DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

21 March 1991

Thursday, 21 March 1991

Thursday, 21 March 1991

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

INEBRIATES (AMENDMENT) BILL 1991

MR HUMPHRIES (Minister for Health, Education and the Arts) (10.31): Mr Speaker, I present the Inebriates (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

The Inebriates (Amendment) Bill of 1991 amends the Inebriates Act 1900 of New South Wales in its application to the Australian Capital Territory, and is designed to convert all references to gender neutral terms. The ACT is bound to comply with the Commonwealth Sex Discrimination Act 1984, as directed by the Commonwealth Attorney-General's Department. All States and Territories are required to comply with the Commonwealth Sex Discrimination Act.

Under the Commonwealth's Sex Discrimination Operation of Legislation Regulations, the ACT was granted an extension for amendments to section 2 of the principal Act until 31 July 1991. An extension applying to the remainder of the Act was granted until 31 December 1990, on the understanding that action would be taken to amend the current legislation. Changes complying with both requests are embodied in the amendment Bill, which I now present.

These amendments are an example of the Alliance Government's commitment to eliminating discriminatory provisions from ACT legislation. Proposed changes are in line with the provisions of the Commonwealth Sex Discrimination Act, and these act as a prelude to the proposed ACT Discrimination Bill. In keeping with the Sex Discrimination Act, this amendment aims to rectify those sections of the Inebriates Act of New South Wales which do not comply with the Commonwealth Act. The proposed amendments do not alter the regulatory impact of the Act, and will not require extra funds to administer.

Since the Act was drawn up in the less enlightened times of 1900, sections of the New South Wales Act contain references to "him" and "assault on women". These gender specific references contravene the Sex Discrimination Act, and therefore are required to be changed. The amendments omit all references to gender specific - predominantly male - terminology, substituting gender neutral terms. The amendment also replaces the offence of "assault on women" with "assault in general". Reduction in the use of sexist

terminology in legislation is important to allow equality under the law for both sexes. The necessary changes to the Act have been proposed and are listed in the explanatory memorandum. Mr Speaker, I present the explanatory memorandum to the Bill.
Debate (on motion by **Ms Follett**) adjourned.

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1991

Debate resumed from 14 March 1991, on motion by **Mr Kaine**:

That this Bill be agreed to in principle.

MR BERRY (10.34): This Bill, of course, has been referred to by the Chief Minister and it talks about a number of important aspects. One is in relation to the review of decisions provisions, and that in itself is important because of the inability of the Commonwealth, for one reason or another, to provide the necessary changes to enable these reviews to be conducted in the Industrial Relations Commission as was originally intended. Other matters relating to the payment of representatives and the obligation of employers in relation to notice of events are also very important issues in the context of this legislation.

The only difficulty that the Labor Opposition has with the legislation is that the Government has allowed only seven days for consultation to occur between the Opposition and constituents. We learned very late yesterday that the Trades and Labour Council had not even seen the Bill. That is an outrageous position, given that the Chief Minister has said on so many occasions that he has a lot of contact with the trade unions around the Territory and that his consultation, for the purposes of public consumption, is as near perfect as it could be. We have proven in the last couple of days that that is just not the case.

I have been informed this morning that the Occupational Health and Safety Advisory Committee, which, of course, has representatives of the Trades and Labour Council on it, was advised of the issue and did approve of it; but, that aside, one has to make it clear that the numbers on those committees are not weighted in favour of the trade union movement, and never have been. The fact of the matter is, Mr Speaker, that this Bill is being rushed through this Assembly with only seven days' notice. It would have been better to have had more time, to enable the opposition members of this Assembly to have consultation with their constituents.

I hope that this is not a trend for the Government. I know that it is in some difficulty in bringing legislation into the Assembly, as has been proven by the lack of business on the notice paper; but it is something which we are concerned about and we will continue to raise it. That aside, Mr Speaker, we will be supporting the legislation which has been presented by the Government.

MR HUMPHRIES (Minister for Health, Education and the Arts) (10.38): Mr Speaker, the Government welcomes the support of the Opposition on this important Bill. I would like to make a few comments about the Review Authority aspects of the Bill. The Occupational Health and Safety Act 1989, which was one of the very first pieces of legislation enacted by this Assembly, aims to improve standards for occupational health and safety through a number of methods. Two means of achieving the goal that that Act sets out to achieve are via the roles of the occupational health and safety representatives in individual workplaces - the employee is selected by other employees at the site - and the enforcement agency, which comprises the inspectors and the advisers of the ACT Occupational Health and Safety Office.

The Review Authority, in the form of the Industrial Relations Commission, and outlined in the amendment Bill which is being presented here today, ensures that the system operates without fear or favour. It allows a full and independent review of decisions made under the Act. Health and safety representatives may issue provisional improvement notices to the employer if they identify hazards in their work sites. These notices, of course, are part of the hazard prevention strategy.

If the safety representative believes, on reasonable grounds, that a person is contravening, or is likely to contravene, a provision of the Act, the notice may require that person to rectify certain matters. The issuing of such a notice should be done only after consultation with the employer, and should allow adequate time for the employer to rectify the hazard. However, the employer may not agree with such a notice, and obviously may feel that there is an issue which ought to be properly canvassed outside or beyond the process which has so far ensued. That employer may, under the provisions of this Bill, call the inspector in to advise on the applicability of the notice to the particular circumstances. If either the employer or the employee disagrees with the inspector's decision, there is recourse in turn to appeal to the Review Authority created by the amending Bill.

So, there are a number of stages, Mr Speaker, through which parties might go before they end up at the appeal stage before the Review Authority. The Bill establishes the details of the system so that employers and employees are aware of how the appeal mechanism works and their rights to utilise it. Therefore it makes an important contribution to the earlier legislation passed by the Assembly.

I note with interest Mr Berry's comments that this Bill has been rushed through in seven days. I am reminded of the fact that a Bill was presented to the Assembly yesterday in private members' business which had also had seven days' notice, but that was not described as being rushed. It is interesting that we require seven days for opposition Bills, but longer is needed for government Bills.

Mr Berry: Which Bill are you talking about?

MR HUMPHRIES: The food Bill yesterday had seven days' notice, do you remember?

Mr Berry: You did not complain about it yesterday. Why are you complaining today?

MR HUMPHRIES: Yes, I did.

Mr Kaine: You are the one who is complaining. Our time scale is supposed to be different from yours.

MR HUMPHRIES: That is right.

MR SPEAKER: Order!

MR HUMPHRIES: Mr Speaker, the appeal mechanism can be either to the registrar or to the Review Authority. That system ensures a series of checks and balances, so that power is exercised reasonably and the risk makers and risk takers get a fair go. If the employer or the occupational health and safety representative appeals to the registrar and there remains a dispute, the disaffected party may then appeal to the Review Authority. So far, I am told, Mr Speaker, employers and employees have largely taken a very responsible attitude to the legislation. There have been 40 improvement notices and 15 prohibition notices issued by inspectors of the Occupational Health and Safety Office, none of which have elicited an appeal, and that is, I think, a very positive sign that the system has been working and is effective.

The system being put in place through this legislation is not unusual. The Federal Government's Occupational Health and Safety (Commonwealth Employment) Bill has passed both houses of Parliament and is expected to be operational very shortly. That Bill also provides for a review authority which will also be, of course, the Australian Industrial Relations Commission. There is obviously some value in having that body acting in the same capacity for both jurisdictions.

The Review Authority being established in the ACT will, therefore, be consistent with approaches being taken within Commonwealth employment, allowing consistency between judgments and across all levels of employment within the ACT. All other States and Territories also utilise the respective State industrial relations commissions. The ACT Government's approach is, therefore, consistent both nationally and regionally; it is also based on sound economic and administrative rationale and, therefore, warrants the support, I think, Mr Speaker, of the whole Assembly.

MRS NOLAN (10.44): Again I see that no-one else from the other side seems to want to make any contribution to the debate this morning. As the Chief Minister stated when he introduced this Bill into the Assembly, the Occupational Health and Safety Act 1989 had as its key aims the promotion and improvement of standards for occupational health, safety and welfare. The establishment of the Review Authority in the form of the Industrial Relations Commission is a cornerstone of the legislation. In addition to the provision of a review authority within the Bill, two other areas are being addressed in this amendment Bill before us today; the training of health and safety representatives and the injury and disease notification systems are also vital elements.

The Bill ensures that deputies do not suffer loss of remuneration or entitlements while undertaking a basic training course approved by the Occupational Health and Safety Council. A deputy health and safety representative is selected in the same manner as the health and safety representative. Where the health and safety representative ceases to be the representative, or is unable to fulfil that role due to an absence for any reason, the deputy may exercise the powers of a health and safety representative.

It should be noted that the Act already provides for remuneration and no losses of entitlements while representatives are exercising their powers under the Act. Training is an essential prerequisite to the exercise of these powers, to ensure that there is no misunderstanding as to their exercise and so that representatives are fully aware as to the means of resolving occupational health and safety issues in the workplace. However, in its current form the Act has not clarified whether this arrangement applies to training and to deputies. The Bill clarifies this so that there is absolutely no ambiguity. Deputy representatives may be put in identical circumstances to representatives, and the Bill allows for the provision of training for these representatives.

It has always been the intent for the Act to provide for the notification of workplace deaths, injuries and disease to the statutory authority administering the Act. The Government has been advised that, as the Act currently stands, injury and diseases such as noise-induced hearing loss and occupational overuse syndrome may not be notifiable, given that an accident per se has not necessarily taken place. The Bill amends this situation so that such incidents will be notifiable. A notification system is paramount to the effective implementation of the Act, and to an efficient government service.

Once the base of data on injuries and diseases has been established, government resources can be targeted to the high risk and high incidence areas. This should give the Territory better value from the government dollar and an agency that is far more responsive to industry needs. It is expected that the death, injury and dangerous occurrence regulations will be presented to the Assembly in the near future, so that an accurate picture of workplace health and safety can be obtained, and preventative strategies developed accordingly. The amendments proposed in this Bill will allow the development and implementation of the occupational health and safety system as originally envisaged. The Bill will allow the necessary regulations to be put in place to reduce the crippling cost of workplace injuries and disease in the ACT.

MR MOORE (10.49): Mr Speaker, I take this opportunity to comment on the very positive amendment to the Occupational Health and Safety Act. One of the first tasks that I had in this Assembly was as a member of the Select Committee on Occupational Health and Safety. We spent many hours - and a tremendous learning exercise it was - looking at that particular legislation. I am very pleased that the Alliance Government has looked at that Act, found an area where there is room for improvement and taken action to improve it.

I do have a problem with the limited amount of time. In this case, where I do not have particular problems with the Bill, it has not caused any problems. But, in principle, we need more time to look at the Bills that are presented before the house, and I think that applies both to private members, as I think Mr Humphries drew attention to a minute ago, and to the Government. If we are going to have an opportunity to adequately look at Bills and the ramifications of Bills, and to be able to consult with the members of the community when we do, then we certainly need more time. However, that aside, congratulations to the Government on presenting the opportunity through this Bill to ensure that decisions can be reviewed, and reviewed in an appropriate forum.

MR KAINE (Chief Minister) (10.50), in reply: In concluding the in-principle debate on this Bill, I simply want to comment on the statements that Mr Berry made. His principal complaint seemed to be that we had not given him time to consult with "his constituency". The simple fact is, Mr Speaker, that this Bill is the product of discussions by this Government and our constituency, which happens to include the trade unions, although Mr Berry does not like to acknowledge it.

I noted with interest, Mr Speaker, that, although he followed the matter up with the Trades and Labour Council, it expressed no opposition to these amendments. The reason that it offered no opposition to them was that it had already agreed to them. That is the simple fact of it. So, when Mr Berry prattles on about his constituency and questions the relationship that this Government has with the trade unions, of course, he is on the wrong track entirely. The fact of the matter is that I do speak to the Trades and Labour Council and the executives of the trade unions in Canberra frequently. My office door is open to them and they know it, and if they have a problem they come and talk to me.

We have the Industrial Relations Advisory Committee and other bodies that this Government has put into place so that the trade unions can be represented and can express their views. They have every opportunity to consult with the Government on any matter that is of concern to them. And, of course, on a matter like this, this Government's clear instructions to the ACT administration are that it is to ensure that the trade unions are properly consulted, and that they are included in the decision making process. That is why he was unable to criticise the Government on the grounds that the trade unions object to any of these amendments, and that is why the Bill was put forward in the expectation that there would be very little debate. As I have said before, it is the product of discussions and the product of agreement and we, on this side of the house, were well aware of the fact that the trade unions would not object, because they had already agreed to all of these matters.

Mr Berry's plaintive bleat, of course, is a typical one that we have come to expect from that side of the house; it has no substance to it whatsoever. At least he had the good sense to say that he supported the Bill, because there are absolutely no grounds for him to disagree with it.

Mr Stevenson: I move that the matter be adjourned to 14 April 1991.

MR SPEAKER: The debate has been closed, Mr Stevenson. I think you have missed the bus.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 15	*NOES, 1*
Mr Berry	Mr Stevenson
Mr Collaery	
Mr Connolly	
Mr Duby	
Ms Follett	
Mrs Grassby	
Mr Humphries	
Mr Jensen	
Mr Kaine	
Ms Maher	
Mr Moore	
Mrs Nolan	
Mr Prowse	
Mr Stefaniak	
Mr Wood	

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

CITY AREA LEASES (AMENDMENT) BILL 1991

Debate resumed from 14 March 1991, on motion by **Mr Kaine**:

That this Bill be agreed to in principle.

MR MOORE (10.58): The very principles of the leasehold system are under challenge by this amendment Bill. The notion that there is a presumptive right of a leaseholder to have any form of right in terms of development is an inappropriate concept and is not part of a proper understanding of our leasehold system. The presumptive rights should remain at all times with the landlords. Those landlords are, of course, the people of Canberra.

I see Mr Jensen immediately reach for his copy of the report on the Canberra leasehold system, normally referred to as the Langmore report. He would find that term, "the presumptive rights", there in evidence to that committee. In the in-principle stage of this debate today I will rely heavily on that report on the Canberra leasehold system by Mr Langmore and the House of Representatives Standing Committee on Transport, Communications and Infrastructure, and on the report on the leasehold system that it

commissioned by Professor Max Neutze. It is usually found in most copies of the report on the Canberra leasehold system. They actually carry the report of Professor Neutze as an addendum. I will also be referring to a paper by the late Peter Harrison on the historical use of section 11A.

The amendments here are a series of amendments that are proposed to change the concept of section 11A. They result in a compromise, it seems to me, between the Liberals and the Residents Rally. The Residents Rally, favouring a 100 per cent levy on betterment, recognises in its policies that the leasehold system itself, giving no presumptive rights to the actual leaseholder but retaining the presumptive rights with the landlord, means that naturally 100 per cent betterment ought to apply. The compromise that it has reached with the Liberal Party as part of their alliance has actually turned out, in reality, to be quite a sell-out, because of the development of properties around Canberra that are going to go back to the old system of a 50 per cent betterment - which was, in many ways, an ad hoc system, I might add. That 50 per cent betterment that we have spoken about will apply to almost every property development that goes ahead in Canberra, because almost every property development has to do with properties that are over 20 years old, so they do not come into the negotiated agreement which I presume is between the Residents Rally and the Liberal Party.

When the announcement was originally made by the Chief Minister in February 1990 that a new scale of charges would be levied, a *Canberra Times* editorial followed on 4 March 1990, and I quote from that editorial:

> In principle, a betterment levy should be 100 per cent of any increased value.

And, further down:

> It might be better to set levies based not on the length of time since the leasehold was issued but since it was last transferred -

because the length of time upon which this is based has no relevance to the leasehold system at all. In fact, it reflects a total lack of understanding of how the leasehold system ought to work if the people of Canberra are going to get the greatest benefit out of this asset that they have.

We have very few assets in the ACT. We have very little mining; we have very few other assets. We do have our forests, and we do have the fact that the Government is here and hence we have that as an employment base; but there are very few other assets. The leasehold system, of course, is one of those assets - we own our land.

In November 1988, the late Peter Harrison wrote a paper on "The Origin and Intended Purpose of Section 11A and the City Area Leases Ordinance 1936". I will now quote extensively from that:

1. The recurrent use of Section 11A of the City Area Leases Ordinance to change the purpose of leases, conferring vastly enhanced development rights allowing radical redevelopment, has raised the question of what the legislature had in mind when the 11A amendment was inserted in September 1936 only two months after the ordinance came into effect. The short answer is that the legislature had nothing much in mind at all and was almost certainly oblivious of the amendment.

2. Section 11A was instigated by Charles Daley, Assistant Secretary in the Department of the Interior. Charles Daley was a careful and competent custodian of the public interest in the Canberra leasehold system from its beginnings in 1924, and indeed, of all matters concerning the planning and development of the city, and remained so to the time of his retirement in 1951.

Remember that I am quoting from a paper by Peter Harrison:

3. As Chief Town Planner with the NCDC in the 1960s I -

Peter Harrison -

> regarded 11A as an ever-present peril to orderly land use planning in the ACT.

And, for that reason, he considered it appropriate to ask Charles Daley how it came to be in what at that stage was an ordinance. He noted his response, and he quotes now from Mr Daley:

> That was for Mrs Breckenreg ... a decent sort of woman. She had the lease on the corner of the Sydney Building, where Kennards are now.

Remember that this is referring back to 1961:

> The lease allowed two shops and she wanted to subdivide the ground floor into four shops, but the other lessees along there complained. It was hard enough keeping tenants - it was the Depression you know - without having two extra shops competing. I couldn't recommend that the lease be changed like that when the other lessees were complaining so we made it a matter for the Court to decide ...

What, in fact, Charles Daley did was introduce a planning appeals system. It was a very unusual and far-reaching and far-thinking step that he achieved. He decided that the appropriate spot for the appeals was the Supreme Court. I have a copy of the original case of Mrs Breckenreg, and you can see that the judgment of His Honour, Mr Justice Lukin, was a very brief judgment indeed - some page and a half, including the transcript of the case. Of course, the situation then was that an appearance before the Supreme Court was a relatively inexpensive and relatively simple way to deal with it.

So, the original purpose of section 11A was to provide an appeals mechanism. Later on it is recognised in the report on the Canberra leasehold system, the Langmore report, that a different system ought be used, and that is section 72A of the Real Property Act, the surrender and regrant area. Recommendation 9 of that committee states:

> The Committee believes that the current methods of amendment of lease purpose clauses under section 11A of the City Area Leases Ordinance are unsatisfactory and recommends that they should be replaced by surrender of the existing lease and the grant of a new lease for the new purpose.

In addition to that, of course, what needs to be added is the appeals mechanism, and the appeals mechanism clearly ought not to be before the Supreme Court but ought, perhaps, to be before the AAT.

The important part of the Langmore report and the important function of what is happening with this particular amendment is that the principle that we should be working towards is for a surrender and regrant, not for an ad hoc changing of these particular leases. Why is that? The lease is, of course, a contract between the lessee and the ACT Government - recognising the people of Canberra - and that contract, like most contracts, ought not to be fiddled with halfway through. If the contract is unsatisfactory, it ought to go through a process of surrender and regrant.

In his paper in November 1988, Mr Harrison concurs entirely with the Langmore report on the leasehold system and with Professor Max Neutze who made the same recommendation. All the people who have looked carefully and closely at the leasehold system in the ACT have said that section 11A is not the appropriate way to go, as it is no longer used as an appeals mechanism for the most minor of changes as was originally intended.

What the amendment to the legislation that we have before us does, in fact, is suggest that we drop out a series of words so that section 11A can be used much more broadly than it currently is. I have circulated amendments that will attempt to prevent that from happening. If that is an

appropriate course to follow, then an appropriate time to introduce it is with the new planning legislation that we have now. In an interim piece of legislation that is going to last some two, three or four months it is absolutely pointless to open section 11A for its much broader use. It is something that should come out of well considered and well thought out planning legislation.

Certainly, the original intention of section 11A was for minor variations, and it was a contract that compares favourably with the notion of a contract between a tenant and the landlord. One of the ironic things about the ACT is that those who are most vocal about the Canberra leasehold system and are trying to change it to a freehold system are the very same people who are most vocal about the rights of landlords and improving the rights of landlords. They want to improve the rights of landlords where they themselves are the landlords; but, where the people of the ACT are the landlords, they want to diminish those rights. It is a clear case that those who want to diminish the leasehold system are, in fact, those who have a major self-interest.

I go back to the editorial in the *Canberra Times* of 4 March 1990. Another solution - here we have a positive suggestion, and the Chief Minister has constantly asked for positive suggestions - which would obviate much of the problem, with a lot less paperwork, would be to drop betterment but to impose higher land taxes in a way which would recover the increasing value of the land. The most efficient implementation of any of these, including the Government's proposal, would depend on a good look at a possible restructure of present land valuation systems. So, there are actually other ways to operate, and I think that that is something that we, as a legislature, should consider very carefully.

What we are dealing with here is vast sums of money. I think most of us are aware that a series of developments are proposed around Canberra next to the Griffin Centre. I understand that the garage there - I think it is a Mobil garage opposite the Civic Theatre - has been the subject of a surrender and regrant. That, of course, is a property over 20 years old, and as it is over 20 years old it would have a 50 per cent betterment.

Behind the Tax Office here we have the 10-pin bowl, and there, quite clearly, the leasehold system has been abused. That lease has clearly been held for speculative reasons as the 10-pin bowl has been closed for a number of years. The lessee has not kept the conditions of the lease. The lease should be resumed. In the meantime, if it is not resumed it will be used as a means of land speculation. The speculation on the land would be at 50 per cent betterment tax, because that is what we are talking about. If the profit from that land is in the order, as I suspect it will be, of some $7m or $8m, then half of that will come to the people of Canberra. Good; that is a positive move. But

the other half goes to the speculator. The other half ought not to go to the speculator. It ought, if we are going to run our leasehold system appropriately, to come back to the people of Canberra.

In tight economic circumstances it is most important that we look after our revenue as best we possibly can and this, of course, is a major part of our revenue. The other part of the argument is that in tight economic circumstances we ought to provide a situation where development can occur. If that is the case, and it is important to provide a developer with a gift of some $3m, $4m or $5m, then let us do it openly. Let us say, "Here is your $3m, $4m or $5m". Let us wear it, and let us see whether the taxpayers of the ACT think that is appropriate. In tight economic circumstances when we wish to encourage development it may be appropriate, but let us do it in an open way.

If the system were to be administered correctly, instead of our forward estimates showing the betterment tax over the next four years as $3.4m, we could expect to have a far greater expectation in revenue terms, taking into account, of course, the fact that we are going into a recession, which could have a major impact on that. The other thing is that there is a great attraction now, an even greater attraction than before, for people who wish to develop properties over 20 years old - that is, properties in Civic - instead of developing where we all believe the development should be occurring, namely, in the town centres. So, what we are doing is removing yet another incentive to get people to develop in the town centres rather than in Civic.

The real question about this amendment to the legislation is: What is the rationale for the nexus between the age of the lease and a concession on betterment? An understanding of the leasehold system indicates that there is no nexus; it is something that this Government, in attempting to find a compromise, has got wrong.

The other factor that I think is most important is that the legislation that we have before us was tabled less than a week ago. I accept, as Mr Jensen has explained, that the Government had made an announcement and it is going to be retrospective to the date of that announcement. Normally I object to retrospectivity in legislation, but the Scrutiny of Bills and Subordinate Legislation Committee has explained that this just puts into effect what the Government had announced and, therefore, there is no unexpected retrospectivity. I accept that, and I think that is reasonable.

This Bill came before us last week. It is not just going to the in-principle stage this week; clearly it is the Government's intention to take it right through to completion. That is simply not good enough. It is a complicated issue. Dealing with any part of the City Area Leases Act is a very complicated and difficult issue. It

requires somebody like me - or, I presume, Mr Connolly and others - to talk to my advisers at length and to find their time. To be expected to do that within a week and then to get back to the Government and say, "Look, here are some of the problems that I want to raise", is inadequate.

At 8.30 this morning, after I had worked on this until well into the early hours of this morning, I mentioned to Mr Rod Woolley of the Chief Minister's staff that I had some major problems with it. It was not until I was able to type out the amendments - because they were not easy to do - that I was able to get a copy to his office, and that would have been about 20 past 10. I think it would have been that late. However, he ought to have been aware for the previous two hours that I did have major problems. I explained that they were not just with the principle that I have talked about, but with some of the drafting sections of the Bill and some of the other things that it carries.

I am intending to move amendments to it. I do have difficulties with the principle of the amendment of this Bill. However, I also accept that, once the Government has made an announcement as to what it is going to do, it has some responsibility to ensure that members of the public do not use the system to take advantage of the Government. So, there is a need for the legislation to go through. I think there is still time for us. I think that the debate should be adjourned. The other possibility that could have happened was that when the Bill was introduced we could have been told that it was going to be an urgent Bill, and it could have been dealt with as an urgent Bill; or we could have been told that there was a matter of urgency and the Government was intending that Bill to come before us both in the in-principle stage and in the detail stage today. Whilst we knew that the Bill was coming up today, it was never clear that that would take us right through the detail stage, until that was explained to me by Mr Jensen this morning.

Mr Speaker, I will be presenting some amendments in the detail stage and I will speak further on the issue at that stage.

MR DUBY (Minister for Finance and Urban Services) (11.18): Mr Speaker, this City Area Leases (Amendment) Bill 1991 makes a number of changes to the City Area Leases Act 1936. The proposed changes to the City Area Leases Act announced by the Chief Minister bring into effect the new betterment policy arrangements that were announced by the Government in February last year. It was intended to include this change in the calculation of betterment in the proposed planning and land use legislation, but this was postponed by the release of the legislative package for public comment.

The proposed planning and land use legislation provides for the imposition of betterment on the new basis; however, in the interim, the City Area Leases Act has to be amended to ensure that matters coming before the ACT Supreme Court are dealt with in accordance with the Government's announced policy. I refer members to the Chief Minister's statement in that regard.

The City Area Leases (Amendment) Bill also provides for new arrangements in respect of concessional leases. Organisations which supplement social or community services provided by the Government will still be allowed to obtain leases on a concessional or free basis. However, where an organisation proposes to transfer such leases to a commercial organisation, it will be necessary to obtain the Minister's consent, that consent being dependent on the payment of a premium. The Government believes that in such instances it is appropriate that a premium be levied which represents any revenue forgone by the community when the lease was originally granted.

Mr Speaker, appeal rights in respect of the determination of betterment charges and premiums payable on the transfer of concessional leases are all provided for in the Bill. In addition, this Bill amends subsection 11A(1) of the City Area Leases Act to allow the ACT Supreme Court, upon application by the lessee, to amend any provision of a lease. This will give the court the flexibility to vary lease covenants, subject of course to the other provisions of section 11A, and, of course, payment of the necessary charges. The Bill announced by the Chief Minister, together with the recommendations, will bring into effect this Government's announced policies on betterment charges and concessional lease administration. And, Mr Speaker, these changes will be continued in the proposed planning and land use legislative package which is currently being considered.

Mr Moore: This is supposed to be a debate. How does that conflict with the issues that I raised?

MR DUBY: I think the issues that Mr Moore raised will be addressed, presumably, in the detail stage. I commend the Bill to the Assembly, Mr Speaker.

