Government of New South Wales in going to the Commonwealth Parliament and putting the argument that something needs to be done about it. He will not do that. He will sit over there. He will distort the truth. He will misrepresent the truth. He will hide behind his ideology and he will do nothing, as he did nothing when he was a Minister in the former Government, and he has done nothing since he has been sitting here in opposition.

Mr Berry: I will not be accused of vandalism, like your Minister.

MR SPEAKER: Order!

MR KAINE: Your days of vandalism are over, mate. You will not get another opportunity to vandalise anything sitting there in opposition, which is right where you belong. You

have not enough sense, enough nous, enough energy, enough ability, enough anything to do anything except sit there and snivel and whinge and complain. Do not talk to me about misrepresentation. The only misrepresentation that comes across in this house is what comes from you, and that is often. That is from *Hansard*.

Compulsory Retirement

DR KINLOCH (12.14 am): I am very delighted, indeed, that Mr Greiner's Government has been named because, of course, there is some very good news for all of us. I am sure everyone here will suddenly stiffen the backbone and be very thrilled to know that the radical government of Mr Greiner is opposing compulsory retirement based on age. That is to be abolished in New South Wales.

The decision to introduce special legislation means that experienced employees can continue to contribute their skills and knowledge to the work force beyond the existing retirement age. It is a wonderful thought to contemplate that all of us, 20 years from now, may still be here speaking away in adjournment debates.

Mrs Grassby: God forbid. I could not stand it.

DR KINLOCH: Ellnor, you can make it. Mr Speaker, it has been a wonderful day. I want to congratulate all members of the house for a lively day. There has been lovely, extravagant rhetoric on both sides. We have shown that we are all young people ready to face the challenges that Mr Greiner has put before us for the future.

Personal Explanation

MR BERRY (12.16 am): Pursuant to standing order 46, I seek leave to speak. I have been misrepresented.

Leave granted.

MR BERRY: Mr Kaine said that there were no dissenting voices at the forum. I, very clearly, objected to the way the forum was being steered by the Chief Minister and those Liberal members of the New South Wales Government. I made it very clear to the Chief Minister, who chaired that meeting, that the most appropriate source, in terms of seeking extra funding for that New South Wales road, was the New South Wales Government. Ultimately, the forum accepted that an approach should be made to the New South Wales Government.

Mr Duby: On a point of order: that is just simply not true, Wayne. The forum accepted no such thing.

MR BERRY: There was consensus on the issue that there should be an approach made to the New South Wales Government. If you did not hear it, Mr Duby, you were asleep.

Mr Duby: That is not true, Wayne. The forum accepted no such thing.

MR SPEAKER: Order!

MR BERRY: There was consensus. If the record does not show that, then the record is not being kept accurately. The fact of the matter is that the forum, by consensus, accepted that there should be an approach to the New South Wales Government - - -

Mr Duby: And the Commonwealth Government.

MR BERRY: And the Commonwealth Government. Of course, what has happened is that Mr Kaine has been involved with those people across the border who tend to shift the focus off the people who should be wearing the blame for the condition of that highway. They will continue to be blamed for it and will wear it appropriately - Mr Greiner and his crew and, in particular, Mr Murray.

Consultative Forum

MR COLLAERY (Attorney-General) (12.18 am), in reply: I rise to close the adjournment debate and, briefly, to agree totally with Mr Berry. We did reach consensus on one issue, the lunch. It certainly did not appear as if Mr Berry had anything caught in his throat. It was a good meeting. One thing that I should say is that I assume that the Opposition support the post-self-government move towards regionalisation in our region. Mr Berry well knows that there were some very weighty, imaginative and good proposals put forward for regional work together with the people in our region - not the politics necessarily; the people in our region. That was the real issue. I welcome and applaud it.

I was very proud to see the Chief Minister of the Territory chairing that meeting, because we have often been seen to be the small cousin in this relationship. We chaired that meeting. It was excellent to see my colleague, Trevor Kaine, chairing it. Regardless of politics, I am sure Mr Berry agrees that there were very worthwhile initiatives pursued at that meeting. Mr Berry does not want to hear this because he does not give me bouquets; but certainly that was an excellent meeting and a very good outcome.

Question resolved in the affirmative.

Assembly adjourned at 12.19 am (Wednesday)