MR CONNOLLY (11.21): Mr Speaker, I suppose the comment to make at the outset of the debate on this Bill is that the Bill smacks somewhat of adhockery. It is an obvious consequence of the Government's continued delays in getting the planning package into place. We keep hearing those immortal criticisms made by Mr Collaery in his speech in bringing down the Labor Government, where he criticised Ms Follett roundly for failing to introduce and implement and have in place the planning package in the first six months of self-government. Now, 15 months into the Alliance Government, we have the second piece of legislation being introduced, designed to shore up the position while we wait for the comprehensive package of planning legislation. So,

this is a Bill that we are debating today because we are continuing to wait for the comprehensive planning package which the Chief Minister very smugly waved around in this Assembly yesterday. He told us that we will get to see it when he is good and ready, and I took it from his demeanour that we should not worry about that - in immortal Joh Bjelke-Petersen fashion.

Mr Speaker, there is an element of adhockery about this. It is unfortunate that we are now onto our second debate on a Bill to shore up the planning system while we wait for the comprehensive planning package. While we have said in the past - and I am sure Mr Jensen is about to quote it back at me, as he does regularly - that the planning package is so important that we have to get it right rather than rush it through, it does remind us yet again of the extraordinary - - -

Mr Jensen: You said it, Terry; I do not need to say it.

MR CONNOLLY: I think Labor has taken a very responsible view of this, and it is to be contrasted with the extraordinary opportunism of the Residents Rally in bringing down the Labor Government, when the alleged failure to have the entire package in place in six months starting from scratch was cited as a principal reason for bringing down that Government. And here we are, 15 months into the Alliance Government, on our second interim shoring up Bill.

Mr Speaker, as has been indicated by government speakers, the principal purpose of this Bill is, of course, to give effect to the new betterment tax scale that was announced by the Government in February 1990. And, as has been said, it is retrospectively giving effect to that. We have no difficulty with that as a principle. It is a common principle now in Australian legislation. Where a taxation proposal is introduced and announced by the Government, it may well be some time down the track before it is given effect to by legislation. I am not aware of any circumstance where it has taken over 12 months from the announced introduction of a tax to the passage of legislation to give effect to that taxation. I am unaware of any position in the States or the Commonwealth where it has taken the government over 12 months to get around to implementing that proposal, and to make it retrospective for a period greater than 12 months. But that again comes back to this problem of delay.

Mr Speaker, Labor will not be joining Mr Moore in his amendments, which have the effect of requiring 100 per cent betterment tax in every case. The policy of my party has been that a betterment tax of up to 100 per cent should be applied. The taxation measures announced by the Government and to be implemented by this legislation will therefore not be opposed by the Labor Opposition, but we will certainly carefully monitor the effect of that legislation.

I say in passing that we have received representations from persons representing developers in Canberra who have been very critical of this package. They have said that the introduction of a sliding scale, which in some cases will increase betterment from the 50 per cent which was previously generally payable, would spell gloom and doom for the development industry in Canberra. But they have been unable to substantiate those claims; so we are not prepared to object to the measures as introduced.

But, Mr Speaker, there is a very important point of principle about this betterment tax which will be critical today. While I will not be moving a substantive amendment, I give notice to the Government that this is something that Labor will be seeking to move substantive amendments on when we get to the stage of the final planning package, and that is the principle that important issues of taxation ought to be imposed by legislation, not by regulation. The tax regime which will be proposed by this Bill is, as we understand it from the Chief Minister's remarks, the schedule that was announced back in February. That has been made public in this Territory insofar as it was attached as a table to draft regulations that were proposed under the Land Administration Bill. It is public, in that it is part of that package of Bills and regulations that were circulated for public comment.

Mr Speaker, betterment tax is central to the leasehold system. Mr Moore is certainly correct in his repeated assertions of how central this concept of betterment is. It is central most importantly as a point of principle to the community, because it is an important source of revenue in a Territory where all land is owned by the community and where the benefit of improvements to the land ought to go to the community. It is of central importance also to persons who are proposing to invest in this Territory and whose investment decisions will, to some extent, depend upon the taxation regime in place.

Mr Speaker, it is bad in principle to have any taxation system dependent upon regulation rather than legislation, but particularly bad when we have such an important tax. This criticism has been made in the past by members of this Opposition. I can recall Mr Duby in a debate last year tending to agree that as a matter of principle the taxation regime ought to be imposed in legislation. I understand that when Labor was in government this was a point made in full rhetorical fury by Mr Humphries on one occasion. I would hope that, when it comes time to cement this policy in the comprehensive planning package, the Government will fix the tax regime - this table that we now have seen by way of draft regulations - by way of a schedule to the Act. No doubt the advantage that has been advised to the Government of doing it by way of regulation is that it is

somewhat easier to vary regulations. Certainly, the regulations are disallowable and they are public; we are not criticising any sort of undercover imposition of taxes or taxes that will not be seen by the public. But, on such an important issue, we ought not to rely just on regulations. It ought to be in the legislation.

It is not difficult in this parliament, particularly, to vary an Act of the Assembly. No government will have to worry about the possibility of locking itself in because of a hostile upper house preventing changes to the tax regime. That clearly is not the case. We have seen in the past that Bills can be put through quickly, if they need to be put through quickly; but it would be unlikely, Mr Speaker, that any government - this ramshackle Alliance while it lasts or Labor when in power for a long period of time - would want to change this tax regime quickly or in any sort of knee-jerk reaction.

It would be pretty obvious to all members of the Assembly that the question of varying a betterment tax regime for Canberra would be a fairly central issue of public policy. It would be high on the list of priorities, and any change to a regime would occur only after a fair degree of debate and policy making within the opposing parties and discussion within the community. So, I can see no real reason why public administration is advantaged by imposing this very important tax regime by way of regulation. I think a point of principle would be served by having this in the Act by way of schedule when we come to debate the final planning package. A point of principle would be served, and also a degree of additional confidence would be given both to the community - the wider community, the citizens and residents of this city - and to the particular sectional interests that are particularly concerned with areas of betterment. There I have in mind both residents who may take a particular interest in development in certain areas and developers themselves.

I think everyone would have more confidence if the tax regime were locked in by way of legislation, rather than being imposed and varied simply by ministerial fiat. We know that at the end of the day this Assembly has control over the tax regime because the Minister sets the rate. Of course, we accept the Chief Minister's assurances that it will be the rate that was previously announced. We know that that is, itself, disallowable by this Assembly; but I would urge the Government to look at introducing this into the Act. It does provide an additional level of security and certainty, and as we have repeatedly said - indeed, I am sure it is agreed on the other side of the chamber - that degree of certainty is important in planning legislation. So, that is a key difficulty with the Act as it presently stands. It does not specify this central issue of public policy in the Territory, which is the degree of betterment tax to be charged, and it would be greatly improved if that were to be included in the regulations.

Mr Speaker, there is also an issue of detail, though of principle, that I am flagging that I will be moving at the detail stage. I circulated an amendment earlier today on white paper, which I withdrew after discussions with the Chief Minister and then with Mr Jensen and the Government's advisers. The original proposal was to make the determination of the amount of betterment an instrument that was disallowable to ensure public scrutiny. I will accept the view of the Government's advisers that that in effect is putting an additional appeal point in because disallowable instruments come before this Assembly and may slow procedures down. I am happy to accept, or to propose as an alternative, that the rate that is set for each position of betterment be by way of an instrument that is published in the *Gazette.* There is an important safeguarding principle there, Mr Speaker, which is that the citizens of this city ought to know what rate of betterment has been struck and is payable for development projects.

There has long been a public perception and a public concern in the Territory - and I am not making allegations that this is necessarily correct - that betterment could lead to deals being done and special arrangements occurring and certain people benefiting as opposed to others. It would be good in principle for the Government to accept this amendment to ensure that when betterment is imposed the rate that has been imposed becomes public. We are all aware, I am sure, that one of the best ways of ensuring public confidence in the decision making process is to have that decision making process open. That was one of the goals that were laid down when the Labor Government initiated this process of drafting comprehensive planning legislation.

One of the central goals in the original instructions issued under the Follett Labor Government was that the planning process be open, because it was felt that that openness would ensure not only that various corruption practices would not, in fact, occur, but also that there would be public confidence that they could not occur. I would urge Assembly members and government members, in particular, to look favourably on this amendment because it is consistent with that goal - certainly, the stated goal of both sides - that decision making in the planning process be seen to be open.

By way of a simple amendment requiring publication of the rate of betterment in the *Gazette*, it avoids any suggestions that may be made by anyone in the community that a particular developer at a particular development site somehow got an advantage. I certainly accept the Government's argument that the Minister is required to strike the rate of tax that is prescribed and that, by way of the regulations that we are told will be made, there is not, in fact, a broad discretion there. They are required to strike a rate of tax which depends upon the nature of

the lease and the period since the lease was granted. But it would take that one step further and provide additional public confidence if the community were to be made aware of the rate of tax struck.

Mr Speaker, again there are some issues that perhaps look a little odd and that are a result of this being an ad hoc Bill, an interim measure to shore up the position until the comprehensive planning legislation is in place. One would wonder perhaps why one goes to the Supreme Court in order to obtain a variation and yet one goes to another tribunal, the Administrative Appeals Tribunal, if the rate of betterment is in question. One would wonder why, perhaps, the whole issue might not be dealt with by the AAT, which I understand is the position that will be contemplated under the comprehensive legislation.

Mr Speaker, those criticisms having been placed on record, the Opposition will not be opposing this legislation. It implements a measure that was announced some time ago and that taxation measure is entitled to get through this Assembly; but it does, once again, demonstrate the hollow rhetoric of the Government of some 15 months ago when members were fulminating about the alleged failure of Labor to have a comprehensive planning package in place. We have seen that that is no easy task, and those government members who were then so critical are now having to eat humble pie and acknowledge that they have to shore up the position with interim Bills until the package is ready.

MR JENSEN (11.36): From the outset, let me get one thing well and truly on the record. The Bill that we are debating today will ensure that no rorting of the leasehold system in the period between now and when the new planning legislation takes effect can, in fact, take place. This applies to both the issue of betterment and the issue of concessional leases that I will be talking about later. The Government, might I suggest, has done more in 14 months to tighten up the administration of the leasehold system within the ACT than successive Federal governments did in 14 years, so I think we need to get that well and truly on the record from the start.

Let me now refer very briefly to and deal with the comments made by Mr Connolly in relation to our comments the year before last in relation to the Follett Government. After six months, and after some considerable pushing and a number of questions by me and other members of the Rally at the time, the best that the Follett Labor Government could do was to place on the table a series of incomplete drafting instructions. Two of the major aspects of those drafting instructions were not included; they were the issue of betterment and the issue of an appeals process.

One has to wonder why it took so long for the Labor Government within its caucus to come up with a decision on those processes. They could not come up with it, and they wanted to put it out for further community consultation despite the fact that community consultation on this issue of appeals had, in fact, started as early as 1988. Both Mr Moore and I, and Mr Collaery and others, were involved in that particular debate. It was quite clear what the community wanted in relation to an appeals process. Labor could not do it, but the Alliance Government, almost at the time that it came into office, had available a policy, an Alliance policy that clearly established the process by which appeals and betterment could be put into the legislation.

On 22 February, Mr Kaine, as Chief Minister and Minister responsible for planning, provided a paper which indicated to the people of Canberra that the legislation that we were proposing would include those issues. He made those statements on that particular date. That is one of the reasons why we are debating this issue today. As Mr Connolly well knows, at the time I was not suggesting that the Labor Party was being slack because it was producing something; I was saying that it was being slack because it was not producing anything. At least on 22 February this Government produced the start, if you like, of an exposure draft - - -

Mr Connolly: As a consequence of the Follett drafting instructions.

MR JENSEN: No, it was as a consequence of coming to government, Mr Connolly, because the previous - - -

Ms Follett: Where is the Bill?

MR JENSEN: Ms Follett, you never gave us a Bill. We, at least, gave you a draft Bill within months of coming to office - also a draft planning Bill and a draft heritage Bill.

Ms Follett: Why do you not wave it at us, like Mr Kaine?

MR JENSEN: I do; I will. In fact, the second version of those Bills, Ms Follett, is included in there as well. They were put out for public consultation at the end of last year. So, let us not talk, Ms Follett and Mr Connolly, about failure. We, in fact, produced; you guys did not, because you could not make up your own minds within your own caucus. But the Alliance Government was able to do that almost immediately. As it came to office, it had its policy on the table.

Mr Connolly: As a result of the drafting instructions issued by the Follett Government.

MR JENSEN: It was not, Mr Connolly. You know full well, if you read those drafting instructions and if you read those Bills that were tabled on 22 February in this house, that they related to the policies of the Alliance Government, not the Follett Government; although it is fair to say that some of the aspects that were included in those original papers in the general areas, as opposed to the major points of betterment and appeals, were, in fact, taken up because they were standard and people accepted them.

Let us just put that right straightaway. There is no doubt as far as I am concerned and in the minds of those who see that this Government is quite clearly prepared to provide a long period of consultation for this very important legislation. One of the reasons why we went into a second period of consultation was the extensive number of comments that were received on those first Bills - well in excess of 50. That is why it was decided to go into a second phase of consultation, and that is also why this consultation process finished on 28 February and the Bills are in the process of being put together, as Mr Connolly well knows.

Let me also, while I have the chance, make a comment in relation to the amendment proposed by Mr Connolly. The Government acknowledges the point made by Mr Connolly and is quite happy to accept the amendment that he proposes, because it is consistent with both the Government's policy on the open management of the leasehold system and also my own party's policy in relation to the open nature of the leasehold and planning system. So, we will do that.

Another comment that Mr Connolly made was in relation to putting the taxation rates in legislation as opposed to regulations. From my own point of view and from the point of view of the Rally, that is something that we will be seeking to do and, in fact, Mr Speaker, I am advised that we will be investigating the putting of this table that Mr Connolly refers to into the Act - into the 1 July package as part of the schedule. I think that is appropriate and I think, as you have already indicated, it complies with the general philosophy that this Government has adopted. As Mr Connolly says, it is a major point and it warrants clear and open debate in this Assembly.

As members will recall, the Bill that we are talking about here today amends section 11A of the City Area Leases Act to give effect to the Government's announcement on 22 February. This decision was based on the need to balance the sometimes conflicting requirements of ongoing development activity and adequate return to the community. It is considered that the new arrangements are certain, even-handed and effective. Furthermore, the amendments provide a measure of certainty to land users wishing to change their leases.

Mr Moore made some comments in relation to presumptive rights. It is unfortunate that Mr Moore is not in the chamber, but he referred to Professor Neutze. Is Mr Moore here?

Ms Follett: He is just up the back.

MR JENSEN: Right, there he is. He is in the chamber but not in the chamber, if you know what I mean. Professor Neutze said, in his report to the Langmore committee - and I quote from page 15:

> Section 72A of the Real Property Ordinance 1925 allows a lessee to apply to the Minister to surrender a lease in exchange for another lease on the same site which permits its use for a different purpose. The surrender and regrant method has been used only for minor variations under CALO because the administering department has taken the view that it would be inappropriate to allow major variations since, unlike Section 11A, it provides no procedure for public notification and opportunity for objection. It might be an acceptable mechanism if development rights were subject to some separate planning control which made provision for public consultation, but is certainly not acceptable when lease conditions are the only form of land use control.

Quite clearly, the process that has been established and set up and provided for by the interim planning legislation, and also the draft legislation that we have before us at the moment, set up the format of that public consultation and discussion in relation to planning control. That is what the process that establishes the Territory Plan and any variations to it establishes. It puts it on the public record and it puts the arguments out in the community so that when, in fact, the situation arises, as it does even now for a draft variation, it very clearly says that, if people wish to make a change under the variation that is eventually approved, they have to go through a certain process. So, the community is able to comment on the changes to the legislation. I think that is an important factor, and it was probably one factor that was not present in any way, shape or form at the time because the NCDC, as it was then, had the ability to change policies at whim. It did not really have to consult; it could change those policies. I think that is a very important distinction in the situation we have at the moment.

One of the important aspects in relation to betterment that I think we have to get on the record is that the Government's definition of betterment, which will be prescribed in supporting regulations, will have the following aims. It is to take a full and fair share of the increase in value of a lease in the following three areas:

change in purpose; permitted gross floor area - in other words, if there is an increase in the development rights allowed for, for example, from two-storey to three-storey, provided it fits within the policy plan, that would allow us, the people of the ACT, to take the appropriate revenue from that; or subdivision.

It is those three areas that are important. If there is an increase in value, then the community should take that benefit. Obviously, if there is no increase in value, no betterment would be paid. That is one of the reasons why we, the Government, are unable to accept Mr Moore's proposed amendment No. 1. Quite frankly, it does not go far enough or wide enough in relation to that matter.

Certainly, Mr Speaker, it is accepted that leases should still be granted on free or concessional bases to organisations which provide services to augment the Government's social or community infrastructure. However, it is, of course, appropriate that a lease granted for community purposes on concessional or free terms should be owned only by a community organisation. If that community organisation which has the lease under the City Area Leases Act - or CALO Act - as opposed to the Leases (Special Purposes) Act decides to transfer the lease - that is a lease that has a community purpose in it - to a commercial organisation, then it is appropriate that a charge be levied which represents the revenue forgone by the community when the lease was originally granted. That is clearly part of the Government's upgrading of the lease administration.

The City Area Leases (Amendment) Bill sets out the basis on which these concessional leases may be transferred. The Bill also amends section 11A(1) of the City Area Leases Act to allow the ACT Supreme Court upon application by the lessee to amend any provision of the lease. Previously the court could consider only changes to purpose clauses. That was one of the problems because, if we are going to accept the suggestion that it is possible - provided that there are appropriate planning mechanisms in place - to allow the transfer of leases under a similar provision to section 72A, it would be appropriate at that time for such leases to be slightly upgraded and modernised to meet with current trends and arrangements. Therefore, this provides the flexibility, during this interim period, for the courts to upgrade those leases at that time. But any changes, of course, must be consistent with both the National Capital Plan and the Territory Plan.

Mr Speaker, appeal rights in respect of the determination of betterment charges and premiums payable on the transfer of concessional leases are provided for in the Bill. The provision of the City Area Leases (Amendment) Bill will be continued in the proposed planning and land use legislative package. The changes to the existing legislation ensure

that matters encompassed by the Government's announced policies are dealt with in an effective and appropriate manner in the period until the new legislation takes effect.

In closing, Mr Speaker, I would like to comment briefly on the issue of retrospectivity which Mr Connolly and, I think, Mr Moore have already commented on. I would like to refer to the comment made by the Standing Committee on Scrutiny of Bills and Subordinate Legislation in their report No. 5 dated 20 March 1991. In there it refers to the nature of retrospectivity in relation to the City Area Leases (Amendment) Bill, and goes on to say:

> Although this provision -

that is, the increase in betterment charges -

> is retrospective in effect, the provisions that are being made retrospective are similar to taxation and budgetary provisions which it is usual to make retrospective to the date of the announcement. This ensures that in such situations no financial gains can accrue between the date of the announcement and the passing of appropriate legislation.

That, Mr Speaker, is one of the reasons why, because of our desire to make sure that the community can consult fully on the planning legislation, it is necessary to bring this legislation in today, and it is one of the reasons why the Government wishes to have it passed as soon as possible.

MR STEVENSON (11.52): Mr Speaker, I move:

> That the debate be adjourned to 14 April 1991.

MR SPEAKER: Mr Stevenson, you will have to seek leave to speak to that adjournment motion.

MR STEVENSON: I seek leave to speak to the motion.

Leave granted.

MR STEVENSON: Mr Speaker, the majority of Canberrans do not want Bills passed through this Assembly in less than 30 days unless they are emergency Bills. In a recent survey of towards 300 people, one of the questions we asked was, "Should any Bill be passed through the Assembly into law in less than 30 days after being tabled, unless it is a genuine emergency Bill?". The results of that survey were that 65 per cent of Canberrans said no, 20 per cent said yes and 15 per cent were unsure or felt that it was irrelevant.

Mr Speaker, in 1990 I introduced two matters of public importance which covered the moving through the Assembly of Bills which had been, or which had been attempted to be, passed in less than 30 days. I believe that we should operate as a democracy; the will of the people should be heard on these matters. Indeed, when we look at the *Shorter Oxford English Dictionary's* definition of democracy, we see that it says:

> Government by the people; that form of government in which the sovereign power resides in the people, and is exercised either directly by them or by officers elected by them.

I certainly think those "officers elected by them", in this case the members of the ACT Legislative Assembly, should heed the will of the people and not attempt to introduce laws into the ACT Assembly, unless they are genuine emergency Bills, without allowing a minimum of 30 days.

There are practical reasons why this should be done, and I list seven of them. The first is that consultation with affected groups and individuals would be allowed. The second is that there would be time for such groups to liaise with their members, MLAs, and perhaps Federal MPs, and to arrange any meetings that may be considered necessary. The third point is that there would be consideration of the full effects of, and alternatives to, the proposed legislation. The fourth point is that there would be researched and balanced reporting by the media. The fifth point is that it would allow the time for research, consideration and debate of the Bills by all MLAs, particularly those who are not government members and therefore do not have early notification of the presentation of Bills. The sixth point is that it would allow time for the assessment of the proposed legislation by the Scrutiny of Bills and Subordinate Legislation Standing Committee. The seventh point is that it would allow time for the research, drafting and discussion of amendments.

In this particular case, Mr Moore has a number of amendments that he is moving; but he has had to work long through the night and this morning in an attempt to rush something together so that he would have time to present those amendments in this Assembly today. I am sure that Mr Moore is perfectly happy to work hard, as are other members in this Assembly; but amendments should not have to be rushed through. In matters of legislation - and this is the most important thing we do in this Assembly - full and adequate time should be allowed for discussion of the matters, for public consultation, so that the final laws that are passed are the best legislation that all members of this Assembly can possibly enact.

Mr Speaker, the will of the people is not something that is often surveyed by members of this Assembly. The truth is, I feel, that most people would understand that the 30-day idea would be a minimum that people would agree to. I do not think a survey is necessary, although that is what the result showed. I wish to indicate that in this matter, and on every Bill that comes before this Assembly, unless it is a genuine emergency Bill, I will move to adjourn the matter for a minimum of 30 days from the time the Bill was introduced. I will also vote against each and every Bill unless that time is allowed. I note that earlier Mr Humphries said that - - -

Mr Connolly: What if it is an abolish self-government Bill?

MR STEVENSON: Mr Terry Connolly does raise a good point. He said, "What if it is a Bill to abolish self-government?". I must admit that in that case I would be perfectly prepared to treat it as an emergency Bill and vote the moment the Bill was tabled in this house. I think that is a worthwhile comment by Mr Connolly.

In talking to the Bill earlier, Mr Humphries said "so that power can be exercised responsibly". I do not believe that power is being exercised responsibly in this Assembly if Bills - any single one, let alone many of them, as has been the case over the past two years - are introduced and there is not an absolute minimum of 30 days. I speak of a minimum, not the maximum. It could well be two or three months.

MR KAINE (Chief Minister), by leave: Mr Speaker, I will be very brief. The Government opposes the adjournment motion, and it does so on two grounds. First of all, Mr Stevenson has not established his case. Mr Stevenson well knows that, if you ask the wrong question, you get the wrong answer. He has often spoken about that in this house in terms of polling. So, when you go out and ask people, "Do you think you should have 30 days to consider legislation?", without further explaining that, of course people say, "Yes, sure; why not?". But if you ask them, "Do you want legislation passed in seven days if it involves significant amounts of revenue which would otherwise come out of your pocket by the way of rates?", you will get a 100 per cent answer saying, "Yes, let us have it in seven days". So, ask the wrong question and you get the wrong answer. You keep telling us that, and I agree with it entirely. I do not think your poll really addressed the question in a way that would gauge public opinion on this matter accurately.

The second point is that Mr Stevenson's question presupposed an exception in the case of urgency. The fact is that we are putting through this amendment because there is an element of urgency. We are talking about the ability of the Government to collect betterment tax at a higher rate than is currently provided under the law. If we do

not get this amendment in place the old rate of betterment tax will apply until such time as we amend the law. The Government's original intention was that this would be included in the land management package, which is getting close now but is still delayed because of the obligation to continue the process of public consultation and to make sure that that package of legislation accurately reflects the public's view, which is what Mr Stevenson requires. In the interim we are obliged to put through an amendment to an existing Act that will allow us to put in place the new levels of collection. So, there is in fact an element of urgency about it; otherwise we stand the possibility of losing considerable revenue that we assumed that we would bring in this year and in future years. So, on two grounds Mr Stevenson's argument fails, and the Government does not support his adjournment motion.

Question put:

That the motion (**Mr Stevenson's**) be agreed to.

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	Ms Maher
Mr Wood	Mrs Nolan
	Mr Prowse
	Mr Stefaniak

Question so resolved in the negative.

MR KAINE (Chief Minister) (12.05), in reply: Mr Speaker, in concluding the in-principle debate, I will keep my remarks short. I do not want to add to what I said when I introduced the Bill a week ago. I simply want to refer to the proposed amendments and say that the Government will not accept the amendments to be put forward by Mr Moore because they would have the effect, generally speaking, of negating the Government's intention in connection with betterment tax. Most of his amendments would seek to impose a 100 per cent betterment tax rather than the Government's scale.

Most of the matters that he wants to deal with are in fact incorporated in draft regulations that have been circulated, I am advised. If Mr Moore did not receive them, he will be provided with a copy of those regulations which will be brought to the Assembly in a matter of days. So, Mr Moore's proposed amendments are not acceptable to the Government. On the other hand, the proposed amendment by Mr Connolly is acceptable. We believe that the detail stage should proceed and be concluded quickly.

MR SPEAKER: The question now is: That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3 agreed to.

Proposed new clause 3A

MR MOORE (12.07): I move:

Page 2, after clause 3, insert the following new clause:

"3A. Section 3 of the Principal Act is amended by adding the following definition -

'Betterment' means the increase in the unimproved value of the land arising from or as a consequence of changes in the permitted land use.".

Mr Speaker, in dealing with what is really a temporary Bill, first of all, I should draw attention to the fact that I voted with the Government on the in-principle stage because I recognise that what they are trying to do is ensure that the money raised from their announcement does actually come as part of the revenue. Whilst I have some disagreements on detail, I quite accept that the Bill is necessary. It is a shame that this has not been able to be done as part of the planning legislation, but I have said on many occasions that it is far better that we take a little bit more time with our planning legislation and get it right than run into the sorts of problems that I believe we are going to run into with this interim Bill.

The interim nature of the Bill, I think, clearly indicates that it would be far better to leave things as they are for the next three or four months. If we are making some changes we should have very good reasons for making them. In the principal part of the Bill the word "betterment" simply does not appear around the variation of section 11A and so forth; nor is there any definition of "betterment".

In fact, the word "premium" is used. We have been told in this house on a number of occasions that, when a word is not defined in an Act, the normal procedure for the court is to go to a dictionary. I am further advised that it is not a common thing for lawyers, under such circumstances,

to check regulations for definitions. So it is important that either the dictionary definition apply to certain words appearing in legislation or we define them in the legislation.

I have the second edition of the *Concise Macquarie Dictionary* and there "betterment" is simply defined as the noun for the adjective "better". "Better" is defined as "of superior quality or excellence: a better position". So, it has no reasonable application. A court simply could not use that word. On the other hand, the word "premium" - the word which was originally in the Bill and which has been removed - is defined as "a prize to be won in a competition; a bonus, gift". In economic terms it is defined as "the excess value of one form of money over another of the same nominal value". This is much closer to what we mean in the way we use "betterment" in Canberra with reference to the leasehold system.

The vast majority of people in Australia do not use the term "betterment". In fact, in discussing that term with non-Canberran journalists recently, I found that they have no idea of what is meant by betterment. Therefore, it is important that we define it. The *Concise Oxford Dictionary* that I used last night, Mr Speaker, is slightly out of date. I believe that our language is part of a living language - that is the way courts would look at it - and I accept that this definition may be a little inappropriate. It says that "betterment" is the "enhanced value of real property arising from local improvements".

Those local improvements could be anything. A wide range of local improvements could affect a betterment. They may be, for example, having sewerage and electricity and so forth. Those local improvements could affect the betterment of a property. The value of having other office blocks built around you could be considered, under that definition of betterment, to be an improvement, and therefore to be taken into account as part of a levy; yet that is not what we mean by it at all. In the *Shorter Oxford English Dictionary*, the current edition that I got from the Assembly Library, we have a very broad definition of "betterment". It obviously sees it as an American term. It states that "betterment" is a specific "improvement of property" in the US as from 1809.

Improvement of property is what we are on about, but that is so broad as to be relatively meaningless. It would be far better to look at the definition of "premium", the original word, in the *Concise Oxford English Dictionary* which simply starts with the word "reward". That word "reward" applies much better. The *Shorter Oxford English Dictionary* definition also includes "booty, profit and reward". Perhaps booty is exactly what we are talking about. I think the word is extremely applicable. We are really given the choice of either sticking with the word "premium" for the next three months or defining the word "betterment".

I have had passed to me the draft regulations. They were passed to me in the last couple of minutes. There is an attempt to define "betterment" in terms of the mathematical system that the Government is going to apply. I think we need to include a definition of "betterment" in the Act. I have put forward a proposal. I make it quite clear to the Government that if they have a better definition of "betterment" I would be quite happy to consider it. I think it is a well thought out definition of "betterment". I would presume that people like Mr Jensen would have very little difficulty with that particular definition.

Mr Jensen: It leaves out two important things, Michael.

MR MOORE: Mr Jensen indicates that it leaves out two important things. I would be delighted were he to move an amendment to my amendment to include those two things. What is left out at the moment is everything. We are using this word "betterment" and, clearly, the courts can go to the dictionaries and get no guidance whatsoever. It is ridiculous in the drafting of this Bill to change from the term "premium" and go to the term "betterment" without defining it.

There is a standard practice. We have had a commitment from almost everybody in this chamber to make our legislation more readable and easier to understand. If we are going to use the word "betterment", let us define it; let us make the legislation easier to understand. It is a quite normal practice; it is a quite easy thing to do. I commend this amendment to the house as a positive measure designed to improve the legislation.

MR CONNOLLY (12.17): Mr Speaker, Mr Moore makes a very important point in this proposed amendment, and that is the importance of what really is a central term, a central word, to this whole piece of legislation being defined. It may be that Mr Moore's definition of "betterment" is not the best definition of "betterment" and there may be a better definition of "betterment", but there ought to be a definition of "betterment".

The Government referred to a definition that appears in the draft regulations. Mr Moore has had the advantage of having the draft regulations for about four minutes. I have not had the advantage of seeing the draft regulations at all. It may well be that the definition of "betterment" there appearing is a better definition of "betterment". But, in principle, it ought to appear in the Act rather than people having to race to the regulations.

It is very disconcerting for anyone trying to work their way through legislation, particularly legislation that is, of necessity, somewhat complex, as any taxing Bill is, to find that the key terms are defined perhaps in the regulations rather than in the Act. The Opposition, I think, is inclined to support Mr Moore's amendment unless the

Government comes up with a better phrase. It is, I think, essential that that key term be defined in the definition section of the Act.

MR MOORE (12.18): Perhaps, Mr Speaker, I should have a second go. While Mr Connolly was speaking I had a chance to look at regulation 3(1). It says:

> The amount of the betterment charge payable in respect of variation ...

It starts with the word that we are trying to define. Even the most basic logic indicates that you cannot use the word that you are trying to define in the definition clause.

Question put:

> That the amendment (**Mr Moore's**) 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 Stevenson	Ms Maher
	Mrs Nolan
	Mr Prowse
	Mr Stefaniak

Question so resolved in the negative.

Debate interrupted.

RINGING OF BELLS

MR SPEAKER: I would like to advise, with respect to the ringing of the bells, that it seems that the seven minutes period is still not sufficient. Therefore, seven minutes before we assemble, I intend to have the bells rung for 30 seconds. The continuous bells will commence only four minutes before we assemble. That gives us a little bit of warning without having the bells ringing constantly for seven minutes.

Sitting suspended from 12.25 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Department of Justice and Community Services - Equal Employment Opportunity Plan

MS FOLLETT: Mr Speaker, my question is addressed to Mr Kaine, as the Minister responsible for the Public Service, for the status of women, for people with disabilities and for Aboriginal people. Has the Department of Justice and Community Services completed its equal employment opportunity plan? When will it be made available to the Assembly?

MR KAINE: Mr Speaker, my recollection is that all of the government departments had completed their equal employment opportunity plans some weeks or even months ago. There were only two departments that were awaiting ratification of their plans by the trade unions. That was the last report that I gave, and I am speaking entirely from memory now. I am not sure what has happened since then, but I will take that specific question on notice and get a response to it. My expectation would be that all the plans would by now be in place, because my recollection is that the last time the question was raised there were only two that were not. I will find out.

Leadership Assessment and Development

MR MOORE: Mr Speaker, my question is directed to Mr Humphries. I indicated to him that I would ask this question. Would you please explain the concept of the assessment centre system and how it operates; whether the ministry strongly recommends to principals that they use the system; and how the licensing system operates in relation to the United States National Association of Secondary School Principals?

MR HUMPHRIES: Mr Speaker, I thank Mr Moore for having given me warning of this question. The Australian leadership assessment and development program, as it is fully called, pioneers a new and better method, I think, of identifying and developing leadership. Traditional approaches to selection of leaders in education have involved field based methods of data collection; that is, applications, short lists, interviews and referees' reports. Although the process is often rigorous and intensive, the result is largely a backward looking assessment without sufficient forward looking formative evaluation.

The assessment centre method exposes participants to real life situations and leadership tasks, and is acknowledged to be free from manipulation by either employers or employees. It is seen to be objective, reliable and non-discriminatory in terms of gender and race. Assessment reports can form the basis of growth plans to which individuals may work over a period of years.

The approach has been successful in the USA, Canada, Germany and the UK. In Australia, 30 assessors were trained in Queensland in April 1987. That was a pioneer or pilot project. Since then assessors have been trained in the ACT, Victoria and New South Wales, and a national project is now emerging - the Australian leadership assessment and development project, led by the deputy secretary for education of my own ministry.

The assessment centre method utilises activities and materials developed by the National Association of Secondary School Principals in the USA. These have been altered substantially to make it more attuned to Australian culture. As with all other assessment centre projects, a fee is charged by the American principals association. In our case this is done under an agreement whereby we pay royalties at the rate of half the published USA price. This translates into $US150 per trained assessor and $US30 per assessee. Collaboration between education systems and local universities is encouraged, and in the ACT links are being forged with the University of Canberra to promote more appropriate educational training.

I am aware of some rumours or suggestions that, in particular, some officers of my ministry, or members of their families, might have benefited financially from the assessment centre project. I must advise the Assembly that I have carefully and thoroughly examined these rumours. I am satisfied that they are scurrilous and without foundation. By way of incidental comment, financial transactions in respect of the project are made through official ministry accounts and are subject to government audit.

Mr Moore also asked, I think, whether this was the mandatory or the strongly encouraged system for assessment in the ACT. It is not mandatory or required. It is recommended as a basis on which people might be encouraged to model their selection procedures. It is being developed and it, I believe, constitutes one of a range of resources available to people making those selections in the ACT education system.

Swimming Pool Fees

MRS NOLAN: Mr Speaker, my question is directed to Mr Duby in his capacity as Minister for Urban Services. Mr Duby, what is the Government's view of concerns raised by many parents - and I must admit that I share their concerns - that they have to pay swimming pool fees when accompanying their children to approved learn-to-swim lessons at government pools?

MR DUBY: I thank Mrs Nolan for the question and, indeed, for first raising the issue with me. I must admit that I was amazed to learn, when Mrs Nolan did raise the issue, that parents accompanying their children to approved learn-to-swim lessons at government pools - namely, the Civic Olympic pool, the Manuka pool, the Dickson pool and the Erindale pool - are required to pay admission fees to watch their children learn. Having made some inquiries, I discovered that that was indeed the case, and I am pleased to announce that the Government has decided to stop this iniquitous practice as soon as possible. As a matter of fact, we are stopping it as from tomorrow.

The simple fact is that the fee, which for parents is in the order of $2, should not have been charged in the first place, as clearly the parents accompanying their children to learn-to-swim classes go for a number of reasons. I think that the decision by the Government to abolish this fee will be welcomed by many people. The simple fact is that it will make swimming lessons more affordable for ACT families. Swimming lessons, of course, are vitally important for children, and I think this decision will help families to make sure that their kids can participate in this program.

On many occasions, of course, parents wish to be with their children. They need to be with them for various reasons - to provide reassurance and to make the children feel a lot more comfortable in the water, and to reassure themselves that the children are being adequately catered for. I regard the collection of a fee as being against the whole concept of teaching the children to swim. So, as a result of those concerns, I am very pleased to advise Mrs Nolan that, as of tomorrow, parents accompanying their children to approved learn-to-swim classes at government pools will no longer have to pay admission charges.

Intoxicated Persons Legislation

MR WOOD: Mr Speaker, I direct a question to Mr Wayne Berry, the Deputy Leader of the Opposition, and I am confident that I will get a proper answer.

MR SPEAKER: In what capacity?

MR WOOD: Mr Speaker, I direct this question to Mr Berry in the sense that he has responsibility for the Bill relating to care of and attention to intoxicated persons.

MR SPEAKER: No, I will not allow that.

Mr Wood: I raise a point of order, Mr Speaker. It has not happened before, probably, but that does not mean that it may not happen. Mr Speaker, I direct your attention to standing order 116. I will read it, although you have it in front of you. It states most clearly:

Questions may be put to a Member, not being a Minister, relating to any Bill, motion or other public matter connected with the business of the Assembly, of which the Member has charge.

I await your ruling.

MR SPEAKER: Your position is upheld, Mr Wood. Please ask your question.

MR WOOD: Thank you, Mr Speaker. Mr Berry, would you please explain the meaning of clause 6 in your Bill, which has been likened to the move-on powers Bill by the Attorney-General and the Minister for Finance and Urban Services in today's *Canberra Times?*

MR BERRY: Thank you, Mr Speaker. Thank you, Mr Wood, for that question, and I will make sure that I give as concise as possible an answer - and it will be accurate. This question, of course, is a response to a scurrilous campaign of misinformation about this Bill. In the first place there are no similarities between the Intoxicated Persons (Care and Detention) Bill and the move-on powers Bill. Mr Speaker, my Bill does not create an offence, unlike the move-on powers Bill. There would be no charges laid as a result of my Bill, unlike the move-on powers Bill. My Bill contains no penalties, unlike the move-on powers Bill. My Bill is supported by the ACT Council for Civil Liberties, unlike the move-on powers which were a clear infringement of civil liberties.

Mr Speaker, it is a gross distortion for Mr Collaery and Mr Duby to say that there is any similarity. Mr Collaery, as a lawyer, knows it, and it looks to me as if Mr Duby is taking his advice from Mr Collaery. But it may be obvious why Mr Duby was asked to comment on this issue. The powers of detention in clause 6 of my Bill are essentially the same as those in section 351 of the Crimes Act, which is already in force in the Territory and is administered by this Attorney-General.

Mr Collaery: Who wrote this for you?

MR BERRY: Have a look at the Crimes Act. The difference is that my Bill seeks to detain these people somewhere other than in a police station, as you may recall. Mr Duby objects to the prospect of being detained in police cells for eight hours for drunkenness. He seems to be blissfully ignorant of the fact that that is the current law in the ACT.

An innovative aspect of my Bill is that it provides for the release of detainees into the care of a responsible person. So, you can be released into the care of a responsible person, Mr Collaery, if you have not already noticed. That provision, of course, is not contained in the Crimes Act - as you will see if you care to take a look. Contrary to the impression conveyed by the Ministers' statements in today's *Canberra Times*, the eight-hour detention period is not a minimum but a maximum period.

For example, one who is over the effects of alcohol can be released in an hour. So, for Mr Duby to say that you would be incarcerated as a mandatory provision for eight hours is outrageously inaccurate, and it forms part of a deliberate campaign to misinform the community about the very innovative provisions of the Bill which was introduced in this place by a private member of the Assembly.

Special Premiers Conference Initiatives

DR KINLOCH: My question is addressed to this side of the house, just to even things up. It is to the Chief Minister. Is the Chief Minister aware of claims in the *Canberra Times* - one of our local newspapers - of 20 March 1991 that initiatives arising from the Special Premiers Conference will reduce the level of services and funding available for a whole range of community services? Would he comment on those claims?

MR KAINE: Like my colleague opposite, I will try to be short in answering this question. I read that comment in the *Canberra Times* and I am rather curious that anybody could reach that conclusion - anybody that understands what the intentions of the Special Premiers Conference and the actions flowing from it really were. Of course, the claims are always being made, but they are not supported by any facts. One wonders whether this is another ploy of the Opposition over here, because they never produce any facts.

The October Special Premiers Conference spent a good deal of time considering how a range of services - such as aged care, health, training and the labour market, and child care - could be delivered more effectively. It looked at those matters in the context of the duplication of services between the various levels of government. The conference settled on a framework of some guiding principles against which some reviews would be undertaken at the officer level, and those reviews are now under way. They will be reporting to either the next scheduled Special Premiers Conference in May or the second one, which is scheduled for, I think, November of this year.

It is important to note that the essence of the Special Premiers Conference agreement was to ensure:

> ... that the fundamental objective underlying any change would be to improve the existing system for the delivery of programs and services in the interests of our citizens.

That is the whole intent of the review, and the whole intent of what has been carried out. So, I do not understand how anybody could possibly conclude that these examinations - the results of which will not be put to the Special Premiers Conference for some time yet - were being undertaken with the objective of reducing the range of services or the funding available. I repeat: It is somebody that clearly has no knowledge of the reasons why the reviews are being undertaken or what the intent is.

Petrol Prices

MR BERRY: My question is addressed to the Chief Minister, and it relates to petrol prices. Are Canberra's high petrol prices due to your extra petrol tax, or do you support Mr Collaery's contention on television on Tuesday that there is a conspiracy between petrol retailers?

MR KAINE: I am not going to get into the question of conspiracy, because I know of none. But, to answer the first part of your question - whether it relates to the ACT additional franchise tax - of course the answer is no, because the rate of franchise tax in the ACT is identical to that which applies in New South Wales. So, it cannot be said that any difference in price between New South Wales and the ACT can be attributed to that tax.

Anti-inflammatory Drugs

MR STEVENSON: My question is directed to the Minister for Health, Gary Humphries. It concerns the anti-inflammatory drug NSAIDs, which is basically used for arthritic patients. Is Mr Humphries aware that the drug supposedly has no benefit for rheumatoid arthritis sufferers; that it can apparently cause ulcers in some 20 to 30 per cent of patients, and bleeding and tearing of the stomach lining; and that 10 per cent of people admitted to hospital after complications from taking the drug die, this being some 500 to 1,000 people a year? My questions are: Is the drug being prescribed in Canberra? Have doctors in Canberra been explaining these possible side effects to patients, particularly the elderly, who are the most common users?

MR HUMPHRIES: What is it called?

Mr Stevenson: NSAIDs. It was on *60 Minutes* a few weeks back.

MR HUMPHRIES: I could talk about *60 minutes*, but perhaps I had better not. Mr Speaker, the answer to the first part of the question is no; the answer to the second is that I do not know; and the answer to the third is that I do not know. I will take those questions on notice. I might say to Mr Stevenson, though, that, if he wants to ask what are obviously quite technical questions about things like drugs, free-range eggs and things of that kind, I think he would be better advised to come and see me beforehand, as Mr Moore has done today, to indicate even the general area that he intends to ask a question about. I would then be better able to come into this place and actually answer his question. But I cannot, obviously, provide the information about this at the moment.

Intoxicated Persons Legislation

MR JENSEN: Mr Speaker, my question is directed to the Attorney-General, Mr Collaery. I will refer the Minister to clause 6 of the Intoxicated Persons (Care and Detention) Bill 1991, introduced by Mr Berry on Wednesday of this week. Would the Attorney, who is responsible for the Government response to that particular Bill, care to comment on whether, in fact, that clause is likely to be a threat to civil liberties?

Mr Berry: Mr Speaker, I raise a point of order. I think that the question is out of order. This Minister does not have the responsibility for the Bill.

Mr Moore: Are you prepared to take it?

Mr Berry: I am prepared to take it.

MR SPEAKER: Order! Your objection is upheld, Mr Berry. The situation, Mr Collaery, is that this is a debate that is already before the house.

Commissioner for Housing Loans Scheme

MRS GRASSBY: My question is to the Chief Minister. Have you, as Treasurer, provided any supplementation to the Commissioner for Housing loans scheme to fund the increased maximum loan level announced yesterday by Mr Collaery?

MR KAINE: The answer to the question is no. There was funding originally in the budget for this purpose and that will suffice.

MRS GRASSBY: I ask a supplementary question, Mr Speaker. Chief Minister, why has the Government decided to give larger loans to fewer people, thus extending the waiting lists on housing?

MR KAINE: First of all, the Government has made no such decision. As I understand it, virtually none of the money allocated for this purpose this year has been used because the parameters are such that nobody qualifies, which is exactly the reason why they have been changed.

English as a Second Language Courses

MS MAHER: My question is addressed to the Minister for Health, Education and the Arts. Taking into consideration the importance of English as a second language courses, can the Minister inform the Assembly whether there are adequate funds for these courses and, if not, can additional funds for ESL be obtained from the Commonwealth?

MR HUMPHRIES: Mr Speaker, I thank Ms Maher for that question because it raises an issue which I have been concerned about for some time. I have had discussions with people, including the chairman of the Ethnic Communities Council, about the issue. An argument for an increase in Commonwealth funding would have to be based, obviously, on the ACT's special situation as the national capital; that is, of course, unless there was some general increase in ESL funding across the country. The consequence of that special argument would, of course, rest on the high enrolment of temporary residents - for example, children of diplomats - who might require that kind of funding assistance. Current arrangements relating to the disbursement of Commonwealth funds preclude any change to the allocation of moneys to individual States or Territories. That means that the Commonwealth would have to allocate funds from other areas in order to do that.

The Commonwealth ESL program is being evaluated by the Commonwealth Department of Employment, Education and Training, and information from this study should be available in the middle of this year. The data gathered during the evaluation may be useful in developing a case for increased Commonwealth funding here in the ACT, and I obviously would be very keen to see such a case advanced. Funding for ESL programs in the ACT in 1990 totalled approximately $4.1m, of which $1.2m was provided by the Commonwealth. I certainly share Ms Maher's hope that we can in fact prosecute this matter with the Commonwealth and make a strong and acceptable case for getting better funding.

Tuggeranong Swimming Pool

MR CONNOLLY: My question is directed to Mr Duby. Minister, six weeks ago today, at a public meeting in Tuggeranong, Mr Stefaniak, as government spokesman, promised that a decision would be made within a month on a public pool for Tuggeranong. Can the Minister inform the Assembly why this has not happened and when some decision can be expected on this matter?

MR DUBY: I thank Mr Connolly for the question. I am not too aware of the meeting that Mr Connolly is referring to, but the Government has made it very clear that an announcement about the Government's provision of swimming facilities at Tuggeranong would be made in the week commencing 25 March. We are sticking to that schedule and I anticipate that I shall be making a statement in that regard next week.

Of course, the Government has never reneged on its commitment to provide a swimming facility at Tuggeranong - unlike your colleagues in the Federal Parliament. Mrs Kelly has been bleating for years about the need for a pool but has been unable to deliver. The same goes for your colleagues who, when in government in 1989, made promises but never delivered on them - although admittedly you are exempt from guilt because you were not part of that Government. This Government has looked at the range of various options available.

Mr Collaery: We inherited a private contract.

MR DUBY: Absolutely. We inherited a contract, which this Government had been locked into by the previous Follett Government, and which, of course, proved to be totally untenable. That contract, as everyone is well aware, was finally deemed to be unacceptable and unfinishable only in October or November of last year and, in a matter of three short months, this Government's hard work has come up with a very outrageous - outstanding - - -

Mrs Grassby: "Outrageous" is the right word for it. What is close to the heart is close to the lips, Mr Duby.

MR DUBY: It is outrageous because of the very fact of the amount of money that we are going to have to commit out of our capital works program in the next financial year to meet commitments that have been made by your colleagues but which have been unfulfilled. I regard that as being an outrageous burden upon the people of the ACT. The fact is that this Government is going to honour that commitment, and that announcement will be made next week, the week commencing on 25 March, as I have already indicated.

Stamp Duty Concessions

MS FOLLETT: My question is addressed to Mr Kaine as Treasurer. Mr Kaine, what is the estimated cost to revenue of the stamp duty concessions announced yesterday by Mr Collaery?

MR KAINE: Mr Speaker, I suggest that she address the question to the Minister for Finance, who is responsible for the matter.

School Closures - Task Force on Traffic and Safety

MR MOORE: My question is directed to Mr Duby. Mr Duby, it refers to a question you answered yesterday in relation to the commitment you made to parents of Lyons Primary School students, the commitment on the basis of which they, trusting your word, withdrew the picket on the South Curtin school. In a quite evasive answer yesterday, you stated:

> Mr Humphries, in the answer given not 30 seconds ago, advised that meetings have been going on between representatives of my department, his ministry, and parents from the Lyons and Curtin primary schools.

Firstly, Mr Duby, on my reading of the *Hansard*, Mr Humphries' answer did not advise that at all. Secondly, when you referred to "meetings" - the plural was used - of the task force, were you actually referring to the meeting, singular, held on Tuesday, the 12th of this month, two hours' notice of which had been delivered that morning and at which the group spent a quarter of the time trying to determine whether it was actually the task force or not? Did you intend to mislead the house by using the plural, or was this just an accident; or, are there other meetings which could be construed as task force on safety meetings with the nominees of the parents, the trade unions and the government departments?

MR DUBY: I thank Mr Moore for the question. I must admit that I am a little bit confused; it was so long that I forget where he started. The implication of the question was, of course, that no meeting or meetings, for that matter, have ever occurred. There was a meeting on 12 March.

Mr Moore: No, I considered that one.

MR DUBY: Listen to this. There was such short notice! I will read you a list of the people who attended. From the Lyons school board we had Peter Croker, John Schooneveldt, Sue Jones and Barbie Robinson - all representatives of the Lyons school board and the Lyons P and C Association. From the Curtin Primary School we had Jenny Leeson, Chris Philbrick and Sally Brown, the principal of the school,

plus members of the Curtin school board and the Curtin P and C Association. We had Marie Zuvich, the secretary of the Lyons Community Council; Hugh Saddler from the P and C Council; Mike Castle, deputy general manager of ACTION; Sharon Blanchfield from ACTION; Tony Gill, a traffic engineer from my department; Kevin Gill from the Ministry for Health, Education and the Arts; Cheryl O'Connor from the Ministry for Health, Education and the Arts; and Ian Hotchkiss from the Industrial Relations Branch. In addition, we had apologies from Charles McDonald from the Trades and Labor Council. So much for short notice!

Mr Moore: Yes, who had one hour's notice.

MR DUBY: I beg your pardon! It looks like poor old Charles could not make it because he did not get enough notice. Mind you, so many other people did.

The minutes of that meeting clearly show and demonstrate that it was agreed that the need for traffic safety measures required the application of professional judgment, in the light of objective data about traffic conditions, and could not be determined by any democratic process or popular vote or political carping. The meeting further agreed that the meeting had satisfactorily addressed traffic safety issues relating to the proposed closure of the Lyons Primary School and that the Lyons community may pursue a number of other issues relating to the permanent opening of the Lyons school but not safety issues because they had been firmly and fully addressed by that meeting.

On top of that, a whole range of other issues were raised in relation to safety issues, including the overall effectiveness of the new traffic arrangements, the footpaths that have not yet been constructed, the removal of an existing 40 kilometres an hour school zone from Launceston Street, and the need for safety rails on footpaths adjacent to the Marrawah Street footpath and in other areas such as the intersection of Theodore Street and Carruthers Street, et cetera. In respect of all traffic arrangements that were introduced, the representatives from both the Lyons and Curtin school communities have a firm commitment from this Government that any objections or problems raised by them will be addressed.

Accordingly, I would like to know just exactly what Mr Moore is trying to get at when he says that a commitment to a school safety task force relating to traffic and pedestrian access to this Curtin site has not been addressed by this Government. No matter what has been raised by the people from that area, it has been looked at and addressed, and guarantees have been given. When that school closes - and close it will - at the end of this term, all guarantees given by this Government will have been met and the measures will be in place for the start of the new school term when the new school at Curtin is operating.

MR MOORE: Mr Speaker, I ask a supplementary question. Mr Duby, are you satisfied that the parents of Lyons believe that you have met their conditions when they - - -

Mr Collaery: On a point of order, Mr Speaker: This question seeks a speculative response; it is a speculative question. I refer to standing order 117.

MR SPEAKER: Thank you.

Mr Duby: More to the point, though - and whilst it is frankly a foolish question asking me to surmise - - -

MR SPEAKER: Order! I will allow the question. As the Minister has indicated that he is prepared to accept the question, please proceed.

MR MOORE: Thank you, Mr Speaker. The question I am really asking is: Do you believe that you have met your commitment to establish a task force, and that that is the understanding that the parents had - that the single ad hoc meeting you had on that Tuesday meets the commitment that you made to those parents and their understanding of that commitment?

MR DUBY: Of course this Government has met its commitment to address the issues relating to safety and road traffic management concerning the Curtin school. What the people from Curtin and Lyons have in mind, I do not know. As to the understanding and firm commitment given by me, as Acting Minister for Education, during the dispute over the refurbishment of Curtin school, I must point out that it is now being touted around town that somehow the supposed bans were lifted because we had agreed to have a task force. The bans were lifted for the simple reason that the work was being done and the people who were opposed to it had realised that they could not stop a Government that was firm in its conviction from doing what it wanted to do. That is the bottom line.

In relation to the issues that these people have raised, the importance of which we, as a reasonable government, have always accepted - namely, the safety of children and their access to school - - -

Mr Moore: You have not. Think of the Estimates Committee; you admitted that you had reduced the safety.

MR SPEAKER: Order, Mr Moore!

MR DUBY: Please, let me answer the question. We have always recognised that the safety of children is paramount. I think the very fact that this meeting was held justifies that. Other meetings have been held between Mr Graeme Shoobridge and representatives from the groups. Some people may have wished to somehow establish an ongoing, frequently meeting committee called a task force - and they can call it a task force or whatever they want.

The simple fact is that this Government gave an undertaking that all issues relating to safety and pedestrian access and the access of children to the Curtin site would be identified and addressed, and that all measures required to be taken to meet standard safety procedures - and, I must say, the super-standard safety procedures for the children of Lyons who attend the Curtin school - would be met. They have been met and I cannot, for the life of me, see how anyone could complain about the situation that has come about. To say that children's lives are in danger after the work that has been put into that exercise is, frankly, a load of poppycock.

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

Hospitals - Nursing Staff

MR HUMPHRIES: Mr Speaker, I would like to answer a question asked of me yesterday by Ms Follett. Ms Follett suggested that I had misled the Assembly over the employment of nurses.

On 21 February Mr Berry asked me whether I would deny that potential nursing staff were being turned away from the hospitals as costs are cut. I responded by denying that potential nursing staff had been turned away. Yesterday Ms Follett produced a letter, dated 22 February, advising an applicant that there had been no vacancies available at that time on the nursing staff at Royal Canberra Hospital North. Ms Follett used this evidence to suggest that I had misled the Assembly.

Ms Follett: No, I asked the question.

MR HUMPHRIES: She more than asked the question. She positively alleged that I had misled the Assembly. I have maintained in the past that there are ongoing difficulties in recruiting to specialist areas such as operating theatres, intensive care and oncology. It is, however, quite another thing to allege that every area of the hospital suffers a shortage of nurses at every level. Ms Follett's question seems to assume that I was saying that any nurse, however qualified, or whatever position she sought, who fronted to the hospital would be offered employment. This is obviously nonsense.

I have often maintained in this place that the only people who would be turned away are those who are insufficiently qualified for a particular position sought, or those who seek positions or shifts for which there is no present vacancy. The person to whom Ms Follett referred yesterday was an enrolled nurse who sought a position in a surgical/medical ward or an operating theatre. There were at that time no vacancies for enrolled nurses in either of

those areas. We should bear in mind that enrolled nurses are less qualified and, in a sense, less employable than registered nurses. I stand by my original statement and I reject any notion that I have misled the Assembly.

PERSONAL EXPLANATIONS

MS FOLLETT (Leader of the Opposition): Mr Speaker, under standing order 46, I wish to make a statement.

MR SPEAKER: Do you claim to have been misrepresented?

MS FOLLETT: I do.

MR SPEAKER: Please proceed.

MS FOLLETT: I thank you, Mr Speaker. On Tuesday in the discussion of the matter of public importance on Weston Creek, Mr Collaery claimed that my comments regarding the Weston Creek Community Service were inaccurate. In particular, Mr Collaery claimed that I, as a member of the ALP in this Assembly:

> ... trade off ignorance, prejudice and ideological standpoints and ... fall like a vulture on every issue that can sway people who probably do not have time to take a very full interest in public affairs.

Mr Speaker, in opposition to my comments, Mr Collaery claimed:

> There has been no reduction of community services at Weston Creek.

Mr Collaery also claimed that the Weston Creek Community Service, in relation to the conditions of their lease, "know them full well". Mr Collaery further stated, opposing my argument, that the Weston Creek Community Service did know the source of additional rental funds. Indeed, he said:

> They were told by me, they have been told by my department on numerous occasions, that we will meet the costs of the extra rent.

Mr Collaery also said:

> ... were there any representatives of the Weston Creek Community Service here now they would - - -

Mr Jensen: I raise a point of order, Mr Speaker. I do not believe that what I am hearing is a personal explanation. It seems to me that it is continuing on with the debate that was raised the other day. It is certainly not a personal explanation, in my view. I listened carefully for a moment, but it certainly was not that, in my view.

Mr Berry: On the point of order: It is very clear that the Leader of the Opposition has claimed to have been misrepresented and has been granted leave to make an explanation about that. She has been allowed to make that statement and should be allowed to conclude it.

Mr Collaery: Mr Speaker, I believe that the Leader of the Opposition should put it on as a substantive motion, if she believes that the facts given to the Assembly are wrong - and she has also quoted selectively again.

MR SPEAKER: Ms Follett, I think you were introducing argument into your explanation and I would ask you to get to the point.

MS FOLLETT: Mr Speaker, I am claiming to have been misrepresented. Mr Collaery also claimed:

> It was entirely improper ... to make all those propositions which are fundamentally wrong and clearly untrue.

My office has had the opportunity to contact the service regarding Mr Collaery's comments. I am advised that, on any statistical basis, there has been an enormous reduction in services previously offered from the Weston Creek Health Centre.

Mr Kaine: I raise a point of order, Mr Speaker. Standing order 46 states:

> ... a member may explain matters of a personal nature ...

We are not hearing anything of a personal nature. We are not hearing how Ms Follett claims to have been misrepresented; she is simply making another statement on this matter. I ask that the point of order raised by Mr Jensen be ruled on.

MR SPEAKER: Ms Follett, I believe that you are introducing argument. It is not a personal explanation that you are giving if you are telling us that staff have checked into statistics, et cetera. I believe that you are drawing a long bow, Ms Follett, and I would ask you to conclude your point.

Ms Follett: Mr Speaker, I am claiming to have been misrepresented.

MR SPEAKER: Order! I would ask you to draw your statement to a conclusion.

MS FOLLETT: Mr Speaker, I would also like to refer to Mr Collaery's comments about the lease, and in this regard I do accept that Mr Collaery might have been confused. The lease to which Mr Collaery referred in his comments actually expired on 28 February 1991. I stand by my comments that the service has not been consulted on any proposed new lease or renewal of the existing lease.

Indeed, the copy of the lease that Mr Collaery received on his visit to the centre was the existing lease, the one that has expired, and as at 12 o'clock today, I understand, the service has had no advice as to whether any new lease has been signed. I am also advised that the service is still waiting for details in writing as to the allocation of funds - - -

Mr Collaery: On a point of order, Mr Speaker: This is a flagrant disregard of standing orders. It is not a personal explanation, and Ms Follett has not put forward one shred of evidence to disprove the statements made. She is entering new argument from another source.

Ms Follett: On the point of order, Mr Speaker: Mr Collaery said in debate that I had traded "off ignorance, prejudice and ideological standpoints". The whole of my argument is that that is a misrepresentation.

MR SPEAKER: Thank you, Ms Follett. I would ask you to conclude your statement.

MS FOLLETT: Thank you, Mr Speaker. I will conclude my comments by quoting from a letter from the service to Mr Collaery dated 14 March.

Mr Kaine: On a point of order, Mr Speaker: I am not interested in a letter from a third party. Ms Follett claims to have been misrepresented. A letter from some third party has nothing to do with what she might or might not have said.

MR SPEAKER: I uphold your objection, Chief Minister. Ms Follett, I direct you to conclude, because I believe that you are introducing new information as well.

Mr Berry: There is no debate before the house. She has been given leave to speak, for heaven's sake.

MR SPEAKER: Order, Mr Berry!

Mr Berry: What is the worth of you giving leave, Mr Speaker, if - - -

MR SPEAKER: For a personal explanation, Mr Berry. This is debating an issue. It is bringing forward debating points. I draw that statement to a conclusion.

Mr Berry: Mr Speaker, I raise a point of order. Ms Follett made it very clear to you that Mr Collaery had made some outrageous comments about her personally, and Ms Follett was clarifying the issue for the Assembly and making sure that this Assembly was aware of all of the facts and not just the allegations that Mr Collaery made. I believe that she should be allowed to conclude her statement in order that the issue can be cleared up. If Mr Collaery believes that he has been misrepresented, he would be entitled to the same leave as Ms Follett.

MR SPEAKER: Members should understand that if they wish to make a statement before the house they may seek leave to do so; but, when they approach me on a personal matter, I overrule the Assembly, and I am not prepared to overrule the Assembly on an issue that is debatable. I have taken the decision that that concludes it.

Ms Follett: Mr Speaker, I seek leave to table before the Assembly a copy of the letter dated 14 March 1991, signed by the chairperson and the director of the Weston Creek Community Service.

Leave not granted.

MR BERRY: I move:

> That so much of the standing and temporary orders be suspended as would prevent Ms Follett from tabling the letter relating to her personal explanation.

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

> That the question be now put.

Original question resolved in the negative.

MR COLLAERY (Attorney-General): Mr Speaker, I claim to have been misrepresented and, under standing order 46, I seek to respond to a statement made in this Assembly by the Leader of the Opposition. I will be very brief.

MR SPEAKER: Please proceed.

MR COLLAERY: Mr Speaker, at page - - -

Mr Berry: I raise a point of order, Mr Speaker. Since the Leader of the Opposition was not permitted to conclude her statement, I think it is highly inappropriate that Mr Collaery should be allowed to make a statement in relation to - - -

MR SPEAKER: That would be a very valid point if we knew what Mr Collaery was going to say, Mr Berry. We owe him the opportunity to speak. Please proceed, Mr Collaery.

MR COLLAERY: Mr Speaker, Ms Follett sought leave - - -

Mrs Grassby: You did not allow the Leader of the Opposition to.

MR SPEAKER: I certainly did, Mrs Grassby. Please wake up.

MR COLLAERY: Mr Speaker, Ms Follett sought leave, claiming that she had been misrepresented in a statement I made. Mr Speaker, the relevant exchange at page 24 of the proof copy of the *Hansard* of - - -

Mr Berry: On a point of order, Mr Speaker: Now we are aware of what he is going to do. We believe that Mr Collaery should get the same treatment as Ms Follett did - or Ms Follett ought to be allowed to conclude her statement and then Mr Collaery can have his say.

Mr Collaery: Mr Speaker, may I speak to that point of order?

MR SPEAKER: You may speak to the point of order.

Mr Collaery: My proposition is that it was not Ms Follett I was referring to but Mr Berry. Mr Berry's words on the relevant day were:

> The people of Weston Creek would disagree because they have had their community assets pillaged by this Government ...

He used that language, and the words that Ms Follett objects to, and that she quoted, were my response to the suggestion that we had "pillaged" community assets. My words were:

> There are two political groups in the ACT community who trade off ignorance ... the Abolish Self Government - - -

MR SPEAKER: Order, Mr Collaery! I really believe that this is taking standing order 46 to the extreme.

Mr Collaery: Thank you. I have made the point.

Mr Berry: Mr Speaker, I seek leave to table a letter in respect of this matter.

Mr Collaery: On a point of order, Mr Speaker: The member is seeking to reopen a vote that has already been held in the Assembly.

Mr Berry: No, no.

MR SPEAKER: Order! The situation, Mr Berry, is that you have asked for leave to be granted, and leave is not granted.

Mr Berry: The leave was sought from you, Mr Speaker, not from the Assembly, under standing order 46.

MR SPEAKER: No, you must ask the Assembly for leave to table a document, not me, under this circumstance.

Mr Berry: Well, this clarifies the issue.

MR SPEAKER: If you can get leave to table it, do so. If you cannot, you will not.

MR BERRY: Mr Speaker, on that basis then, I seek leave to make a personal statement under standing order 46.

MR SPEAKER: Do you claim to have been misrepresented, Mr Berry?

MR BERRY: I do, Mr Speaker.

MR SPEAKER: Please proceed.

MR BERRY: Mr Speaker, in clarifying those outrageous statements that have been made by Mr Collaery in respect of the situation at Weston Creek, I will read into *Hansard* a letter that I have received.

Mr Kaine: I raise a point of order, Mr Speaker. I think it is quite clear that Mr Berry did not receive the letter; it went to Ms Follett. He is now trying to avoid the ruling of this house and he should be instructed to sit down and stop wasting the time of this Assembly.

MR BERRY: It is a copy of a letter. Mr Collaery made allegations. What standing order are you raising that under?

Mr Kaine: I am asking the Speaker to use his authority to control this house and to stop you abusing the privilege. It is a gross abuse of the standing orders, and you know it.

MR SPEAKER: I believe that, unless that letter is directly clarifying a situation where you personally were maligned or whatever, it is not applicable. Therefore, I suggest that it is not suitable to be used under standing order 46.

MR BERRY: Mr Collaery just admitted that it was in relation to me, Mr Speaker, so - - -

Mr Collaery: Does the letter refer to "pillaging community assets"? Yes or no?

MR BERRY: Yes, it certainly does.

Mr Collaery: It does?

MR BERRY: It certainly does.

Mr Collaery: Mr Speaker, if you hear him and it does not, we will move a motion of censure against this member.

MR SPEAKER: All right. Thank you, Mr Collaery. Please proceed, Mr Berry, under that circumstance.

MR BERRY: It is a copy of a letter directed to Mr Bernard Collaery. It says:

> Dear Minister,
> We are writing to you to express our profound concern and disappointment about current and future accommodation arrangements for Weston Creek Community Service.

That is one of the services that were pillaged. It continues:

> As neither yourself, your personal staff, nor your departmental - - -

Mr Kaine: On a point of order, Mr Speaker: This is a gross abuse of standing orders, and this man continues to refuse to accept your ruling. It is about time he was brought to order.

MR SPEAKER: Mr Berry, I uphold the Chief Minister's objection. I would ask you to remain seated. I withdraw my approval for you to read that.

PAPER

MR COLLAERY (Deputy Chief Minister): Mr Speaker, for the information of members, pursuant to section 30A of the Interpretation Act 1967 I table the following paper:

> Interpretation Act - Transport Trust Account - Report and financial statements for the period 11 May 1989 to 30 June 1990 - Extension of time, dated 19 March 1991.

BUDGET
Ministerial Statement and Paper

MR KAINE (Chief Minister and Treasurer), by leave: Mr Speaker, in making this statement today, I am in a position to assure the Assembly and the ACT community of the continuing soundness of this Government's 1990-91 budget. I believe that it is important that I do so, given some idle speculation of recent date.

Mr Berry: What about the hospitals?

MR KAINE: I will come to that if you will just sit patiently, Mr Berry.

At the outset, let me remind members of the Alliance Government budgetary strategy which has been restated consistently since our taking government in December 1989. There are four key goals for establishing a fair and responsible approach to financial management. They have been in place since December 1989, and I repeat them. They are: To promote the development of the private sector; to produce a balanced recurrent budget; to minimise borrowings; and to make better use of the Territory's existing capital base.

I believe that the outcome of the 1990-91 budget will reinforce these goals not only as being achievable but also as the most responsible approach to managing the Territory's finances, particularly as negotiations will soon be held with the Commonwealth on further transitional funding arrangements. Members will recall that the original three-year period of transition fixed by the Commonwealth will expire on 30 June, which is only three months from now.

Long-term restructuring and targeted expenditure reductions will continue to be crucial to the strategies of the ACT Government to bring expenditure within the bounds of our expectations for revenue from the Commonwealth which will flow from the report of the Commonwealth Grants Commission to be presented early next month. This element of the strategy of cost constraint will be particularly important during the difficult economic period that Australia is continuing to face and which will exacerbate the challenges that the Alliance Government must meet in negotiating and managing the transition to State-type funding levels.

At the national level and in some States, notably Victoria and Western Australia, economic conditions have deteriorated since the preparation of their 1990-91 budgets. Nationally, we have seen the budget surplus dwindle and disappear. At the State level, budget outcome expectations are in serious jeopardy. The impact of the national recession has been less severe on the ACT than in most States - partly through stabilising factors peculiar to the ACT, but also partly through positive policies and tight control at the total budget level in the ACT. Although ACT unemployment has increased over the summer period, it is below national levels and employment has continued to increase in contrast to falls nationally.

A recovery in ACT retail turnover, which began in the middle of 1990, has slowed; but population growth, the January tax cuts and lower interest rates should help to maintain sales in 1991. The public sector has provided some stability for the ACT economy, helping to sustain job growth and retail turnover. But it is clear that high interest rate policies adopted by the Commonwealth Government are still affecting the private sector, showing up here particularly in subdued levels of non-residential building approvals.

Further declines in the rate of inflation and earnings growth are expected. The magnitude of changes in the ACT is difficult to estimate. However, the assumptions behind the forward estimates report of a CPI growth of 7 per cent and of incomes growth of 6 per cent for 1991-92, I believe, are now likely to be revised downward during the development of the 1991-92 budget.

The prospect of lower domestic inflation, lower interest rates arising from stabilisation of our national deficit on the balance of payments and pent-up demand for housing do provide support for a gradual improvement in the economic outlook for the ACT. However, the recovery may be delayed if the national recession is prolonged and if the Commonwealth moves to curb a possible deficit by stricter fiscal policies.

Mr Speaker, over the past few weeks there has been much speculation and rumour about blow-outs in some components of the ACT budget and the ability of this Government to manage the finances of the Territory within the budget parameters. No doubt much of this speculation has been fuelled by the knowledge that the Commonwealth and various State budgets have been reported to be performing well below budget forecasts, together with ill-informed speculation about some unexpected claims for budget adjustment, particularly on hospitals management. There is no denying that we are affected by the national economic recession, but not as significantly as Australia as a whole and States like Victoria and Western Australia in particular.

For the information of the Assembly I would now like to outline the significant trends in revenue and expenditure for the ACT's 1990-91 budget. At the outset, let me restate the broad parameters of the current year's budget. We have consolidated fund recurrent expenditure of $1,106m; we have capital expenditure of $261.7m; we have new borrowings restricted to $44m; and we have a recurrent budget in balance. Those were the parameters of the budget when we brought it down and they remain the parameters. When any minor adjustment is agreed, it must be seen in the context of the total budget and the net effect, if any, on the expected budget outcome. That is why I comment on uninformed speculation and rumour about budget blow-out.

As members will appreciate, a budget is not a static thing. My job as Treasurer is to keep the budget strategy under review as economic circumstances change. At budget time, we did allow for a downturn in some elements of revenue, with the budget projections for both revenue and expenditure reflecting that expectation. In overall terms, expenditure is being contained within the original estimate for 1990-91 and revenue targets are being achieved. There are, however, a number of underlying disturbing trends emerging. I will deal with them later. A balanced recurrent budget is still forecast. The budget requirement for new borrowings will remain at the level originally

estimated. In general, total ACT revenue will come within budget estimates. This includes payroll tax, financial institutions duty, stamp duties and payments from the Commonwealth. Franchise fees are likely to fall short of the original budget estimates. This is largely due to reduced petrol consumption in response to the price increases recently experienced.

As announced in December 1990, the Government has extended the time for concessional payout of existing rental leases to 30 June 1992. Consequently, land receipts this year will fall below the original estimate by about $15m. As the revenue from commutations was intended to be put aside for expenditures in future years, there will be no detrimental impact on the 1990-91 budget and there will be no need to resort to further borrowings this financial year. Containment of recurrent expenditure levels continues to be a major priority of the Government. The need for some budgetary revisions in health and community services has recently been highlighted, although there are other areas across the budget where revisions, both upwards and downwards, will perhaps be necessary to reflect changing circumstances and priorities over the course of the year. I repeat, Mr Speaker, that there are adjustments upwards and downwards.

The issue of funding for health services has been debated at length in this place. As Treasurer, I have already indicated to members that I have so far only agreed to supplement the hospital budget for national wage case adjustments and the potential revenue shortfall. Further supplementation will depend on the outcome of the review announced by the Minister for Health, but any supplementary provision which might be agreed will be minimal. Potential offsetting reductions elsewhere need to be taken into account in assessing the impact of the health difficulties on the total budget.

Wage and salary increases and an increase in client demand in the areas of community welfare and adult corrective services are putting pressure on the community services program. Treasury is currently examining in detail the reasons for the greater than anticipated level of expenditure. Supplementation will be provided only where this is clearly warranted. I emphasise that under no circumstances will essential welfare and other community services be curtailed. It appears to me to be self-evident that, in times of financial stress such as we are now experiencing nationwide, there will be greater demands on, and expectations in, community welfare services. It is a natural corollary. Some of these expectations and demands could not have been predicted when the budget was proposed nearly a year ago, but they will not be rejected arbitrarily by government simply because we were unable to predict them when the budget was developed.

In education, the Minister recently announced that savings in 1990-91 had been revised following the Government's consideration of the Hudson report. Delays due to protests, industrial bans and pickets have also impacted on the savings expected this year. Other economies will be sought that do not impact on the delivery of education and, as the Minister has stated, there will be no unforeseen overexpenditure in this area. There are many other budgetary activities within which revisions may be necessary. For example, higher fuel prices are affecting a number of programs and the unfavourable fire season this year is expected to result in an additional $1m being required for bushfire prevention and control. Again, these are unexpected and unforeseeable matters that have to be adjusted.

Most restructuring initiatives of the 1990-91 budget are proceeding to plan, but implementation setbacks in some areas will cut expected savings in 1990-91. The budget includes provisions for national wage case and other award related salary and wage increases, including $5m for any net impact of structural efficiency principle outcomes. During the financial year, budgetary allocations to programs are adjusted by transfers from this specific provision as award determinations progress.

The main impacts on this provision have been the lower than expected national wage case increases due to the wage-tax trade-off and expenditure resulting from the outcome of the SEP negotiations. The allowance of $5m made in the 1990-91 budget was predicated on the expectation that SEP would only marginally affect overall costs, with increases being generally offset by savings measures. This has occurred in some areas; for example, in nurses' penalty rates, where reductions will impact over several years rather than entirely in this budgetary year. However, the same cannot be said for many other groups, such as teachers. As well, there are classifications where negotiations or offsets are yet to be finalised.

In summary, the total breadth and magnitude of increases, before offsets, is now well above expectations. The total increase in wages and salaries in a full year could be as high as $20m. This is a very worrying position and will require a review of relative underlying assumptions and future budgetary effects. Treasury is still assessing net expenditure impacts after allowing for offsets due to increased productivity. I stress that any supplementation will be determined only after a full examination of immediate and longer-term offsets and will certainly not be automatic.

Mr Speaker, turning to capital expenditure, delays in site finalisation have affected a number of major construction projects, including the extension of the Eastern Parkway across Dairy Flat. Expenditure will consequently be lower than anticipated when we prepared the budget. Notwithstanding the complexity of the hospital

redevelopment project, I must point out that work on that project is proceeding both on target and on budget, as the Minister for Health constantly keeps asserting. Revision of the budget during the course of the year is the task of any responsible financial manager. It would be imprudent to ignore changing circumstances and new information in the ongoing management of the budget.

I note at this point that, unlike the Commonwealth, our annual budgetary cycle does not include an additional estimates process. In my view, such a process assumes that managers will make bids for additional funds during the course of any year. I believe that, if any manager has a justifiable need for supplementation, a specific bid should be made when the need arises. An additional estimates process attracts bids and bad bids can be carried along with good ones. The absence of such a process means that each bid must stand scrutiny independently, and there is no organisational expectation that supplementation will automatically follow, and tighter management and financial control results. What that means is that, when you have a genuine need for additional funds somewhere, you have to consider it as a special case. That is exactly what we are doing.

One of the results of actively managing this budget and being prepared to make adjustments where necessary is that I am in a position today to announce a number of beneficial initiatives which will assist the ACT economy in weathering the current economic storm. They are a demonstration of the budgetary resilience which this Government's strategies are fostering.

The effects of the national economy on business, particularly small business, and hence on employment opportunities have been of increasing concern to me and to my colleagues. Given the considerable uncertainty surrounding next year's Commonwealth grants to the ACT, I cannot support any measures with significant long-term expenditure impacts. However, there are shorter-term activities that we can commit ourselves to implementing.

There are four cases. Firstly, there are a number of construction projects which are to be accelerated. Actual construction will commence on projects such as completion of the upgrading of Limestone Avenue, a further stage of Long Gully Road, and realignment and upgrading of Boboyan Road and Oaks Estate Road. Design work will be accelerated on the Tuggeranong swimming complex, the new Griffin Centre, and the communication and breathing apparatus centre associated with the City Fire Station complex, along with a number of other smaller projects. This will, of course, assist employment generally, particularly local consultants and contractors, with direct labour representing about 70 per cent of the total cost of these projects. Earlier starts on actual construction will also help stabilise the building industry.

Secondly, funding will be provided to boost the capacity already provided in the 1990-91 budget for reducing the backlog of repairs and maintenance on ACT Government assets. This legacy of Commonwealth maladministration of the Territory must be redressed to avoid further deterioration of the ACT's capital base. We will take the opportunity to do so now, as far as we can. A range of building maintenance works covering schools, libraries and health and community services facilities totalling $1.8m will be undertaken. In addition, roads and stormwater facilities will receive maintenance attention with expenditure of $1.9m.

In all cases, the works proposed are clearly needed. They do not involve any overall increase in budget allocations. By advancing the projects, not only will the ACT economy benefit from employment opportunities in the short term, but the ACT community as a whole will be advantaged as these projects address either safety issues or high maintenance costs that will produce longer-term savings to the budget.

Thirdly, a layer of stamp duty that applies to the subdivision of new housing estates will be abolished. This will cut land costs and also speed development by eliminating the related administrative and land valuation processes. The revenue effect is only about $100,000 in a full year. In line with the thrust of these measures are the new arrangements for home ownership which were announced yesterday by my colleague the Deputy Chief Minister and Minister for Housing and Community Services. These measures, taken together, will not only assist low and middle income earners into home ownership but also provide much needed stimulation to the housing industry at this time.

The Commonwealth Government's statement last week on building a competitive Australia detailed a wide range of initiatives, many of which will benefit the ACT and the region. Over the longer term, we can expect dampened inflationary expectations as a result of the reform of the wholesale tax, abolition of quotas and accelerated reductions in tariffs. These initiatives will also reduce costs to industry and should improve both business and consumer confidence. The ACT economy, of course, is not dependent on protected industries and will consequently not directly experience the inevitable disruption associated with cuts in protection. In particular, when recent reductions in interest rates and taxes on inputs are taken into account, we can expect a progressive improvement in the outlook and performance of the building and tourism industries.

For the ACT, the flow-on benefits to other sectors, especially financial, property and other business services, are likely to be significant. Several measures, such as retention of tax concessions for research and development and changes to the Commonwealth purchasing policy for

information technology, will assist the ACT information technology sector's further development. I welcome the Commonwealth's pledge to provide $50m nationally for employment and training assistance. The ACT's share of this $50m will provide a significant number of additional prevocational places, primarily through the ACT Institute of TAFE. This will particularly benefit the ACT's young people and, therefore, complements the Alliance Government's concern with the needs of youth.

The Government also welcomes last week's announcement by the Commonwealth that two ACT-based proposals involving both the ANU and the CSIRO have been accepted under the 1990-91 cooperative research centres program. This is a positive recognition of ACT expertise, and represents new jobs and injects additional funds into the ACT. In addition to the funding that these centres will attract from the Commonwealth, the ACT has agreed to provide assistance in both cash and kind this financial year. The ACT Government will continue to look for ways to support these kinds of initiatives. I especially welcome the industry connections which are a particular feature of this program.

As a further response to the prevailing economic downturn, the Government has decided to provide local businesses with greater access to specialist professional assistance. Firstly, the Government is setting up a referral service aimed particularly at small businesses which are feeling the full impact of the current national downturn and are perhaps facing bankruptcy.

A network of specialist advisers from the private sector have indicated their willingness to participate voluntarily in such a scheme. I believe that there will be significant benefits to small business from this initiative. Secondly, during these particularly challenging times the Government believes that it is appropriate to ensure that a broader range of small businesses have access to affordable relevant professional advice. The Government will establish a program to be run over the next 12 to 18 months to facilitate this access. This advice will aim to ensure that businesses which are struggling in the present economic climate will have every opportunity to reach their maximum potential.

As I announced in the Assembly on Tuesday in relation to the section 19 development project, there is now a specific offer of finance for a conforming proposal. The Government has, therefore, decided to grant a further 28 days to allow negotiations to be completed. If these negotiations are successful it will, of course, mean a major boost to the ACT's construction and tourism sectors.

In summary, contrary to the desire of Labor that it be otherwise, the 1990-91 recurrent budget is still expected to be balanced. Setbacks in projects included in the capital budget allow us to put in hand some urgent works and to accelerate others to provide some short-term stimulus to small business and employment. The Government continues to require tight management control over the budget and to administer the budget with the original budgetary objectives in mind. Loose, uninformed gossip about budget blow-outs is not based on fact. Full year performance at the total budget level will demonstrate that this is nothing but a straw grasped by the Opposition in a desperate attempt to find something on which it can attack the Government.

Mr Speaker, 1991-92 will be influenced by a number of factors, including the report of the Commonwealth Grants Commission on financing the ACT, consequent negotiations with the Commonwealth, and decisions at the 1991 Premiers Conference and Loan Council meeting. The determinants of our 1991-92 budget, therefore, are not yet fully known. Initiatives being taken both by the Alliance Government and by the Commonwealth can be beneficial to the ACT, both in the shorter term and in the longer term. This Government recognises that Australia cannot expect an immediate turn-round in our current economic fortunes. International markets, the depth of domestic recession, and the plight of the rural sector continue to inhibit growth. Earlier forecasts that an improvement cannot be expected until the latter half of this year remain unchanged. All of these factors will be taken into account in the lead-up to the 1991-92 budget. I assure members that this Government will build on the responsible approach adopted since we took office in December 1989. We will deliver our second balanced budget in August and, again contrary to speculation, strictly on schedule as determined at the beginning of the budget cycle last year.

Again, to talk of an early budget is nothing but a fiction driven by an Opposition desperately searching for something to pin their dying hopes on. In the meantime, during the remaining months of this current budgetary year, we are taking all possible steps to foster small business and employment generally. I present the following paper:

> Budget - From strength to strength - Ministerial statement, 21 March 1991.

I move:

> That the Assembly takes note of the paper.

Debate (on motion by **Ms Follett**) adjourned.

LEGISLATIVE PROGRAM
Ministerial Statement and Paper

MR COLLAERY (Deputy Chief Minister), by leave: Mr Speaker, I thank members. I table the Alliance Government's legislative program for the 1991 autumn sittings. This follows the practice introduced by the Follett Government and refined in subsequent sessions of the Assembly by the Alliance Government and the practice followed in other jurisdictions, particularly Victoria and Western Australia. The legislation program provides the titles of legislation proposals and identifies the responsible Minister and the priority that has been given to each proposal.

Members should be aware that this program is dynamic in character. Further proposals may be added or proposals removed at any time. This is a reflection of the necessity for the Government to be responsive to moves and shifts in the requirements for legislation. Similarly, the priority given proposals may be altered as circumstances demand. The legislation program has been grouped under three categories of priority. The first priority category describes those legislation proposals which have been accorded the highest priority for drafting by the Government. The Government intends to introduce as many Bills classified as first priority as possible before the conclusion of the autumn sittings.

In relation to legislation falling into the second and third categories of priority, some will be introduced into the Assembly during the current sittings because of ease of drafting or because, for various reasons, substantial progress has already been made. The Government is providing its legislation program with the objective of providing a meaningful indication of its present legislative agenda. I trust that members and the public will find the document to be informative and helpful. I move:

> That the Assembly takes note of the paper.

MR CONNOLLY (3.45): It is intriguing to have this released. It is particularly intriguing because this Alliance Government refused our food Bill yesterday because, it said, it had something coming soon. On page 7 of this document, in the second priority section the third item is the Food Bill. That shows what priorities you people put on things. It is an interesting document, as we say, of pious hopes; but we will see that they are not fulfilled.

MR HUMPHRIES (Minister for Health, Education and the Arts) (3.45): First of all, Mr Connolly is being quite misleading in saying that the word "soon" was ever used in respect of the Food Bill. I said that I expected it this year. This indicates quite clearly that it will be coming this year. Mr Connolly ought to be very careful before he paraphrases inaccurately. The Government's Food Bill will

be introduced this year, as announced. If Mr Connolly had listened carefully to what the Attorney-General just said, he would have heard him say that the matters in the second priority section are matters that may be introduced in this sitting but will certainly be introduced before the end of the year. That is exactly what I said yesterday. If Mr Connolly wants to find something else, he can produce it in *Hansard.*

Mr Connolly also made reference to the fact that it was the third one on the list in the second priority section under the heading of my name. The order in the list indicates no particular priority within that area. There is no indication that the amendment to the Poisons and Drugs Act will come before the Food Bill, or that the Therapeutic Goods Bill and the amendments to the Radiation Act will necessarily come after the Food Bill. There is no indication at all of any priority within that category merely because it is the third item on the list. It is not alphabetical, but it is roughly alphabetical.

This is a very important document. I should note that it contains more information in terms of priority levels than was the case with the Follett Government's legislative program. We are providing information which we insisted on in 1989 under the previous Government, and we are continuing to make it available as a courtesy to the Assembly as a way of indicating clearly what our program is all about. We can expect, of course, some problems from that. No doubt, the Opposition will run away to their tame drafters and start scurrying away on the drafting of some Bills which they know the Government is about to bring forward but for which they want to somehow take first credit.

That is the risk in tabling a legislative program. But we stand by that process, because it is important to make sure that both the Assembly and the people of the ACT have a chance to understand what it is that this Government is going to do in the course of these next few months.

MR BERRY (3.48): I rise just for a few moments to talk, in particular, about the noble aims of the Government with its autumn program. I have to say that the autumn program is not a long period, and, if we can base the Government's performance on the introduction of legislation on what has happened in the past, then it is unlikely that many of these pieces of legislation will see the light of day.

One other interesting fact in respect of Mr Humphries' Food Bill is that he made it clear that he has not been tick-tacking properly with the Attorney-General. The Minister for Health never does anything in an unequivocal way. He says, "It is likely ..." and "The Food Bill will probably ..." and "I am confident that the Food Bill will make it before the end of the year". But we see that it is way

down the priority list, although I did hear Mr Collaery say that it was a dynamic list and that we can expect that some of those things might change. I suspect that many of their - - -

Mr Connolly: A bit like the budget.

MR BERRY: Yes, the dynamic budget from the dynamic Treasurer. Some of these will drop off the end. In fact, I think most of them will. One other aspect of Mr Humphries' comments which the Attorney-General should be concerned about was the dig - in fact, the slam - at legislators in Minister Collaery's area. His own legal drafting office has been responsible for drafting legislation for the Opposition, as is appropriate. For them to be branded as tame, I think, is an absolute insult - - -

Mr Collaery: Who used the word "tame"?

MR BERRY: Mr Humphries. For Mr Humphries to refer to those draftspeople as "tame" is absolutely outrageous. It is deserving of an apology to those people. They, in fact, have dealt with legislation which they would not draft for the Labor Party. That was in relation to the Tobacco Bill. The innovative legislation that was kicked off by the Labor Party was drafted for the Government. We accept that the drafting office will not, on occasion, draft things which have been programmed by the Government. We will then have to seek our own alternatives in respect of that. When it comes to this Minister describing those workers as "tame" because they draft legislation for the Opposition, I do not think that does anything for the Minister. In fact, it is a shameful position for the Minister to adopt to attack those people who are clearly acting in accordance with their instructions, as it were. I believe that there is an apology due.

MR HUMPHRIES (Minister for Health, Education and the Arts): Mr Speaker, I seek leave to make a personal explanation under standing order 46.

Mr Berry: Why do you not wait until the debate is over?

MR HUMPHRIES: It is over. I do not want to listen to talk - - -

Mr Berry: Mr Collaery has a right of reply.

MR HUMPHRIES: He is giving way to me.

MR SPEAKER: Is this a personal explanation? Do you claim to have been misrepresented?

MR HUMPHRIES: Yes, it is. Yes, Mr Speaker, I do.

Mr Berry: On a point of order: The motion is still before the house and it seems to me appropriate that this personal explanation should be dealt with after - - -

MR HUMPHRIES: You do not want to hear the apology?

Mr Berry: Indeed, I would be quite happy to hear it; but I think that, as a matter of order, it ought to be dealt with after the debate.

MR SPEAKER: I uphold your objection, Mr Berry. If anyone else is wishing to speak, we will do that at the end of the debate.

MR COLLAERY (Deputy Chief Minister) (3.53), in reply: I rise to close this little debate. We are adopting a very cooperative approach on drafting with the Opposition. I am sure members will recall Mr Connolly's remarks yesterday in relation to the assistance that the Law Office has given in relation to his Subordinate Legislation Bill. I do not think we need to get into this kind of debate, Mr Speaker, simply because Mr Berry is embarrassed about a Bill that he introduced yesterday. The legislation timetable is an honest attempt by the Government to put forward a very straightforward account of its intentions in the area of legislation.

One thing has troubled me constantly in government, and that is that there is a view abroad that governments are measured merely by their legislation program; that it is a kind of scoreboard of success or failure. A great deal of work is done apart from the bringing in and the passage of legislation. I say that for both members in government and members in opposition. A great deal of our work is done on a constituent basis. A great deal of our work - often as far as Ministers are concerned - is done every sitting day when we do a full day's work with our ministerial submissions, quite apart from the passage of legislation.

I enjoin the Opposition - if they are going to make comments on our list - to acknowledge that they themselves do a lot of work apart from their own preparation of private members' Bills, such as it has been. Similarly, they should accord the same courtesy to the Government.

Mr Berry: They are all jittery because there is too much private members' business.

MR COLLAERY: There is no jitteriness on our part. As my colleague Mr Humphries correctly pointed out, we simply have put priority settings there so that the Bill schedules can be organised by the Cabinet office. The Opposition, from its short experience in government, should know that that is a recognised method.

If the Opposition are going to take a point off us because the words "second priority" and "third priority" appear there as part of the timing of how our drafting process is going, then we will join the Victorian Government and, as far as I know, the Western Australian Government, and we will simply give you a bare list. You will not then be able to take those petty points. You will see that what will result will be that the public will be less informed.

Mr Wood: We want a serious list; that is what we want. Are we going to get all those this year?

Mr Humphries: Yes.

Mr Wood: I will hold you to that.

MR COLLAERY: Mr Wood interjects and says that they will hold us to it. This is a statement of our ambition, our commitment to the community. We hope to get there. It is our intention to get there.

Mr Wood: That is not what Mr Humphries said. He said that we will get them all.

MR COLLAERY: Mr Humphries has every right to have that ambition, as I do too.

Mr Wood: He has a different view to you.

Mr Connolly: That is because he has only six Bills on the list; you have 71.

MR COLLAERY: Yes, certainly. Mr Speaker, we saw an example today of why it is difficult to get the business of this house done. We saw the use of standing order 46 to delay matters until members of the press had left. It is a good, cool tactic to delay the procedures. It always works. The people opposite may - I doubt in the short term - be in government one day and they may live to regret that type of tactic straight after question time. The Government is committed to bringing forward this legislation. At the same time it is committed to all of the other processes of government. Governments should not be recognised merely by their legislation program.

MR HUMPHRIES (Minister for Health, Education and the Arts): Mr Speaker, I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Do you claim to have been misrepresented?

MR HUMPHRIES: Yes, Mr Speaker.

MR SPEAKER: Please proceed.

MR HUMPHRIES: There were two things Mr Berry said in his remarks after I had already spoken. It was his usual cowardly kind of little after-attack. First of all, he said that I had said that the Food Bill was likely before the end of the year. I did not say that. I said that the Food Bill was likely - being in the second priority category - before the end of this session, and would certainly be introduced before the end of this year. That is what I said. I think he should get it right before he comes and misrepresents things to this Assembly.

The second thing he said was that I had referred to Government drafters as "tame drafters". That would be true if the only people who did drafting for the Opposition were Government drafters. We know full well that there are other people who draft legislation for the Opposition. Mr Berry chose not to deny that when he was standing here. I think we can all take that as read. I would certainly describe those people as tame drafters. If Mr Berry wants to write to them and say how I have insulted them, then he is perfectly free to do so.

Question resolved in the affirmative.

DEBT COLLECTORS LICENSING AND CONSUMER AWARENESS WEEK PUBLICATIONS
Ministerial Statement and Papers

MR COLLAERY (Attorney-General), by leave: I thank members. Mr Speaker, last week I had the pleasure of launching the Territory's first Consumer Awareness Week, an important part of the education initiative from our Consumer Affairs Bureau. The week was highly successful, with considerable coverage of the most important consumer protection issues, namely, renting a home, buying a used car, using credit, shoppers' rights and product safety. I must commend the electronic media for their tremendous support during this week.

The bureau's education program is now firmly aimed at traders, as well as consumers, with the view that it is better to prevent disputes than to try to solve them. Not to stop here, though: Consumer and trader awareness of rights and responsibilities is being complemented by an active legislation program undertaken by the Alliance Government. Indeed, the Government recently introduced a new Door-to-Door Trading Act and will shortly bring forward a number of other Bills on consumer protection, including trade measurement and fair trading.

Returning to Consumer Awareness Week: I had much pleasure in releasing two new publications to build on the highly successful year 12 handbook, *Your Consumer Rights*, which was released last year. I commend to the Assembly these two new publications, namely, *ACT - Alert*, a quarterly newsletter, and the *Consumer Survival Kit*, a handbook on consumer issues. I table these two publications:

ACT Alert, No. 1, March 1991, published by ACT Consumer Affairs Bureau;
Consumer Survival Kit prepared by ACT Consumer Affairs Bureau.

The *Consumer Survival Kit* is the first comprehensive guide to consumer rights. It will be an invaluable point of reference for counsellors, educators and individuals. *ACT - Alert* will discuss issues of specific interest to ACT consumers and traders. Reaction to these publications from both consumers and traders has been excellent and has prompted the bureau to increase the planned distribution list.

I also took great pleasure at this time in awarding the ACT's first fair trader of the month award to the manager of Target's Civic store. Target was named as the fair trader of the month for their excellent customer service and attention given to shoppers' rights. I would also like to commend the bureau for its continuing good work on promoting fair trading in the ACT. A sensitive consumer issue highlighted in *ACT - Alert* is debtor harassment. In times of economic recession in particular it becomes harder to meet credit repayments and, unfortunately, collection tactics are often very unethical. The Alliance Government is aware of the distress caused by debtor harassment and praises the efforts of organisations like CARE in providing debt counselling assistance.

I am pleased to be able to say that the Alliance Government is also acting decisively in this area of consumer protection. In relation to this issue I also table a discussion paper on the licensing and regulation of commercial and private inquiry agents in the Territory. The paper has been prepared as part of the Alliance Government's commitment to consumer protection and fair trading in the marketplace. I table the following paper:

Commercial and private inquiry agents - Licensing proposal.

Licensing of debt collectors and private inquiry agents will bring the ACT into line with the States and the Northern Territory. The ACT proposal, however, will be more streamlined and easier to administer than most, but still retaining maximum effectiveness and consumer protection. The planned Fair Trading Act currently under development will complement the proposed licensing arrangements. There will be a six-week consultation period during which the community - particularly industry

organisations, the Australian Federal Police and commercial and consumer interest groups - are invited to comment on the proposed scheme. The ACT Consumer Affairs Advisory Committee will also examine the report on the discussion paper during this time.

The Alliance Government is proud of its achievements in the consumer affairs arena and the opportunity to raise the quality of life in the Canberra region by promoting fair trading. I move:

That the Assembly takes note of the papers.

MR CONNOLLY (4.02): Mr Speaker, for a change, I would like to actually join Mr Collaery in commending the Consumer Affairs Bureau on their work. This publication that he refers to has been distributed to members. I have only had a glance at it, because it arrived through the rounds today. That is to be expected because it has only just been released. It certainly appears to be an excellent publication. The concept is sound. It is clear that community education and raising awareness is one of the most important areas of consumer education and consumer protection. The bureau is to be commended for that.

It is unfortunate that that commitment to education does not carry through to a commitment to introducing sound legislation. I suppose that this publication will be of interest to Canberra consumers. They can read it over dinner as they eat their unsafe, out-of-date food. If they take ill as a result of the unsafe, out-of-date food that this Government is determined to foist upon them, they can read this publication while waiting for the ambulance to arrive. That will be a long time. They can get through probably half the publication while that is happening. What they are not able to read while waiting for the ambulance to arrive, they will no doubt be able to read while waiting for a hospital bed as a result of this unsafe, unsound food that the Government is not prepared to act on.

Question resolved in the affirmative.

SCHOOLING IN AUSTRALIA 1989 - NATIONAL REPORT
Ministerial Statement and Papers

MR HUMPHRIES (Minister for Health, Education and the Arts), by leave: I thank the Assembly. I have much pleasure in tabling the 1989 national report on schooling in Australia. It is an important and timely report on schooling across Australia and, in particular, on the contribution made by States and Territories to education in this country. It is the result of a new level of cooperation between the State, Territory and Commonwealth governments and has been produced under the auspices of the various governments and the Australian Education Council. It has been printed by

the Curriculum Corporation. Non-government and government agencies in each State were involved in the preparation of State chapters. In the ACT this involved liaison between the public education system, the non-government schools office, the Association of Independent Schools and the Catholic Education Office.

The report was produced by an Australian Education Council working party made up of representatives from each State and Territory, the Commonwealth and non-government school associations. In 1989 the Commonwealth coordinated the production of the report in conjunction with the Australian Education Council. The 1990 national report is being coordinated by Queensland. It is expected that each State and Territory will take on this role on a rotating basis.

The report is made up of individual chapters, using an agreed set of headings. These are: State objectives and priorities; structure and operation of the school system; historical, geographical and demographic influences; curriculum policy statement; accreditation processes; enrolments, retention and educational participation; system initiatives; assessment policy; staffing, management and development; professional development; and resource provision and management and funding arrangements.

This pilot report provides an overview of the education systems operating in Australia; but, of course, this is not enough. Data on retention rates, inclusion of specific community groups, attainment levels, et cetera, do not alone create a picture of the effectiveness of the Australian education scene. The focus needs to be on learning, rather than on teaching. The challenge faced by all the education systems is to cut through the rhetoric and answer the big questions: What are the outcomes of the education system? What delivery mechanisms are the most effective? What performance indicators should we use?

Preparation of this report serves two main purposes. For the first time it provides a comprehensive and timely overview of school level education across Australia, in a form which makes the information accessible to managers, members of the parliaments and the public. It will also provide a rich source for research. The report provides a vehicle for State and Territory governments to meet the education accountability requirements of the Commonwealth associated with its education funding programs.

While the report is an important milestone in reporting progress of education across Australia, we need to be cautious that participation in it does not lead to imposed uniformity or loss of the right to determine our own educational standards and curriculum. It should be seen as part of our voluntary participation in initiatives at the national level, including the development of national schooling and curriculum frameworks.

Responsibility for education in this country has historically been with the States and Territories. They have played a key role in the provision of education services across the nation. This responsibility is ongoing and one which we do not take lightly or easily give up. In the ACT we have an education system which is unique in many ways and which is held in high regard. While being keen to participate in national initiatives within a context of cooperation between the States and the Commonwealth, we should not lose sight of the important role this Territory and its Government have to play in the provision of quality education services to the people of the ACT and its surrounding region.

I table the following papers:

Schooling in Australia 1989 -
Ministerial statement, 21 March 1991.
National report by Australian Education Council -
Report.
Statistical index.

I move:

That the Assembly takes note of the papers.

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

CASINO DEVELOPMENT
Statement by Member

MR COLLAERY (Attorney-General): I seek leave of the Assembly to make a brief statement concerning two news items which appeared on 19 and 20 March respectively on the WIN news by reporter Patrick McLoughlin.

Leave granted.

MR COLLAERY: I thank members. I will be brief.

Mr Wood: Did we have notice? We have not had notice. You should give it.

MR COLLAERY: Mr Temporary Deputy Speaker, I would like to have notice sometimes of what appears on the screen on my family television set, too.

Mrs Grassby: It would be nice, though, if you let - - -

MR TEMPORARY DEPUTY SPEAKER (Mr Jensen): Order! Allow the Minister to speak, please.

Mrs Grassby: We did not decline; but we are not happy about it. We should have been given notice of it.

MR TEMPORARY DEPUTY SPEAKER: Mrs Grassby, you have made the point. Allow the Minister to continue.

Mrs Grassby: Just as long as you got the point.

MR TEMPORARY DEPUTY SPEAKER: I got the point.

MR COLLAERY: As Attorney-General and a Minister and member of this Assembly, I believe that you all know that I am quite prepared to accept the rough and tumble of political life, and I have usually been reluctant to run to the law seeking private legal remedies. Members are also aware of the views I hold about our outdated defamation laws. I find the prospect of issuing writs and matters of that kind personally abhorrent. In my view, the situation has to be very compelling for that to come about.

As individual members, when we have grievances I believe that we should be robust and content to air them in this Assembly unless exceptional circumstances arise. However, with regard to two programs on the WIN news of the 19th and the 20th, I believe that enough is enough. On two occasions my integrity has been grossly attacked. On the first occasion I was stunned. On the second occasion I was convinced that there was a premeditation in the process launched upon by reporter Patrick McLoughlin.

Despite the facts of the matter before the Assembly - accurately reported, I might add, by all other sections of the electronic media and the print media that I saw - Channel 9, WIN news, and its reporter Patrick McLoughlin saw fit to run a sensational news item on 19 March that commenced with this introduction:

> Grave allegations concerning Alliance Government ministerial behaviour have been referred to the National Crime Authority.

Mr Berry: That is true.

MR COLLAERY: Could members hear me out. Journalistic ethics would normally require - and I suggest that members make those inquiries of journalists - that it be acknowledged that the first suggestion of a reference to the NCA was indeed made by me. Secondly, the program went on to make a number of other allegations which sensationalised matters about which Mr Moore had, some hours previously, made an apparent apology and withdrawal - which were not referred to in that broadcast program. A program went to air which I believe, for many in this Assembly, has lowered the esteem in which that reporter may have been held. I believe that that reporter owes me an apology and some explanation for his conduct on 19 March.

Then again, on 20 March, a program went to air which included a number of other comments. In those comments the reporter said, in the introduction:

> Independent MLA Michael Moore, who made the allegation, admits he made an apology to the assembly yesterday but says he sticks by the substance of his claims.

There is then a further reference by Mr McLoughlin to clandestine meetings with tenderers - plural. The Channel 9 report made the following further point:

> Government feels the matter is so serious it has contacted the National Crime Authority -

again misleading the public on the substance of the issue which the rest of the media appropriately reported.

Mr Berry: Mr Temporary Deputy Speaker, I raise a point of order. I will put it to you this way: It strikes me that, if there is to be a substantive attack against an individual out in the community, then it ought to be done by a motion of this Assembly - not by slagging them under the privilege of this Assembly.

MR TEMPORARY DEPUTY SPEAKER: Order! As far as this matter is concerned, it is my view that Mr Collaery has sought and been granted leave by this Assembly to make a statement on this matter, and that is exactly what he is doing. I will allow him to continue.

Mr Connolly: Ms Follett had leave to make her statement, did she not?

MR TEMPORARY DEPUTY SPEAKER: Order, Mr Connolly! I rule accordingly. Mr Collaery, proceed.

MR COLLAERY: Thank you, Mr Temporary Deputy Speaker. Then Mr McLoughlin went on to say:

> ... while Mr Moore is publicly silent, privately he says it's not a backdown.

I will deal with Mr Moore at another time and another place. I am not referring to Mr Moore at this stage. I am referring to two broadcasts by Mr Patrick McLoughlin which every member of this house knows greatly damaged me and my standing in the community and which purveyed a view of the facts which was not reflected by the rest of the media and was certainly not reflected by the facts in this Assembly.

Mr Temporary Deputy Speaker, I put it to you that there has to be a standard of ethical conduct that is accepted by our community. Of course, we do accept that the public interest is best served by timely and balanced reporting of local news. And, of course, our democratic institutions thrive when the community is well served by a fair and

fearless press. There was nothing fair about what Patrick McLoughlin did to me and my family in those two broadcasts. And there was nothing fearless about it. It was an unmitigated, cowardly, sensational attack on me.

Public accountability and good government are the first victims of a timid and biased media industry. I have been discussing these matters with my Law Office and at the moment I am seeking advice as to whether we will refer a transcript of the report on these matters by Mr Patrick McLoughlin to the Australian Broadcasting Tribunal.

Finally, Mr Moore may now wish to tell this Assembly that he did not tell Mr McLoughlin about his private thoughts; and we would, of course, welcome any statement by Mr Moore to the effect that he did not bare his soul to the reporter. In effect, Mr Moore is saying that he believes that his allegations will be vindicated by the NCA. We know that there is practically nothing on the record capable of investigation, so he is not providing any facts. But Mr McLoughlin sees fit to purvey these allegations, unlike the rest of the media.

MR BERRY: I seek leave to make a short statement in relation to this matter, Mr Temporary Deputy Speaker.

Leave granted.

MR BERRY: Thank you, Mr Temporary Deputy Speaker. I have to say: Does this man ever give up? What surprises me about this outrageous attack on an individual in the community is that the Attorney-General has not had the courage to do it in the form of a motion so that it can be debated. Of course, if that were the case, everybody would be entitled to speak on the issue. But what is most outrageous about it is that the Assembly has already dealt with this matter. It seems that the members of the Government have short memories. Mr Moore was censured by this Assembly over this very matter. The irony of it all is that it is the same sort of dirt as that thrown by Mr Moore, which the Labor Party does not approve of, and that which was thrown by Mr Collaery some time earlier. He is at it again. Throw enough dirt and some of it will stick. That is what this Minister is about. He is now whingeing because he is getting a little bit of his own back.

There is no justification for inaccurate reporting of issues, but what Mr Collaery has to accept is that it is his credibility that probably gets in the way of reports being written the way that he would want them written. He cannot write the reports himself; he has to rely on the fourth estate to do that. He has to improve his own credibility. I have to say, Mr Temporary Deputy Speaker, that he has a long way to go before he would be convincing to anybody.

I think this entire issue is better forgotten. It has not been a happy episode for the Assembly. That is why the Labor Party sought not to take part in that debate when Mr Moore was censured. I think it is about time Mr Collaery grew up and let the matter rest.

POLITICAL ADVERTISING
Discussion of Matter of Public Importance

MR TEMPORARY DEPUTY SPEAKER: Mr Speaker has received a letter from Mr Stevenson proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

> The need for the Chief Minister to make representations concerning the adverse effects that the Federal Government's proposal to ban all political advertising on the electronic media will have on the citizens of Canberra, their democracy and their basic right of free speech.

MR STEVENSON (4.20): I believe that this attempted legislation by the Federal Labor Party is one of the greatest threats to freedom of expression we have yet faced in Canberra and Australia as a whole. In today's *Canberra Times* it is stated that elected politicians are our servants, not our masters. That sums it up as well as you can.

Let me explain, first of all, what this proposal would do. It suggests a total ban on all electronic advertising, certainly radio and television - it may include theatre and other areas - held to have a political content. It would be for 365 days a year and would work at a Federal level, a State level, a Territorial level and a local level. One of the key points was covered by Senator Nick Bolkus who was quoted in the *Australian Financial Review* today as having said that government advertising outside election campaigns would be subject to the same treatment as interest group advertising - that is, it would be banned if it were deemed to be political. The key words here are "deemed to be". Who would decide that the Federal Government's advertising was political? The Federal Government. Who would decide that someone else's advertising was political? The Federal Government.

This is an attack on the basic constitutional right of freedom of expression of all Australians. We have a right within normal parameters to express our opinion. The most important expression of anyone's opinion has to do with the very web of politics. There is nothing that affects our lives more than politicians making decisions on how our lives will run and how much money we will pay for their particular policies.

The Federal Labor Party would suggest that freedom of expression is defined in monetary terms. It is perfectly okay, supposedly, to advertise in the newspaper, but it is not okay to advertise on radio and television. The examples that are given of costly advertising are not on radio but on television. The reason for this is that television is vastly more expensive to advertise on than radio, particularly regional radio where people do have an opportunity to afford electronic advertising.

One of the holes in the suggestion that electronic media political comment should be banned is the suggestion that it should be banned for all time, for ever and a day. It is not just at campaign time when the supposed idea of political corruption could come into vogue. The suggestion is that it should be for all time.

Will such a ban cause a lessening of expenditure on political advertising? The fairly logical suggestion would be no. It would be spent elsewhere. If we are to say that low cost political comment is acceptable but high cost political comment is not acceptable, do we suggest that there would be a ban on newspaper ads over a particular size? Are direct mail campaigns perfectly acceptable except when we go over a certain number?

Are billboards okay to be used for political comment unless they are too large? Are badges or buttons that you wear perfectly acceptable unless you distribute too many? In other words, is it to depend on cost? It is an absurdity. Australians have rights of freedom. If there is one thing in this country we need to protect, it is the right to let other people know what politicians are up to.

There was an advertising campaign by the advertising industry a few years ago in Australia which pointed out that in the USSR you would not see this ad and you would not see that ad. Perhaps the advertising industry, the radio and television industry, will take out advertising against this current proposal by the Federal Labor Government. They had better get in quickly because if they wait too long they will not have the right to do that any more.

The Labor proposal, I believe, is not prompted by wealth but rather by poverty - the poverty of a lack of concern for the rights of Australians and the poverty brought about by a grab at power at all costs, disregarding how much money is borrowed in political campaigns. It is said - I certainly have not had a look at the books - that the Labor Party, federally, is broke. The suggestion by Nick Bolkus is that they have always had the money and they will always get the money, but they should not run their political campaigns the same way as they run the country - by borrowing more and more money and placing their party in further debt the same way as they have placed the country in debt.

One of the greatest anomalies of this whole suggestion is: Where is the public right to have a say? Where is the public consultation, the public comment on these things? Once again it is politicians saying, "Our will be done"; this godlike right that they take upon themselves to decide how the rest of the people in Australia, the vast majority of people, will act.

One of the very important points, and there is some confusion in this area, is whether the proposal would ban only paid advertising deemed to be political or whether it would ban unpaid advertising deemed to be political. I am sure everyone will have an opinion on this, but let us have a look at the tremendous problems on both sides. First of all, if only paid advertising is going to be banned, we have a situation where the government, the party in control of the Federal Parliament, will have a tremendous opportunity. As was stated in the *Sydney Morning Herald* this morning:

> Senator Bolkus has conceded, for example, that if the Government released a major statement during an election campaign, such a statement might be advertised on television as an "explanation".

Others, of course, would be denied the possibility of giving their thoughts on the government explanation.

Would political comment be prohibited on ABC radio or the television station, the news at night, if it was not paid for? This is unpaid advertising. Someone might say, "What an absurdity. How could you say that the news was unpaid advertising?". Very simply. We already have a situation where governments wield enormous power, in some areas, over the electronic media. Even if that were not the case, if this legislation is passed will there not be a mad rush to buy electronic media stations, radio and television? Indeed, I think one political party has already done that. It is called Radio 2KY. If unpaid advertising was not banned, lo, one would find some interesting things being said in the news and in various political commentaries on 2KY or any other station, radio or television, that political parties cared to buy up, be it directly or through some other source.

If it does include unpaid advertising, the ramifications of that would take a full week to debate in parliament. Either way, the suggestion of preventing the right to - - -

Mr Connolly: You really have no idea what the proposal is.

MR STEVENSON: Mr Connolly says that I have no idea of what the proposal is. I have read just about every editorial in every paper in Australia today. I do agree that there are differences of opinion, as I mentioned just a moment ago; but Mr Connolly had to make the point that I have no idea.

I suggest that most people in Australia have no idea whatsoever which of their freedoms the Federal Labor Government is going to try to remove, simply because, as usual, there is next to no consultation.

Discussion interrupted.

ADJOURNMENT

MR DEPUTY SPEAKER: Order! It being 4.30, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

POLITICAL ADVERTISING
Discussion of Matter of Public Importance

Discussion resumed.

MR STEVENSON: Let us have a look at what is perhaps the major reason for the Labor Party's proposal. It is well known that direct mail campaigns are being used more in Australia. I must say that my research into the area has shown that the Labor Party is doing a far better job of it than any other group in Australia. I concede that. Indeed, there are many people in Australia, Canberra included, who, when they get a letter in their mail asking for their opinions on certain things, may have the misguided belief that that is an attempt by the Labor Party, or any other political party that is doing the same thing for the same reasons, to ascertain what their will is so that that will can be presented in parliament. Of course, we know that nothing could be further from the truth. Those letters are used to design direct mail letters to specific groups of replies prior to the election. When someone has said, "Look, the thing we are most concerned about, the thing we are absolutely disgusted about, is school closures", that no doubt would be No. 1 on the top of their letter.

As I said, I commend you totally for the brilliance of the campaign; but let us have a look at the right of the Labor Party to spend its money on expensive computer operations, programmers, and sending out mail at 43c a pop. Why should the Labor Party, with its finances, be able to do that when the rest of us cannot do that?

Ms Follett: Why not? Why can't you?

Mrs Grassby: Why not?

MR STEVENSON: "Why not?", members of the Labor Party say. At 43c a pop, sending out 90,000 letters around Canberra gets fairly expensive. The Labor Party in this Assembly has spent money on extra staff, which I certainly do not have. How can groups of concerned individuals combat that sort of might as well?

The suggestion that it is a matter of money is an absurdity. It is a matter, yet again, of centralised power. It is a matter of a never ending suction, if you like, of power to the Federal Government, the people in power. Independents and other concerned groups such as the National Farmers Federation and the logging industry are concerned. The Salvation Army has shown concern about this because they, like most people in Australia, are not sure how far the Labor Party is going to grab at our rights this time.

Let us look at what will happen. The Liberal Party will not agree with it federally, nor should they; I commend them on that. The Democrats are in two minds, and let us understand why that is. Firstly, they have been offered an inducement. They would receive an increase in public funding in the Senate, commensurate with the level in the House of Representatives - or should I say politicians and one representative, Ted Mack.

What we need to do is make sure people stand up against this attempt at abolishing our freedom of expression. It is not done with any sort of consultation with the community. It has not been done with any sort of consultation with other political parties and independent groups in this country. Unfortunately, it is yet another grab at power, and we should fight against it, and strongly.

MR KAINE (Chief Minister) (4.35): Mr Deputy Speaker, the Federal Government over the last few days has clearly exhibited its true colours at last - those of a desperate, old and tired Government grasping at straws, a Government which in the past - and I emphasise that - has boasted about its talent as a good communicator and its ability to enter into fruitful community consultations.

The Federal ALP Government, however, has shown that it is intolerant. It does not want to debate. It does not wish to adhere to the fine democratic principles that Australia has inherited from the Westminster system. When Federal Cabinet, on Tuesday, 19 March, endorsed the blanket ban on political advertising on radio and television, the Government embarked on a very dangerous road - the denial of free political expression and the ability of individuals, charity groups, industry, community organisations and political parties to put their views

across to the Australian public. The ban will, in effect, mean that no-one will be able to run a TV or radio campaign, even outside election time, on matters of political concern to them.

Despite the Prime Minister's arguments, small parties will still continue to find a path to put across their message. An absolute legal prohibition will replace the present more equitable financial rules, and this simply will not level the political playing field; it will destroy it. Further, it will give more power to news and current affairs programs on the electronic media, which will extend their influence in elections - an issue which I am sure will initiate a full debate, even if this one does not.

It is interesting to note that the Government will still be able to undertake information advertising between elections. In the past, in the lead-up to elections departments have screened advertisements which have been government propaganda. No-one else will be able to put the message to the electorate, but the Federal government of the day will. Just to give an example, in 1989 and 1990 the Federal Government spent $233m on self-promotion. How can any group compete with this?

The thinly veiled excuse that this will reduce the cost of our political process is easily seen through. The reality is quite different. No argument has been put yet that there will be any savings or any cost reductions. If anything, we will see funds being diverted into the print media and direct mail campaigns, and I will expand on that in a few minutes.

The argument Senator Bolkus put forward - that the reasons for the ban rest mainly on the rising costs of advertising, particularly on television - is a sheer furphy. It is surely up to political parties to exercise that management discipline and spend no more than they can raise. This is simply a matter of effective budgeting, in which our ALP colleagues, not only in the States but also at the Federal level, seem quite incompetent.

The secondary argument that there is a risk of political favours being brought down through donations should be adequately covered by the law and by the fund-raising rules of the major political parties. If not, they live with the results. The *Australian Financial Review* quite rightly pointed this out in their editorial yesterday, and it is interesting to note:

> Australia maintained until the last election a black-out rule which banned electronic advertising in the three days before an election. Ironically, Labor abandoned that position but has now taken a major somersault.
>
> ... ...

> The proposed ban on political advertising carries with it the stench of government contempt, hypocrisy and the suppression of criticism about it. It makes the Government look desperate and it can surely only make the Government look ridiculous when the unintended consequences of the misguided plan become clear and it is obliged to withdraw its misconceived legislation.

Well said and very accurate. Mr Deputy Speaker, this ill conceived proposal will have, I believe, adverse effects on the community and particularly on the discerning electorate that wants choice. I personally believe that parties should be capable of handling their own budgets - the Labor Party does not seem to be able to - and that the whole community should not be penalised if they cannot. I condemn the ALP for their short-sightedness and their cynical behaviour. I hope that the community stands up to this blatant display of authoritarianism and that this proposal is defeated, if not in the Federal Parliament then in the arena of public debate. I am sure that it will be.

One of the most important points in this whole issue is the matter which I raised yesterday in reply to a question from Mr Stevenson and to which I alluded earlier - the diversion of funds into print media and direct mailing. We may be certain that, as a result of this typically underhand move by the Hawke Government, the Labor Party's electoral campaign will now go down-market. The junk mail experts of the Labor machine will begin littering the letterboxes of the ACT and elsewhere in Australia with material that can be destined only for the rubbish bin, along with Labor's thoroughly discredited policies.

This Labor Party littering has already been going on in Canberra over recent weeks. I am reliably informed that tens of thousands of unsolicited letters have gone out from the Labor Party machine to unsuspecting householders around the ACT. These letters bear the name of one Ms Rosemary Follett; but, curiously, they do not mention that the rubbish has emanated from the Labor Party - a very interesting thing.

There is a reason for this coyness by the Labor Party. It is all part of a calculated confidence trick which they are just beginning to perpetrate. Every person who makes the mistake of replying to a questionnaire included in this junk mail will now find his or her name and address plus other particulars being put onto a secret computerised data bank maintained by the Labor machine. Whether you like it or not, if you have been unwise enough to respond to this Labor Party propaganda, your name is on the list, and entirely without your permission. If your name is on the list, then look out. In the months to come you are going to have a letterbox crammed with a deluge of unsolicited junk mail coming from the Labor Party.

If you are one of those unfortunate people who did not realise that they were being conned by the Labor Party, do not despair, because there is something you can do about it. You do not have to be on the secret mailing list if you do not want to. You can demand to have your name and all other particulars removed forthwith. As a public service to the people of the ACT, I would like to quote from this excellent publication that Mr Connolly found so valuable, put out by the ACT Consumer Affairs Bureau. On page 79, under the heading "Junk Mail", the *Consumer Survival Kit* says:

> If you would like to be taken off a mailing list you should contact the Australian Direct Marketing Association ... The association will contact the relevant company -

in this case, the ACT Labor Party -

> and advise them of your request.

The telephone number of the Australian Direct Marketing Association is 02 2477744. Better still, why not phone this person, Ms Rosemary Follett, whoever she is - after all, she lent her name to all the junk mail you have got so far - and let her know personally what you think about your name being put into a secret political data bank. I will be interested to see how many phone calls Ms Follett gets; she will never tell us that.

This is not only a matter of concern applying elsewhere to others; it is also a problem we must confront on the local scene, and we must do it now. It must be debated. It cannot be allowed to be imposed on the people of the ACT and the people of the Commonwealth without debate, and that debate must take place now.

MS FOLLETT (Leader of the Opposition) (4.42): Mr Deputy Speaker, this is a very interesting debate, not least because Mr Stevenson has raised the issue and has argued from the point of view of freedom of speech and freedom of expression. Up until this point, Mr Stevenson's distinguishing activity in this place has been his Publications Control (Amendment) Bill, repeatedly introduced. Consistency is not his strong suit. What we heard from Mr Kaine was the most extraordinarily paranoid diatribe against the Labor Party. In not one sentence of his speech did he address the issue under debate, which is electronic advertising.

I think it might be useful if we have a look at the history of this debate. Obviously, not a lot of information has been gained up until this point either by Mr Stevenson or by his close friend and ally in this matter, Mr Kaine. In 1989 the Federal Joint Standing Committee on Electoral Matters held an inquiry into the funding of political campaigns, and its report *Who pays the Piper calls the Tune* was

tabled in August 1989. The report dealt with the issues of the potential threat to the integrity of the political and electoral systems by the increasing need to raise substantial funds to finance election campaigns.

Mr Jensen: It was $8,000, wasn't it?

MS FOLLETT: Mr Deputy Speaker, will you protect me from Mr Jensen?

MR DEPUTY SPEAKER: Yes, Mr Jensen, keep it down.

MS FOLLETT: Thank you, Mr Deputy Speaker. The issue has also been raised in two major anti-corruption reports - the Fitzgerald report and the ICAC report on its investigation into north coast development. Both reports supported effective disclosure of political donations and criticised existing practices in their respective States. The committee was also of the view that the rising cost of television and radio advertising and the consequent increased reliance of the political parties on corporate sponsorship posed a similar threat of corruption through potential influence buying.

The joint standing committee argued that the solution to these problems lay in full disclosure of political donations and expenditure by political and third parties, and through the banning of party political advertising in the electronic media. It is my contention that that latter point is a great leap forward in the interests of social justice, in the interests of equality between all parties and all interests in our community, and in the interests of providing a level playing field in the political arena.

I would like to refer also to the question of the third parties and the ban on electronic advertising by them, because that has also been painted by other speakers as a denial of the freedom of speech. I ask: Just how free is that speech and how much of a level playing field has been provided? In the 1990 election $5,708,536 was expended on campaigns by third parties. Some 35 of those third parties spent $1,735,585 on broadcasting - just what we are debating here. Of that $1,700,000-odd, $1,083,000 was spent by the logging industry. A further $267,000 was spent by road funding groups. Those two major interests spent the vast majority of the money. Less than $400,000 was expended by all the other groups combined. That means that the community groups, the environment groups, the Australian Conservation Foundation and so on between them spent under $400,000 in that campaign. What sort of level playing field is that? What sort of social justice is that? The arguments put by Mr Stevenson and Mr Kaine are absolute rubbish.

It is a fact that the joint standing committee concluded that the very rapidly rising costs of political advertising in the electronic media did pose a threat to the integrity of our political system. Media advertising rates have risen markedly over the past decade, and consequently the

level of expenditure by political parties on electoral advertising has increased substantially. For example, spending on broadcasting advertising between the 1984 and 1987 Federal elections rose by 109 per cent. Over that same period public funding rose by 32 per cent. I ask members to bear in mind that we do not have public funding in the ACT. We had it for our first election, but we do not have it for our next one or for any other election.

It is a fact, and it will be borne out by political parties of any experience whatsoever, that parties have been forced to seek greater levels of donations to fill that gap. The joint standing committee was of the view that that increasing burden exposes parties to potential corruption. They further determined that the ability to buy television and radio time should not and must not play a determining part in elections.

It is probably worthwhile if we look at the situation overseas. From the remarks of Mr Stevenson and Mr Kaine, you would have thought Australia was in a unique position in banning political advertising on the electronic media. This, of course, is not the case. The joint standing committee examined 19 liberal democracies throughout the world. They were able to find only five democracies that permitted paid political advertising on the electronic media. Those five were Canada, the United States, Germany, New Zealand and Australia. Where, I ask, is Britain? It is not there. Where is France? Where are any number of other democracies? Of those 19 examined, only five permit any sort of electronic advertising. In Canada, in fact, there is a total ban 28 days out from an election.

In looking towards this step, the Federal Government is really trying to keep Australia up to date with other liberal democracies. It is a progressive step. It is a step aimed at increasing social justice, at increasing the chances of election of groups such as Mr Stevenson's. I ask: How is Mr Stevenson going to be able to pay for his television advertising? We know what it cost in the last election. I ask Mr Stevenson: Do you agree that he who pays the piper calls the tune and, if so, who is calling your tune? Where are you going to get the $100,000-odd for your television ads? It is a serious question, and it is one that everyone in this Assembly should bear in mind.

Australia is at present out of step with other democracies, and that is an issue that has been raised across various parties. The Labor Party is not the only one that has raised it. As Mr Kaine has reluctantly pointed out, the Democrats are giving this idea some support. It has also had support from some perhaps unexpected quarters. I would like to quote part of the advice given to the Fitzgerald inquiry. This person said:

> However, I do believe that the cost now of running elections ... is escalating at a rate which I don't think is in the best interests of any of the citizens.

> I think it is something we ought to be looking at in a non-partisan sort of way.
>
> I do think, otherwise it will get out of hand. We don't want the situation like we've got in the US where you have got to be a multi-millionaire to stand for President.

That was not a Labor person; it was not a Democrat; it was Mr John Elliott, the outgoing president of the Liberal Party, speaking on 8 April 1990 and he was right. For Mr Kaine to stand here and pretend that his party has never considered this proposal is quite misleading.

Late last year I had the privilege of going to America for the election, in company with representatives from a number of other Australian parties, and what we saw there was government by auction. If you did not have megabucks, if you were not backed by big business, you never even got to the starting point in electoral terms. We must avoid that in Australia. It is the basis of our democracy that anyone can run, that anyone has a fair chance, and that the community can support any candidate they wish.

The fact is that electronic advertising is beyond the financial reach of the vast majority of community groups and the vast majority of independents and individuals in our community. It has become the realm of only major parties, backed by major corporate sponsors, and it must be stopped. If Mr Stevenson cannot see that point, then I suggest that he is in the wrong game. In the interests of open government, I urge everybody to support the Federal Government's proposal.

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.52): Mr Deputy Speaker, what an amazingly self-serving statement to have made: The big parties stand to gain the most. From which party does Ms Follett come? The Australian Labor Party. I think we can see very thinly veiled in this proposition from the Federal Government the self-interest of a government that is facing serious electoral trouble in this country. In other words, we can assume that the present unpopularity of the Hawke Government and their desperate desire to avoid the consequences of that have a lot to do with this proposal.

Ms Follett: It is more popular than you are, though.

MR HUMPHRIES: We will see about that, Ms Follett. The arguments put forward by Ms Follett have been quite extraordinary. First of all, she made the point to Mr Stevenson that the electronic media is a very expensive one and many people are denied access to it. The comments she makes - as usual, she is leaving the chamber, I see - may well be true of television, but we forget that this ban applies to all forms of electronic media, television and radio included.

Radio is not an expensive medium. The first time I was involved with my party's advertising on radio I was extremely surprised at how inexpensive it is. I am quite certain that, whatever modest budget Mr Stevenson has for the next campaign, he could, if he chose to, afford to advertise on radio. This ban covers radio and television advertising.

As the Chief Minister has pointed out, the problem is that this proposal by the Federal Government does not cover other forms of advertising, most notably direct mail. We know what the ALP is doing in respect of direct mail advertising - and it is advertising. It is not writing to the constituents of the Territory seeking their views; it is advertising. It is not actually advertising the Australian Labor Party, but it is advertising Ms Follett and seeking people's votes.

At least there are regulations applying to television and radio stations about the way in which advertisements may be presented. There are no such restrictions on direct mail advertising. I do not know whether the Australian Labor Party is a member of the direct selling association, or whatever it is called, but I rather doubt it. Perhaps they should belong, but they probably do not. The sorts of restrictions that would flow to television advertising here are not applied to direct mail advertising. So, what controls are there? Absolutely none.

The Opposition argues that governments are influenced by donations. I treat that as an admission that some influence was exercised by the Australian Labor Party's receipt of a donation from the pornographic industry before the last election - - -

Mr Jensen: Which they did not declare.

MR HUMPHRIES: Which they did not declare.

The other point being raised by the Opposition is that the cost of campaigns in this country is too great; it means election by auction; it means that the bigger spenders can do better than the poorer spenders - a strange comment in view of the last election outcome in the ACT, I would have thought. Nonetheless, the claim is made that elections are costing too much, it is a gross waste of money, et cetera, et cetera - again, strange words from the party that probably outspent all the others several times over in the last campaign.

The point has to be made that, if there is a concern about the cost of campaigns, the more logical approach would be to restrict the cost of those campaigns, not to ban one particular form of advertising. If the Labor Party came forward with a suggestion that we should put a cap on the amount spent by parties and individuals in election campaigns, that may be a more realistic proposition. But

that is not what they argue. Under this proposal it is still possible for vast sums of money to be spent in election campaigns, but in different areas - areas where there are not controls, such as direct mail advertising. That, of course, is what the Australian Labor Party wants to do. They have discovered this new toy. They want to exploit it as best they can. They do not want to have interference from people who might advertise on TV, whether they be political parties or other people.

Mr Deputy Speaker, this affects not just political parties but all people or organisations who may care to express their view across a television screen or a radio speaker. It does not mean just big spenders; it does not mean people who have lots of money. There are all sorts of people who can and will, I am sure, continue to exercise rights while they are allowed to advertise on television and radio. A ban on advertising like that assists incumbent governments. It helps them to hold onto power. It plays down the importance of the election campaign. It prevents the spirit and the mood of change reaching the electorate. It will directly enhance the chances, feeble though they may be, of this Federal Labor Government retaining power.

It will also mean that incumbent governments, Federal or otherwise, can exploit government advertising. Obviously, we can see a great deal in the way of exploitation by governments of government advertising. Mr Kaine has already referred to the enormous amount - $233m - spent last year on self-promotion by the Federal Labor Government. We also saw at the ACT level heavy self-promotion going on by the previous Follett Government. Who can forget those large advertisements appearing in several newspapers and featuring pictures of the Minister for Housing and Urban Services, Mrs Grassby? Enormous self-promotion went on under the Follett Government, which, I am pleased to say, we have in large part eschewed. This is a last-ditch effort by the Federal Labor Government to hold onto power.

Mr Stevenson failed to mention an important piece of evidence in his case. Perhaps he does not care to quote documents that are produced by the United Nations. It is interesting to note that article 19(2) of the International Covenant on Civil and Political Rights is quite explicit about the rights of citizens of nations to express opinions. I quote from that covenant:

> Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

That is very explicit. There is nothing from which any succour can be taken by those opposite. Article 19(3) provides the only permissible restrictions on that right where such restrictions are necessary in order to protect the rights of individuals or the security of the nation. It is very hard to see how either of those exceptions can cover political advertising of the kind proposed to be banned by the Australian Labor Party.

The governments of this country are not idle against this threat. The New South Wales Government under Mr Greiner has said that it is seeking advice on whether such bans are unconstitutional, and I recall hearing comments by the human rights commissioner that there may be problems with this legislation. The Labor Party are quick to champion human rights, so-called; but they seem to fall silent when it comes to protecting this particular human right. Mr Greiner said about the Federal Government's decision:

> ... basically an expedient political decision which favours not only the present Federal Government, which is strapped for money in a political sense, it simply favours incumbent governments, but I think it does great damage to the way our democracy works.

I say to that, "Hear, hear!". It clearly does that damage. If the ALP are serious about controlling election advertising, let them put restrictions on all forms of advertising, not just those in which they feel they might do worst at the coming election. We can see through that. We know what they are about. To use one of Mr Berry's favourite phrases, we have flushed them out, and I think most Australians will appreciate what is going on here.

MRS GRASSBY (5.02): I have never before in all my life heard such codswallop as I have just listened to. The thing that really gets me with the Liberals is that they are very lazy. Being brought up in the Catholic Church, I remember that when bishops went around to visit their priests they used to check the visitors book. It showed how many people the priests had been out to visit and how much leather they had worn off their shoes, and the bishops knew what sort of a job they were doing.

I have door-knocked many a time in my life. I have never seen a Liberal door-knock in his or her life. They would not know how to do it. They are too lazy to do any work. They get big donations from firms so that they can do it all on television. They are the laziest people out. If I had my way, I would have all political donations declared and all advertising banned. I think that donations given to a party, whether they be one cent or $1m, should have to be declared.

I worked in the United States on a campaign for John F. Kennedy and I was shocked at the amount of money spent on campaigns there. It ran into millions. They had this great slogan: "Anybody can become President of the United States if he was born in the US" - that is, if he has millions and millions of dollars backing him, because there is no other way he will make it. The campaign I was assisting in was one of the worst racist campaigns I have ever seen. There were advertisements saying, "If you want a nigger for a neighbour, vote for this particular candidate" or "If you want to see America turned into a little China, vote for this candidate".

It was one of the most shocking campaigns I have ever seen and it had an enormous effect on the results of the election. Unfortunately, afterwards people said, "We did not really mean to vote against this person, but those ads did have an effect. We did not look at it as a racist campaign". They thought America was going to be turned into a little China and they were anti-Chinese and anti anybody who was not the same colour as them.

The real worry, of course, is groups such as the League of Rights, the large gun lobbies of the United States and South Africa, the Logos Foundation and any other organisation that is racist and against the rights of every Australian. Some of these organisations are the organisations from which Mr Stevenson, I am sure, would be receiving backing. I am sure he would be receiving backing for television because he would need it to pay for the television ads. Let me tell you, these are the people who pay for it.

Mr Stevenson: Would you write to them and tell them to send a cheque soon.

MRS GRASSBY: These silly organisations gave the cheques to a very well-known party that we all know and they did not even try not to declare them. The cheques from the South African organisation went to a bank in a particular country town. The silly secretary of this well-known party did not even bother to try to wash the money somewhere else; the cheque was put straight into the account. We all know that. That happened in a large party we all know of, including the speaker who spoke just a few minutes ago. They were not really bright. May I say that they should make sure that in country towns they have better party treasurers.

Organisations such as those I have just mentioned have millions of dollars to spend to push their barrows. People like Mr Stevenson are a godsend to them. Not only is he able to push their barrows in the Assembly; he is able to do it through the media as well.

Mr Stevenson: Why don't you survey the people the same way I do to find out how they vote, not to find out how to send them letters?

MRS GRASSBY: Could I have a little quiet, please?

MR DEPUTY SPEAKER: Order, Mr Stevenson!

Mr Stevenson: I was just challenged, Mr Deputy Speaker.

Mr Collaery: On a point of order, Mr Deputy Speaker: That was an intimidatory interjection, and I think we have had enough from Mr Stevenson. His voice is too loud and his behaviour is intimidating Mrs Grassby. I ask you to warn him.

MR DEPUTY SPEAKER: Thank you, Mr Collaery. I have called Mr Stevenson to order. Continue, Mrs Grassby.

MRS GRASSBY: Not only is Mr Stevenson able to push those barrows in this Assembly; he is also able to do it through the media. These will be the organisations, I am sure, that will be very happy to come to Mr Stevenson's aid at election time. The Federal legislation will not protect the large parties, as the Liberals would like you to believe. It will at least give smaller parties a chance. They do not have the amount of money that large parties can raise and, as we all know, TV advertising is the most expensive form of media advertising we can get.

As my leader, Ms Follett, said, the Bill the Federal Government wishes to bring down will bring us more into line with most countries in the world. It will make elections truly fair and democratic. Of course, we will have all the advertising agencies in Australia objecting to this, as well as the TV stations, because this is their living. If we kill the goose that lays the golden egg, we will hear all the people who gather the golden eggs screaming like mad - the advertising agencies, the TV people, all sorts of people.

I fully support the Federal Government on this move. Lastly, I congratulate the Residents Rally - although Mr Collaery is not going to speak on this - because they realise that a community-based party cannot afford to pay for electronic advertising to voice their concerns. With only 20 members Mr Collaery is entitled to broadcast his message, but where does he get the money to put it on the TV screen? He would not have it. The enormous cost is a handicap. The ALP in the ACT has nearly 1,000 members and can truly claim to be a community-based party, and it should not be restricted by the cost of political advertising.

The fact that Mr Stevenson has brought matter of importance into the house this shows that he wants to have TV advertising. He will have all these crazies, who have millions and millions of dollars to spend, pouring money into a campaign to get him re-elected so that he can push their barrow on guns and all these crazy things he raises. They do not mind that most of the people in Canberra see

that it is crazy. They can use it. As we proved with Mr Connolly's speech the other day, Mr Stevenson takes what people say out of context and uses it. This is what he would do on television. People outside do not realise what barrow Mr Stevenson is really pushing for all the nutters and the crazies.

Little parties such as the Residents Rally would not have a chance because there is no way they would be able to raise that sort of money. The Labor Party could raise it. We have raised it in the past and we would be able to raise it again. I think this is a very democratic way to go, and I cannot understand why the Liberals are screaming about it. I think it is because they do not want all these little parties around. This would give the little parties a chance to have a say and maybe vote against the Liberals, who stand for big business and crushing the little people in this city and in every other part of Australia.

DR KINLOCH (5.10): Mr Deputy Speaker, the views that follow do not arise from an already determined party or caucus position, I want to stress. In the Rally there will, I am sure, be a range of views and we will be debating them in due course.

Mrs Grassby: Shame on you if you are supporting this, Dr Kinloch.

DR KINLOCH: There is certainly no standard position by the Alliance Government on this side of the house. I hope that Mrs Grassby will support what I am about to say. I thank Mr Stevenson for raising this subject. I think the supporters of freedom of speech come from all quarters of the Assembly. I do not mind who raises it, and I thank him for it.

First of all, I wish to condemn the Federal Labor Government's decision in this matter, for this reason: There was, to my knowledge, no consultation with State and Territorial governments over a matter which obviously concerns them in their own elections. In our own self-government Act there is a section which deals with this matter. It is yet one more example of the way in which the Federal Government treats us - either with indifference or with contempt.

It was the Federal Labor Government which initiated the form of government we now have. Were the people of Canberra ever consulted about that form of government or whether they wanted that form of government? It was the Federal Labor Government which initiated the d'Hondt system, which in a modified form was eventually placed around our necks, and it is still around our necks. Now we have the Federal Labor Government telling us about the ways in which political campaigning may be conducted. At the very least, we should be consulted.

Now we come to the rights and wrongs of preventing private individuals or private political organisations from freely campaigning in the election process at their own expense or at an individual's own expense. There has been an inadequate public debate on this matter, and I am glad that we are having this debate today. The matter has been raised very quickly and suddenly approved by the Federal Labor Party in a high-minded manner - certainly not in a manner designed to respect full freedom of speech, either in the Federal Parliament or throughout the nation.

Now I come to the question of political advertising on the electronic media. I very much agree about the distinction between television and radio. I find that the most expensive item for a small party such as ours is things such as full-page advertisements in newspapers. That is far more expensive than radio. I do want to say right away that I am very ambivalent about this matter. I hope that Australia will never reach the situation in existence in the United States. Whether in presidential or congressional elections, political campaigning on the electronic media, especially by way of television, has reached levels of expense which give unfair and unreasonable advantage to very wealthy individuals and organisations.

Like Ms Follett, I was on one of those political tours and we visited the Republican and Democratic parties, at both Federal and local levels. The amounts of money involved were horrific; we are talking of hundreds of millions of dollars. Most of us here, and I think most Australians, are opposed to those extremes, as indeed are millions of Americans. Millions of Americans have reacted against the extraordinary extravagance of the American political election system. However, the Americans are trying to reform this. There have been relatively successful measures in recent years at Federal and State levels to curb those extremes and there are groups working to curb them even more.

It has also to be said that there is a level of generous public support via the annual income tax return for some appropriate levels of expenditure. In every person's tax return you tick a square to indicate whether you wish a small amount to go to election campaigning or not. Yet I wonder how many of America's depressed under-classes have an adequate voice in public debate in the electronic media. Has the USA gone far enough to ensure equality of political representation in the media? I do not believe that it has, and I would not want us to follow that kind of example.

There is a middle way, and this is where I hope Mrs Grassby will agree with me. We can curb the extravagances of some political parties, whether Labor or Liberal, by naming an amount or amounts beyond which individuals or parties cannot go. I would wish that amount to cover the whole spectrum of advertising, that is, everything that comes under the name of advertising. Whatever amount X was, it would be up to a party to use that amount in whatever way it saw fit.

In the ACT, for example, we could say that no party should be permitted to spend more than $60,000 in any one election, or perhaps we could have a formula such as no more than 50c per registered voter per election. What is more, we could even agree to finance that expenditure from the public purse. I am not arguing that here, but that is another way to perceive it. In other words, you do not say no to all those kinds of advertising and yes to all these kinds of advertising. You say that there is a right to advertise publicly, but that it badly needs control. It must not be allowed to get out of hand.

But I want to go much further now. My objection to electronic media advertising is not to the advertising but to the expense of it. So, here is my main suggestion: We can also support the view that the public airwaves, radio and TV, should be open to the public at no cost. Radio and television stations get their financial benefits from the fact that they are allowed to use a chunk of the air space. Governments allow them to do that. The very least that should be asked of television and radio stations is that during election times, at no cost to those campaigning, there should be time set aside for public debate, public discussion, public advertising.

There would have to be limits on that. Perhaps we could have a formula for television and radio that each station should be required to provide, for the sake of argument, one hour per day during formal election campaigns to be available for public access broadcasting by candidates, whether individuals or parties. This would be fairly and properly allotted across the whole spectrum. I do recognise the difficulties of that.

What I am suggesting is that you should not create an area where you ban freedom of speech. You extend freedom of speech by not insisting that freedom of speech depend on having vast amounts of money. A careful formula should be worked out so that parties and individuals should be allotted a minimum amount of time at periods during which no candidate would be disadvantaged. I realise that there would be problems. Obviously there would have to be careful consideration of people who are doing it only as some kind of stunt, but even then freedom of speech must have its place.

Such a combination of a ceiling on total expenditure, some free public air time and some public financial support would do several things at once. It would provide a fair go for large and small political parties and individual candidates. There would be an avoidance of the danger of one party with large funds buying an election through its ability to dominate the media, whether electronic, junk mailing, the newspapers, or whatever. There would be a fair go for the media itself, with the media providing free time but also being able to sell air time in a reasonable and proper way. It seems to me that what the Federal Labor Party has done is to say that there is this chunk of the public arena which must not have any advertising at all, and I find that strange. I would ask the Federal Labor Party to change its mind and say that there is that chunk of the public media which should allow free time for all parties.

MR COLLAERY (Attorney-General) (5.19): I wish to draw attention to the International Covenant on Civil and Political Rights. I draw members' attention to article 1, which says that people should have the right to "freely determine their political status", and to article 25, which says:

> Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
(b) To vote and to be elected at genuine periodic elections ...

When advertising reaches the stage where it is mind-bending - and I will not go into that - I believe that the articles here are engaged and I believe that article 19, which was referred to by my colleague Mr Humphries needs to be interpreted in the light of the preambular paragraph, article 1 and the other article I have read out.

I support Dr Kinloch's comments and believe that there is a median line. I also support Mr Justice Roden's comment that getting votes should never be a purchasable commodity, and that can often be the case when advertising reaches a range and level where unthinking, arbitrarily enrolled, compulsory voting people are mind-bended by that level of advertising.

MR DEPUTY SPEAKER: The time for the discussion has expired.

CITY AREA LEASES (AMENDMENT) BILL 1991
Detail Stage

Consideration resumed.

Clause 4

MR MOORE (5.21): Mr Deputy Speaker, pursuant to standing order 133 I move:

> That the clause be taken paragraph by paragraph.

I have presented some amendments and Mr Connolly has presented some amendments and they fall around each other. The logical and rational way to deal with this is simply to take it paragraph by paragraph. I assure the Assembly that I am not in any way using this as an attempt to filibuster or to waste time; I have no intention of doing that. I will make the points I need to make. It really is simply a standard method, under standing order 133, of dealing with a complicated set of amendments.

MR DEPUTY SPEAKER: Does anyone have a problem with that? What Mr Moore is proposing is to take clause 4 paragraph by paragraph, and apparently Mr Connolly's amendments slot in there too.

Question resolved in the affirmative.

Paragraph 4(a)

MR MOORE (5.22): I do not know whether the proposed procedure for the detail stage consideration has been circulated. If that were to be circulated, I think people would realise that this is a quite sensible method of operation. I wonder whether that could happen.

Mr Deputy Speaker, perhaps what we could do is start by dealing with the first paragraph, which anyway would cover my first amendment. We could start by dealing with this while people then consider that. We could then come back to this being a problem if people find that it is a problem to deal with it that way.

MR DEPUTY SPEAKER: Please continue, Mr Moore, whilst that is being photocopied. At least we can get some of the business done.

MR MOORE: I move:

> Page 2, line 12, after "lease", insert "in relation to the purpose for which the land subject to the lease may be used".

I quote from a report by David Hall, entitled *The Future Planning and Development of Canberra: An Evaluation of Current Policies,* which was presented at the behest of the National Capital Planning Authority. He said:

> What is needed is for the Territory Government consciously to take on the role of an interventionist but prudent landlord whose prime concern is to use his ownership of the land to secure social, environmental and economic objectives for the benefit of present and future generations.

Mr Deputy Speaker, I must say, in a very positive mood, that there have been moves by the Alliance Government in that direction. I believe that those moves have not gone far enough, and that is a matter of a difference of opinion; but it is true to say, and we will get to it when we deal with concessional leases in particular, that the Alliance Government has moved in that direction and has moved to tighten up on the leasehold system.

You will recall, Mr Deputy Speaker, that at the in-principle stage I supported the Bill because it does tighten up on those issues. However, I did raise a number of issues. One issue that is most significant, I think, is clause 4(a)(1). The difference between this suggestion and that of the original legislation is that the original legislation contained the words that I am proposing to put back into the legislation, and those words are "in relation to the purpose for which the land subject to the lease may be used".

It is quite common in Canberra for people who are dealing with the leasehold system to say that there is a Supreme Court application for a change of purpose. What we see here is that, by removing those words, there can be a Supreme Court action under section 11A for any change to the lease at all. The appropriate way to go about this change - according to Professor Neutze, according to a detailed report from a parliamentary committee that was chaired by John Langmore, according to almost any person who has expertise on the leasehold system and has looked into our leasehold system, and I have already quoted other sources - is to go for a surrender and regrant.

Instead of following those suggestions, what we have is the Alliance Government making a proposal to, in fact, broaden rather than narrow the purpose of section 11A. It has attempted to broaden it. Why, I have to ask, would this be done? Why would this have to be done at this stage? To make it a little more convenient? We ought not to be making it more convenient. A prudent use of our leasehold system would provide that we follow the advice of so many experts on it and that we say, "Yes, we will leave this section 11A for the time being. We will leave it being used as it is for another few months until we can tighten up our proper planning legislation". But in these few months we are now going to broaden the legislation to allow a lessee to "vary, amend, omit or add any provision, covenant or condition of a lease" rather than restricting it just to the change of the purpose of the lease.

Mr Deputy Speaker, this is a retrograde move in terms of the leasehold system. It has been pointed out by many people that it is a retrograde step, and I would urge members of the Assembly to support my amendment.

MR CONNOLLY (5.28): I must say that Mr Moore's argument here is compelling. The purpose of section 11A is to allow variation of purpose. If other provisions in the lease are sought to be changed, it would seem that the surrender and regrant procedure is the more appropriate one. I would be interested to hear the Government's detailed response to Mr Moore. I think he is deserving of a detailed response. In the absence of a detailed response, our inclination would be to support his amendment.

MR JENSEN (5.28): I believe that in my speech I answered those comments that Mr Moore made when I referred to the comments made by Professor Neutze about section 72A of the Real Property Act being used to provide for minor variations. What we are really talking about here is that, in circumstances when surrender and regrant is appropriate, in the past it has not been deemed appropriate to do it for major variations because of the fact that there was no acceptable planning method and process for objections and discussions. Under the old NCDC policy plan variations, it was basically a matter of the NCDC varying the policy plan without a need for public consultation.

Under the new system we have had since self-government, there is a process of discussion and community participation in a variation to a policy plan that would allow for a lease to change. Under those circumstances, because there is a variation allowed by a change in policy plan after a period of public consultation, when all the issues have been raised, it is appropriate, I would suggest, at the time to take the opportunity to upgrade and modernise some of the conditions in the leases, some of which may in fact have been of some age and require modernisation. This allows that to take place. That is why the Government has moved for this process during this interim period until the planning legislation takes effect.

MR MOORE (5.30): This concept of modernising a lease is really a concept of modernising a contract. A lease is a contract between the people of the ACT represented by the Government and the lessee. Under those circumstances, if the contract is to be tampered with or modified we should be going through a much more appropriate procedure. I take Mr Jensen's point about appeal rights and the problems with section 72A. This is an interim piece of legislation that has been brought to this house to resolve some other problems. That was the argument. Mr Jensen said that it was to ensure that there would be no rorts of the leasehold system that would result in lack of revenue to the people

of the ACT. That is why I support the Bill in principle. But this clause goes much further than that. It provides something entirely different and fiddles with the basic concept of a lease as a contract. I do not accept the arguments that are put forward by the Government.

Amendment negatived.

Paragraph agreed to.

Paragraph 4(b) agreed to.

Paragraph 4(c)

MR MOORE (5.33): Mr Deputy Speaker, I move:

Page 2, lines 22-39, omit the paragraph, substitute the following:

"(c) by omitting subsections (9) to (9C) (inclusive) and substituting the following subsections:

'(9) The Minister shall, as soon as practicable after a provisional order has been made, determine -

(a) the capital sum that the lease might be expected to have realised assuming -

(i) that the lease had been offered for sale at a *bona fide* sale on the day immediately before the day on which the provisional order was made on such reasonable terms and conditions as a *bona fide* seller would require; and

(ii) that, during the remainder of the term of the lease, there would be no variation, whether under this section or otherwise, of any of the provisions, covenants or conditions in the lease; and

(iii) the values shall be based on the unimproved capital value of the land; and

(b) the capital sum that the lease might be expected to have realised assuming -

(i) that the lease had been offered for sale at a *bona fide* sale on the day on which the provisional order was made on such reasonable terms and conditions as a *bona fide* seller would require; and

(ii) that the variation specified in the provisional order had been made;

(iii) the values shall be based on the unimproved capital value of the land and cause notice of the determination of those capital sums to be given to the lessee.

(9A) For the purposes of the next two succeeding sub-sections, the prescribed formula is -

A-B,

where -

A is an amount equal to the capital sum determined in accordance with paragraph (b) of sub-section (9) of this section; and

B is an amount equal to the capital sum determined in accordance with paragraph (a) of that sub-section.

(9B) If -

(a) the amount represented by the letter "**A**" in the prescribed formula is less than the amount represented by the letter "**B**" in that formula; or

a premium is not payable in respect of the variation specified in the provisional order.'.".

The purpose of my amendment is philosophical. I do not expect, nor did I ever expect, to see support from the Government for this amendment. However, I did expect, and I do expect, to see support from some members of the Government. The reason for that is that the amendment implements quite comfortably the policy of the Residents Rally. Just to make that clear, I am quite happy to read from the policy of the Residents Rally. It states:

> Existing leases are to be surrendered to the Lease Administrator in return for a credit of an amount calculated by the Valuation Office for the unimproved capital value of the lease.

That takes us back to the surrender and regrant system that has just been denied by the Government. The policy continues:

> A new lease will be granted for the new development rights and will be issued on the payment of premium, calculated by the Valuation Office based on the proposed new lease purpose, less the value of the credit for surrender of the lease.

To put that in another frame, Mr Deputy Speaker, on the second page of my amendment you will see the formula "A-B" in proposed subsection 9A which changes the notion of betterment being a 50 per cent betterment to it being a 100 per cent betterment. That has always been the policy of the Residents Rally. Of course, it was a major plank of the Residents Rally. Under these circumstances I would expect to see members of the Residents Rally stay with their policy, which is for a 100 per cent betterment tax.

Rather than repeat many of the issues that I have raised, I would like to quote David Hall once again. He talks about the leasehold system at point 12 of his paper and he says:

> ... during the last twenty years or less, the system has been fundamentally weakened in four ways:
>
> (i) In the case of domestic leases these have been effectively given to leaseholders and are now virtually freehold ...
>
> (ii) The second way in which the leasehold system has been weakened is through the abolition of land rents ...
>
> (iii) The third way in which the leasehold system has been weakened is through its separation from the planning process ...
>
> (iv) Lack of adequate enforcement of lease purpose clauses is another major weakness ...

That is something we could draw attention to. David Hall does compliment the Alliance Government on a number of the issues that they have taken up, as indeed I have.

Mr Jensen: What page are you looking at?

MR MOORE: I am referring to pages 47 and 48. David Hall has actually complimented the ACT Alliance Government in a number of ways; nevertheless, he does draw attention to the fact that the leasehold system is being weakened. If we are to look for social justice in Canberra, one of the areas that we should start in is our leasehold system because it does provide us with a basis for genuine social justice and a very equitable way to distribute the value of the land amongst all members of the community. That is a basic part of my own philosophy in terms of the leasehold system. I believe that we have the opportunity now - we will have another opportunity when the new planning legislation comes in - to ensure that we have a 100 per cent betterment tax and to ensure that we can hand to the people of this community an appropriate strategy for their own social justice.

Mr Deputy Speaker, I have proposed adding to the original Bill, in subsections 9(a)(iii) and 9(b)(iii), the words "the values shall be based on the unimproved capital value of the land". That is a simple method which implements another part of Residents Rally policy to ensure that there is less rorting going on when we are looking at the valuation of a lease. It gives a consistent method. Without a consistent method of handling the lease system, there are possibilities for rorting. It is that sort of consistency, of course, that the Government is attempting to bring about in bringing down this Bill. It just seems to me that the Bill is an interim measure and we have the opportunity to deal with these issues. We should deal with them appropriately. We should take on the responsibility of ensuring that we can provide an appropriate social justice system for the people of Canberra. Those members who were elected to represent the Residents Rally have an opportunity now to vote in accordance with the policies upon which they were elected.

MR COLLAERY (Attorney-General) (5.39): My colleague Mr Jensen will respond in detail to that. All I want to say is that I find Mr Moore's exhortation to us in the Rally extraordinary. It is he who has left the Rally and has failed to influence matters effectively from the sidelines to which he has consigned himself. We did not get any concessions from the Labor Party in line with Residents Rally policies whilst we were sitting on the other side of this house - - -

Mr Moore: You never tried.

MR COLLAERY: We certainly did. I remind Mr Moore that we mentioned betterment on numerous occasions in this Assembly. The fact is that this is an Alliance Government; it is not a pure Rally Government. Mr Moore knows that. I want to put something on the record for the benefit of those friends of planners, and there are many in this Territory. Mr Moore and the Rally still share some of those mutual friends. I want to put it on the record that the Rally's inability, perhaps, to effect this may well be due to Mr Moore's defection to the sidelines and to the assignment, the ineffectual assignment, that he has given himself. I believe that the school groups in the community and others are now realising what Mr Moore has cost the Residents Rally.

MR JENSEN (5.40): In response to the comments made by Mr Moore, I think it is appropriate to continue on from what my colleague Mr Collaery has said. It is true that the Residents Rally had a policy for 100 per cent betterment. The Labor Party had a policy, I believe, not for 100 per cent betterment; I seem to recall that it was a 50 per cent betterment, up to 100 per cent. On that basis, the Alliance Government's policy was established soon after the Alliance was formed. I quote from page 4 of the policy on land planning and development and leasehold management. One of the issues to be addressed is as follows:

> retention of a betterment tax, levied when approval for a change in lease purpose has been granted, at a level commensurate with the change in value of the lease caused by the lease purpose change;

That, as my colleague Mr Collaery has said, is a gradual implementation of an increase in the betterment tax from 50 per cent, as in fact is applied under section 11A of the legislation. That was a policy in relation to betterment that was accepted by the Residents Rally executive as part of the negotiations with regard to the establishment of the Alliance.

One has to ask in this particular case, when the chips are really down, what Residents Rally policies Mr Moore has been able to implement from his position on the crossbench. I think Mr Moore will be able to point to very few. However, those of us who have participated in this Government will be able to indicate to the people of Canberra that a quite considerable number of Residents Rally policies, in conjunction with those of the other members of the Government, have been implemented during our period in government.

MR DEPUTY SPEAKER: The question now is: That Mr Moore's amendment be agreed to. Do you want to respond, Mr Moore?

MR MOORE: (5.43): Certainly.

Mr Jensen: I thought you were not going to filibuster, Michael.

MR MOORE: I am not going to filibuster. We could be dealing with this paragraph by paragraph, but I am not. It is quite clear to me, Mr Deputy Speaker, that I should respond just briefly on this matter. I believe that I have stayed with the policies upon which I was elected. That is something that my former colleagues cannot say. Had they remained on the crossbench with me, whether under a Liberal government or a Labor government, and exercised the power according to the paper that was prepared by their executive member, John Gagg, jointly with me, we may have been able to achieve those things; but those members were not prepared to do that.

This was a very basic and essential part of an issue upon which we were elected, and it came up on many occasions. I urge you, therefore, to support this amendment on a 100 per cent betterment.

Question put:

That the amendment (**Mr Moore's**) be agreed to.

The Assembly voted -

AYES, 1	***NOES, 15***
Mr Moore	Mr Berry Mr Collaery Mr Connolly Mr Duby Ms Follett Mrs Grassby Mr Humphries Mr Jensen Mr Kaine Dr Kinloch Ms Maher Mrs Nolan Mr Prowse Mr Stefaniak Mr Wood

Question so resolved in the negative.

MR CONNOLLY (5.49), by leave: I move:

Page 2 -

(1) Line 25, section (9), after "determine" insert "by instrument";

(2) Insert new subsection 9D as follows:

"(9D) An instrument under subsection (9) shall be published in the *Gazette."*.

The purpose of these amendments, as outlined in my earlier remarks, is to ensure that the public is aware of the level of betterment tax being paid in this community and to ensure that allegations cannot be made that deals are being done or preferential treatment will occur. While the Bill requires tax to be paid at a set rate, it would be beneficial, in our view - and I hope that view will be supported by the Government - to make sure that it is above board and that it is on the public record.

MR KAINE (Chief Minister) (5.50): Mr Deputy Speaker, the Government supports these amendments and I am not going to spend more than 10 minutes in supporting them. The Government clearly has no desire to obscure this legislation or the acts that take place pursuant to it. We have no difficulty with the amendments put forward by Mr Connolly and we support them.

MR MOORE (5.50): Mr Deputy Speaker, I support the amendments. I think Mr Connolly would agree that they came out of a discussion between us. I am not claiming that they are my idea.

Mr Kaine: Is this plagiarism, Mr Connolly?

MR MOORE: I have not inferred that at all. I think that Mr Connolly would be completely within his rights to claim to have been misrepresented. I did say that they came out of a discussion between Mr Connolly and me. The original amendment that Mr Connolly suggested was much stronger. In a compromise reached this morning, he came up with this new amendment which I said I would support.

This is a good opportunity to say that when the new legislation comes before us we should attempt to ensure that this is in the legislation. The method of calculating the betterment tax should become part and parcel of the legislation so that members of the community can see very clearly where they stand just by looking at that legislation. I think it is a most important way of going about it. It will make sure, as indeed this does, that it is all above board and that it is also simple to understand. I would encourage members who are considering the new legislation package to learn from this exercise.

Amendments agreed to.

Paragraph, as amended, agreed to.

Paragraph 4(d)

MR MOORE (5.51): I move:

> Page 3, line 5, paragraph (d), after "lease", add "in relation to the purpose for which the land subject to the lease may be used".

I have made my points on this quite clear. The Government voted against it. I do not wish to add any further comments.

Amendment negatived.

Paragraph agreed to.

Clause 5

MR MOORE (5.52): Mr Deputy Speaker, I would like to make a brief point on clause 5. It is interesting that the Government has chosen to allow its appeals to go to the Administrative Appeals Tribunal at this point. Just prior to Christmas I strongly suggested that we also have the opportunity for an appeal under our interim planning

legislation to be to the AAT. The Government was not prepared to do that. I find it very interesting that they are now prepared to do so. Perhaps they have learnt something from the discussion that took place at that time. It is also interesting that the Act goes to the Supreme Court - Mr Connolly raised this issue earlier - but the appeals go to the Administrative Appeals Tribunal.

Clause agreed to.

Clause 6 agreed to.

Clause 7

MR MOORE (5.54): I move:

> Page 4, line 30, paragraph 11D(4)(a), omit "premium", substitute "betterment".

I spoke at length on this before. It actually draws my attention to the fact that, when the drafting of this Bill took place and the Minister responsible then went through it, he should have been aware that there had been a change from the word "premium", for some reason, to the word "betterment". Those reasons were explained and discussed when I moved my original amendment.

It is only a small thing; but, if you look at page 3, line 5, you will notice that the lines are incorrectly numbered. In fact, line 5 is the sixth line on the page. I draw attention to that now so that it can be corrected before the Bill is printed.

I presume that it is a matter of carelessness that we have the word "premium" here rather than the word "betterment". I have attempted to make the Bill consistent by moving this amendment, even though I lost the attempt to define "betterment" in the Bill. At least we should be consistent, unless the Government would like to bring the Bill back for reconsideration at the close of this debate and use the word "premium" everywhere we have used the word "betterment". I would find that perfectly acceptable, but let us at least be consistent.

MR KAINE (Chief Minister) (5.55): We used the word "premium" deliberately.

Amendment negatived.

Clause agreed to.

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

Bill, as amended, agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Weston Creek Community Service

MS FOLLETT (Leader of the Opposition) (5.57): I rise to read into the *Hansard* of the Assembly a letter which has been freely given to me. It is a letter dated 14 March 1991 and it is addressed to Mr Bernard Collaery, Minister for Community Services. It reads:

> Dear Minister,
> We are writing to you to express our profound concern and disappointment about current and future accommodation arrangements for Weston Creek Community Service, as neither yourself, your personal staff, nor your departmental officers have consulted or even communicated directly with us since your announcement was made that the Independent Living Centre would be relocated to the Weston Creek Community Health Centre.
>
> When we approached you on February 14, 1991, about our circumstances we did so in the belief and with the reassurance that the ACT Minister for Community Services would take whatever action was necessary and appropriate to meet the accommodation needs of WCCS.
>
> We were pleased that you responded to those needs the very next day by visiting our Service, the Weston Creek Community Health Centre and the Early Intervention Therapy Centre at South Curtin Primary School.
>
> However, we must express our disappointment and concern that since that time we have had little contact with you or your departmental officers to discuss our circumstances.
>
> Finally, we heard on Tuesday that it had been decided by yourself and Minister Humphries to relocate the ILC from Macquarie Primary School to the Weston Creek Community Health Centre. Apparently an announcement has also been made as to future accommodation arrangements for WCCS.
>
> You expressly stated during your visit that you considered our current accommodation in Brierly Street, Weston, to be inappropriate and expensive and that every effort would be made to return our Service to the Weston Creek Community Health Centre. You even led us to believe that we would be "ecstatic" about the final outcome of your deliberations.

> We reiterate our profound concern and disappointment about your decision to relocate the ILC to Weston Creek Community Health Centre and about your recent handling of accommodation arrangements for our Service. As ACT Minister for Community Services we anticipated and expected that you would have responded more adequately than you have done to the needs of WCCS.
> Yours sincerely,

That letter is signed by the chairperson and the director of Weston Creek Community Service. I think it is a very great shame that Mr Collaery, in the course of the discussion of a matter of public importance on Tuesday, first of all, misrepresented my views and, on a personal basis, completely misrepresented the position that I put forward on behalf of this service. I think it is an even greater shame that this Assembly - or rather the Government members opposite - denied me the opportunity to make appropriate statements in regard to that misrepresentation, and denied me the opportunity to table this letter as I sought to do earlier.

Weston Creek Community Service

MR COLLAERY (Attorney-General and Minister for Housing and Community Services) (6.00): I take this opportunity to rise in the adjournment debate to talk about the Opposition's response and attitude to the Weston Creek issues. Ms Follett has read a letter. In fact, I am quite happy for that letter to be in the record. It demonstrates that I responded - - -

Ms Follett: You were not earlier.

MR DEPUTY SPEAKER: It is in the record. Do you table that letter too, Ms Follett?

Ms Follett: I was denied leave to table it, Mr Deputy Speaker.

MR COLLAERY: Mr Deputy Speaker, Ms Follett sought, under standing order 46, to disrupt the business of this house, and she effectively delayed substantive ministerial statements through her posturing on this issue at the wrong hour of the day. I am pleased that that letter is in the record. It indicates that the very next day I responded to a community representation. I went out there. I was given a sublease by the assistant director. I spoke to other people there. I inspected the Weston Creek health precinct. I went to various rooms of the place which I know. And I indicated that the Government was looking at all of the options relating to the accommodation of the centre.

Ms Follett states, or implies, that service has been reduced. The advice from my departmental officers is that no services have been reduced. I can assure the house that I have agreed to no grants being defunded and no monetary situations being altered. I did an on-the-spot inspection. That has to be responsive ministerial administration of a portfolio. Secondly, I accept that, for the time being, the director who wrote that letter is disappointed about a decision that did not give her sole occupancy of the Weston Creek health complex.

I want to put on the record that I invite members to visit that complex. That complex is not built to be a community centre. It has consulting rooms.

Mr Berry: It is built to be a health centre.

MR COLLAERY: I do not deny Mr Berry's interjection that it is built to be a health centre. It has consulting rooms. It can be described, from a community concept, as having small, even poky, corridors and rooms. It is not suitable, in my view. Members have heard me state in this house that the Government has the ambition of providing a purpose-built community centre. All I can say is that the sort of letters expressing disappointment that I receive often come from community organisations whose funding ambitions no government can always meet. And the Leader of the Opposition knows that.

She has got up with a sort of pretentious or hurt air, saying that somehow or other the house has been misled; that somehow or other her personal integrity has been assailed. There may come a day when that will happen. But I can assure the house that this is not the day when that will happen. Ms Follett knows that I was responding to remarks by Mr Berry - highly exaggerated remarks that we had "pillaged" community assets. It was an outrageous comment. The community assets remain where they are. In fact, as you well know yourself, Mr Deputy Speaker, we have entered into new commercial leasing arrangements on a shopfront frontage in Brierly Street which improves the overall metreage used by the community centre, so far as I know.

I am responsive to the needs of that centre. I have indicated that I am concerned about the existing housing for the aged care service and the youth service opposite Matilda's. I have taken those issues on board. We have recently laid the foundation stone for a community centre in Tuggeranong. We are going ahead, as the Chief Minister mentioned in his budget review statement today, with the Griffin Centre things - matters that this Opposition facing us did not grasp the nettle on. Members opposite did nothing about the Griffin Centre crowding when they were in office.

The fact is that a difficult situation emerged for me, as Minister, over the Independent Living Centre. It had a moral claim to the premises at Weston; and, with Mr Humphries, I acceded to that request. Those premises at Weston were agreed on by a committee on which the Professional Officers Association had representation, and I acceded to that committee's recommendation, as did Mr Humphries. I do not know what Ms Follett is getting at. I saw the director in here yesterday or earlier today. I said "Hello" to her; I did not get a response. I wish she had come and spoken to me. She might then know that I am in fact working in their interest, as members well know.

Weston Creek Community Service

MR BERRY (6.05): Mr Collaery's self-serving response has prompted me to spring to my feet in defence of the Weston Creek Health Centre and the Weston Creek Community Service which, in fact, has been pillaged by this Government - and Mr Collaery has played a prime role in the pillaging of those important health and welfare facilities. We know, for example, that there was a very healthy health centre operating before this Government took office. I see that the Minister is taking off now that the blowtorch is on the belly.

Mr Collaery: Mr Deputy Speaker, I have a community group that has been waiting for more than half an hour in my office.

MR BERRY: Thank you for the interjection. Mr Collaery might be reminded to have a look around the house and see who has the numbers; he might be called back shortly.

The fact of the matter is that the health centre has been pillaged and the very important health facilities and health services have been withdrawn, with the assistance of Mr Collaery and the Residents Rally party. For example, the aged in Weston Creek, whom one would have in the past expected the Residents Rally to have supported, have been left without a physiotherapy service, they have been left without a podiatry service and they have been forced to travel to distant points to receive services which they would otherwise - but for this Government taking office - have had in their suburb or region.

Those have been taken away, but they have been taken away for the wrong reasons. They have been taken away because of the bungle on school closures - a bungle which, of course, was perpetrated with the assistance of the Residents Rally party and which could not have happened without the Residents Rally party. I am pleased to say that the director of the Weston Creek Community Service, who I think at one point in time had some sympathies with that party because of some of the promises it made, is

concerned about its behaviour thus far, and I am sure that the word has spread. It has even spread into the far reaches of Tuggeranong, where Mr Jensen lives, and I am sure that the people of the Tuggeranong Valley will not trust Mr Jensen again, because of the actions of the Residents Rally party and its participation, with this Government, in the pillaging of those very important community assets.

"Pillaging" is a strong word, but I have to say that that is the sort of description which the Government has earned by the way that it has treated community assets. It will be repaid for its contempt for the community; there is no doubt about that. The Weston Creek community and other communities that have been threatened and in fact raided by this Government will repay those members of the Government who participated in the process. So too will the residents of other communities who have watched on, although they have not been directly affected in terms of the sorts of community assets that were taken from Weston Creek. Those people have watched the performance of Residents Rally members and Liberal Party members as they joined the raiding party to tear the guts out of some of these suburbs by way of schools, health facilities and so on.

Other communities - I can name the Melba community and the Kippax and Holt community - were very worried that the Government might raid their facilities as well, but there was sufficient outcry to ward off those raids. I think the community is ready, and is standing at the ready to prevent the Government from taking any further action in respect of important community facilities. They will fight right up to the next election, and I am sure that at the next election they will deliver something different.

Select Committee on HIV, Illegal Drugs and Prostitution

MR MOORE (6.10): Mr Deputy Speaker, I would like to clarify a point. I made a statement, as chair of the Committee on HIV, Illegal Drugs and Prostitution, that we intended to bring down our report during this sitting. Circumstances that were beyond our control have actually delayed it, but it certainly is the intention of the committee to bring down that report at the very earliest opportunity in the next sitting. I thought it important to clarify that for anybody who was wondering, Mr Deputy Speaker.

Question resolved in the affirmative.

Assembly adjourned at 6.10 pm until Tuesday, 16 April 1991, at 2.30 pm

Blank page.

ANSWERS TO QUESTIONS

THE CHIEF MINISTER

Question No 321

Natural Gas - Pricing Policy

Ms Follett - Asked the Minister for Finance and Urban Services upon notice on 13 December 1990:

(1) Is it true that the per-unit charge for natural gas in the ACT falls as consumption increases?

(2) What implications does this policy have for the environment and the preservation of non-renewable resources?

(3) Will the Minister act to prevent the use of a pricing policy designed to encourage resource use?

MR KAINE - the answer to the members question is as follows:

(1) & (2) It is appropriate that I respond to these questions because gas pricing and environment policy matters properly belong to my portfolio rather than that of the Minister for Finance and Urban Services.

Both gas and electricity utilities in Australia and overseas commonly use block tariffs which generally result in per unit charges declining by varying.amounts as consumption increases. These pricing structures, along with other price segmentation practices, are used for varying purposes including cost recovery, marketing, competitive pricing and the encouragement of efficient plant utilisation.

AGL Canberra Limited has block pricing structures for both its domestic and small-scale industrial and commercial customers. These structures are intended to encourage the quantity of natural gas consumed and therefore do have environmental and energy conservation consequences.

However, natural gas is only one of a range of fuels and other energy sources consumed in the ACT. Others include coal-, hydro- solar-generated electricity, oil, petrol, diesel and wood. These renewable and non-renewable energy sources are substitutable to varying degrees in either the non-transport or transport segments of the ACT energy market. This interdependence must be recognised when considering policy measures aimed at minimising adverse environmental effects.

Of the energy sources mentioned, natural gas is surpassed only by hydro- and solar-generated electricity as clean fuels with

respect to carbon dioxide emissions. Accordingly, a pricing structure which tends to encourage natural gas use relative to less clean competing energy sources may be beneficial from an environmental viewpoint. In this regard, it should also be noted that about a third of the electricity consumed in the ACT is environmentally clean hydroelectricity sourced from the Snowy Mountains.

.. 3) With respect to the third part of Ms Folletts question, asking whether the Government will act to prevent the use of block pricing structures by AGL, I believe that. such action, in isolation, would be unwarranted interference in a commercial issue and could be counterproductive as an environment protection and energy conservation initiative.

However, the Government does have a role to play to ensure that prices of energy reflect the true costs, including environmental costs, associated with its consumption. It is most important to ensure however, that economic policies chosen to achieve environmental objectives are the most effective ones available.

The economic and environmental issues associated with developing a comprehensive and effective policy response are very complex. Because of this, Commonwealth, State and Territory working groups and other bodies, including the Industry Commission, are investigating and reporting on energy production, use, pricing and other matters, including environment, protection and conservation issues. The ACT-Government is participating in this process.

1236

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question Number 329

Community Development Fund Funding

MS FOLLETT - asked the Chief Minister and the Treasurer upon notice on 12 February 1991 - For each separate funding category of the Community Development Fund (CDF) administered within the Ministers portfolio, what was

(1) The name of every organisation which received funding from the CDF in (a) 1989-90 and (b) 1990-91.

(2) The name, purpose-and funding amount for each project for which the organisations at (1) above were funded.

MR KAINE - the answer to Ms Follets question is as follows:

Community Development Fund - Employment and Training Grants Funding - 1989-90

(1) (2) Name of Organisation Purpose Purpose of Funding Approved Project Amount

Caloola Farm Company Towards salary costs of 27,794
training programs.
Careers Display Society Towards salary and 18,173
operational costs.
The Foundry Towards running costs of 21,380
block workshops.
Jobline Inc. Towards salary and 67,958
operational costs.
Local Employment Towards operational costs. 75,518
Development Inc.
Work Resources Centre . Towards operational costs. 55,205

Community Development Fund - Employment and Training Grants Funding
1 July 1990 to 31 December 1990

Name of Organisation	Purpose of Funding	Approved Project Amount
Caloola Farm Company	Towards the salary costs of a training co-ordinator offering counselling, advice and referral services; and a Program directed towards enhancing the labour market value of people aged 50 plus.	24,000
Chartwell Crafts	Towards the salary and operational costs in the establishment of a commercially viable enterprise employing intellectually disabled young people, producing tapestries and other craft items.	30,000
Australian Red Cross Society - ACT Division	Towards the salary of a project officer and some operational costs	22,500
"INVOLVE"	to conduct a voluntary community participation program for young people.	
Isabella Plains Neighbourhood Centre	Towards the salary of a trainer and operational costs to conduct a pre vocational and life skills course for non-English speaking background women in Tuggeranong.	7,100
Jobline Inc.	Towards the salaries and operational costs of running a casual work referral agency.	36,750
Local Employment Development Inc.	Towards the salaries and operations cost of running a local employment development agency.	40,750

Migrant Resource Centre of Canberra & Queanbeyan	Towards the salary of a trainer and operational costs to conduct a pre vocational and life skills training program for non-English speaking background women and men in Civic, Belconnen & Woden.	9,750
Work Resources Centre	Towards the salaries to run community access services and to purchase computing equipment.	33,750
Koomarri	Towards the expansion of an existing project to help people with intellectual disabilities into employment. .	21,250
Advance Personnel (Canberra) Inc.	Towards salaries for two job co-ordinators to place intellectually disabled people into the mainstream workforce.	24,875
Careers Display Society	Towards the cost of mounting the "Careers 91" display.	9,000

MINISTER FOR FINANCE AND URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

Question No 331
Community Development Fund Funding

MS FOLLETT - asked the Minister for Finance and Urban Services For each separate funding category of the Community Development Fund (CDF) administered within the Ministers portfolio, what was

(1) The name of every organisation which received funding from the CDF in (a) 1989-90 and (b) 1990-91.

(2) The name, purpose and funding amount for each project for which the organisations at (1) above were funded.

MR DUBY - the answer to Ms Folletts question is as follows:

Community Development Fund - Funding - 1989-90

Name of Organisation	Purpose of Funding	Approved Project Amount
Australian Assoc for Dance Education	To assist in meeting the costs associated with staging International Dance Week in 1990	$ 8,000
Arts Council-of Australia (ACT)	To assist in meeting the costs incurred in conducting a Partipark in Belconnen	3,000
Arts Council of Australia (ACT)	To assist in meeting the costs incurred in conducting a Community Arts Festival in the Tuggeranong area	5,000
Australian National Word Festival	To assist in meeting the costs associated with public performance readings during Floriade and National Arts Week	2,650
Australia Day in the National Capital Inc	To assist in meeting the costs incurred in staging events on Australia Day ACT Council on	30,000
the Ageing	To assist in meeting the costs associated with conducting a series of events during Senior Citizens Week in 1990	8,500

Brindabella Community Arts Association	To assist in meeting the costs incurred in conducting a series of community arts and entertainment events and workshops over four consecutive Sundays	7,000
Canberra Fringe Festival Inc	To assist in meeting the costs associated with conducting three events in 1990	6,000
Opera ACT	To assist in meeting costs incurred in staging an Opera in the Park during the Canberra Festival	10,000
Australian National Eisteddfod	To offset the operational costs incurred in conducting the Australian National Eisteddfod	22,000
Canberra Festival Inc	To assist in meeting the administrative costs of the Organisation in mounting the 1990 Canberra Festival	365,000
Gorman House Designers and Textile Artists	To assist in meeting costs incurred in conducting two fashion parades and an exhibition of works in association with National Arts Week and a fashion parade in Commonwealth Park during Floriade	4,500
Scout Association of Australia (ACT) Gang Show 1990	To offset the levy imposed on members to participate in the show and additional expenditure on costumes	5,000
Canberra Theatre Company	To meet the costs of costumes, wigs, and make-up associated with the Companys production of A Midsummer Nights Dream	4,000
Splinters	To assist in meeting wages and travelling costs of artists and associated material costs in staging a multi-arts theatrical event	3,500

Ethnic Communities To assist in meeting costs 10,000
Council of the ACT incurred in staging the
1990 Multicultural
Australia Day Festival
Canberra Public To meet the operating

195,000

Cemeteries Trust deficit of the management
of public cemeteries in
the ACT
Anglican Church of Church restoration 15,000
Saint John the Baptist
National Parks Assn Publication and distribution 3,280
of the ACT of Bulletin
National Parks Assn Administration _. 13,300
of the ACT
Canberra and District Blundells Cottage 15,000
Historical Society operational funding and
remuneration of staff
Canberra and District Assist production and 3,975
Historical Society distribution of Canberra
Historical Journal
Canberra and District Administrative 20,000
Historical Society
Canberra and South Administrative 28,750
East Region Environment
Centre
Canberra and South To establish Greenline, 600
East Region Environment the Centres recorded Centre information line
Heraldry and Genealogy Purchase computer & software 2,600
Society, Canberra Inc
Heraldry and Genealogy Purchase office equipment 5,025
Society, Canberra Inc and Colonial Secretarys
records
Kosciusko Huts Assn Namadgi Oral History Project 18,335
The Wildlife Foundation Operational Expenses 8,000
(ACT Inc)
Gorman House Community Gorman House Research Project 4,900
Arts Centre
Gorman House Community Gorman House Garden 3,350
Arts Centre Conservation Plan
Australian Railway Construction of railway 10,000

Historical Society (ACT) museum workshop Conservation Council of Administrative 30,000

the South-East Region

1242

and Canberra

Conservation Council of the South-East Region and Canberra	Purchase of Macintosh Plus	2,000
National Trust of Australia (ACT)	Administrative	25,000
National Trust of Australia (ACT)	Purchase of fax machine	750
ACT Heritage Week Committee	Operational expenses for Heritage Week 1990	18,000

1243

Community Development Fund - Funding - 1990-91

Name of Organisation	Purpose of Funding Approved Project	Amount
Canberra Festival Inc	To assist in meeting the administrative costs of the Organisation in staging the 1991 Canberra Festival	$390,000
Australia Day in the National Capital Inc	To assist in meeting the costs incurred in staging events on Australia Day 1991	30,000
Ethnic Communities Council of the ACT	To assist in meeting the costs incurred in staging the 1991 Multicultural Australia]Day Festival	16,000
Ethnic Communities Council of the ACT	To assist in meeting costs incurred in staging the International Winter Festival	21,690
Australian National Eisteddfod	To offset the costs incurred in conducting the 1991 Australian National Eisteddfod	22,000
Canberra Theatre Trust	To assist in meeting costs associated with staging the Australian National Theatre Festival in 1990	45,000
Arts Council. of the ACT	To conduct a feasibility study into the development of an annual winter festival in Canberra	5,000
Tuggeranong Community Arts Association	To assist in meeting the costs incurred in conducting a community arts festival in the Tuggeranong area in 1990	10,000
Canberra Youth Orchestra	To assist in meeting the costs incurred in presenting a free concert "Songs We Used to Sing" for senior citizens	4,200
Arts Council. of the ACT	To assist in meeting the costs incurred in conducting three Festivals in Canberra (Belconnen, Woden and Oaks Estate)	23,000

Meryl Tankard	To assist in meeting costs	10,000
Company associated with presenting a major outdoor event during Floriade		
Gaudeamus Inc	To meet the costs of the venue hire for two performances of African Sanctus,	5,000
Latvian Cultural Festival	To assist in meeting the costs incurred in producing a mass folkloric dance presentation during the Folkloric Festival in 1990	2,000
Canberra Off-Road Model Car Club	To assist in meeting the costs incurred in conducting the Australian Off-Road Model Car Championships in 1991	5,000
Royal National Capital Agricultural Society	To assist in meeting costs incurred in staging the Canberra Craft Expo as part of the 1991 Royal Canberra Show	5,000
Canberra Festival Inc	To assist in meeting costs incurred in conducting four Sundays in the Park during January 1991	10,000
Opera ACT	To assist in meeting costs incurred in staging an Opera on Stage 88 during the 1991 Canberra Festival	10,000
Australian Assn. for Dance Education	To assist in meeting costs associated with staging International Dance Week	12,000
ACT Council on the Ageing	To assist in meeting costs associated with conducting a series of events during Senior Citizens Week 1991	22,000
Foundry Assn.	To assist in meeting costs incurred in developing a Samba Street Parade of music dance and theatre	2,800
ACT Filmmakers	To assist in meeting costs incurred in staging a week long festival of Australian films featuring old, temporary and experimental films	4,000

Scout Association of Australian (ACT) Gang Show 1991	To offset levy imposed on members to participate in the show and to assist with show improvements	5,000
Canberra Public Cemeteries Trust	To meet the operating deficit of the management of public cemeteries in the ACT	100,000
National Trust of Australia (ACT)	To assist with administrative costs	13,437
Conservation Council of the South-East Region and Canberra (Inc)	To assist with administrative costs	16,125
Canberra and District Historical Society Inc	To assist with administrative costs	18,812
National Parks Assn ACT	To assist with -- administrative costs	7,150
Canberra and South East Region Environment Centre	To assist with administrative costs	15,454
The Wildlife Foundation (ACT) Inc	To assist with administrative costs	4,300
ACT Heritage Week Committee	To assist with administrative costs	9,675

The funding figures for 1990-91 relate to the period in which the CDF existed, that is, to the end of December 1990.

1246

21 March 1991

MINISTER FOR FINANCE AND URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

Question No 340

Brickworks Trading Sites

MR MOORE - Asked the Minister upon notice on 12 February 1991

(1) Have any new leases been granted for occupation of the trading sites at the Old Canberra Brickworks within the last twelve months; if so (a) how many; (b) on what dates and (c) to whom.

(2) Are all the lessees hobbyists and craftspeople; if not, how many are professional traders of recognition within their occupations. ._

(3) What rents are being charged for those sites; is there any variation in those charges between individual lessees; and if so, what variations and why.

(4) When was the last rental collection effected for those premises.

(5) What income has been generated from those rents previously and what income can be reasonably expected in the future.

(6) What provisions have been made to protect small operators from being unfairly traded against by the larger professional groups.

Mr DUBY - The following answer is provided to Mr Moores question

(1) Because of the uncertain future of the brickworks and its possible redevelopment, the tenancy arrangements are not based on a leasing system. Tenancy is on the basis of seven days notice to vacate. No new occupancies have been granted over the last 12 months.

(2) The majority of tenants are antique dealers. There is one woodworker, several areas are used for storage and an artistic group is using space for a workshop.

(3) Rents vary according to the space taken by each tenant. The rental rate is fixed at 68c per sqm per week.

(4) The last rental collection was made in April 1989. This is clearly unsatisfactory and remedial action is being taken to collect the outstanding amounts.

1247

(5) Income generated from rents has been quite erratic as tenants frequently come and go often leaving behind debts for unpaid rent. The Australian Government Solicitor has been asked to recover unpaid rents from several tenants and was successful in recovering an amount of $5685.

The total amount collected since July 1986 is $93,249.

Future income from the current tenants can be expected to be approximately $3480 per month.

(6) Given the deferment of the development proposals the brickworks is likely to operate in a similar fashion for some time in the future. A number of issues will need to be clarified including ensuring that some arrangement to protect small operators is found. Safety and insurance issues also need to be resolved. I have asked my department to pursue these matters urgently.

1248

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 341

Public Relations Staff - Chief Minister

MS FOLLETT - Asked the Chief Minister upon notice on 20 February 1991:

What are the numbers and classification levels of staff engaged in public relations, media, advertising, promotional and related tasks in (a) the Ministers office; (b) the Ministers Department; and (c) each agency for which the Minister has responsibility.

MR KAINE - The answer to the Members question is as follows:

Percentage of duties involved in the capacity

a) 1 x Media Advisor (Journalist A2) 100%

b) Economic Development Division

1x Senior Executive Band 1 50$
1 x Senior Officer Grade B 80%
1 x AS06 90%
1 x AS05 90$

The above staff are primarily involved with marketing and promoting the ACT and Region.

Chief Ministers Division, Public Affairs Branch

Media & Public Relations

1 x Senior Executive Band 1 50%
1 x Journalist A1 80$
1 x Journalist A 80%
1 x AS06 80$
1 x AS03 25%

Classified Advertising

1 x Senior Officer Grade C 20%
1 x AS04 20%
2 x AS02 20%

Staff of the Public Affairs Branch provide services to the Chief Ministers Department and also to certain other ACT Government Departments and Agencies on a corporate, co-ordinating basis.

ACT Institute of Technical and Further Education

Part-time A Grade Journalist 20%

Department of the Environment, Land and Planning (Land Information Office)

1 x Senior Officer Grade B 50%
1 x Senior Officer Grade C 10%
1 x AS05 80%
1 x AS03 50%
1 x AS03 15%

1250

21 March 1991

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 349

Public Relations Consultants - Chief Minister

Ms FOLLETT - Asked the Chief Minister upon notice on 20 February 1991:

What consultants have been or are engaged in public relations, media, advertising, promotional and related tasks in (a) the Ministers office; (b) the ministers department: and (c) each agency for which the Minister has responsibility.

MR KAINE - The answer to the Members question is as follows:

(a) Nil

(b) Nil

(c) Department of the Environment, Land and Planning, Lands Division

Grassroot Graphics Production of finished art for DELP Brochure

Grassroot Graphics Production of final design of DELP Brochure

Green Consultant Editing Land Information Catalogue Journalist material

Grassroot Graphics Layout and Design for Products Catalogue

ArtGraphic Pty Ltd Colour Photo for ACTILIS Display

ArtGraphic Pty Ltd Colour Photos for Canberra Show

Design Direction Design detailing/construction/laser cutting etc. for Canberra Show
Design Direction Production of signage for Canberra Show

1251

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No 362

Rural Leases

MR CONNOLLY - Asked the Chief Minister upon notice on 12 March 1991.

(1) How many short term rural leases with a three month. termination clause exist in the ACT.

(2) How many rural leases prohibit improvements to the residence.

MR KAINE - The answer to the members question is as follows:

(1) There are 261 rural leases in the ACT, of those 58 are on a quarter to quarter

basis. However, all rural leases are issued under the Leases Act 1918 and contain a clause which allows the Minister to withdraw from the lease, at any time, the land or part of the land if it is required for a public purpose. The authority to include such a clause in the lease is vested in the Minister by Regulation 24 of the Leases Regulations.

(2) There are no rural leases which specifically prohibit improvements to the residence. However, the lessee must obtain approval before proceeding to construct and compensation for the improvements will be payable only if the lease so provides and approval to construct is granted. Approval is granted in accordance with the policies prevailing at the time.

1252