



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

1 May 1991

Wednesday, 1 May 1991

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

SCHOOL SITES - TERRITORY PLAN

Debate resumed from 17 April 1991, on motion by **Mr Moore**:

That:

- (1) the advertisement in the *Canberra Times* on Friday, 12 April 1991 calling for comments on the Draft Variation to the Territory Plan for several school sites be rerun with the following corrections, namely that it (a) be written in plain English; (b) be unambiguous; (c) remove any wording which might suggest, by its very complexity, that objections from members of the public might not be well-received; and (d) be written in a tone that is friendly and encourages community submissions; and
- (2) a further period be made available to allow preparation of submissions.

MR HUMPHRIES (Minister for Health, Education and the Arts) (10.31): I was in the middle of remarks on the last occasion when time expired; I will continue those remarks now. Mr Speaker, Mr Moore had moved his motion, and I think Mr Kaine and Mr Wood had also spoken to it at the time. I rose to indicate that I agreed with Mr Moore's comment that the Assembly should be a consultative forum and I was happy for that to happen. I was beginning to say that I felt that there was some suspicion aroused in this matter; that there was more than just an argument about making the Assembly a consultative place and generating debate on issues of this kind in this place behind the motion that Mr Moore had moved. I said that then, and I say now that my concern is based, quite naturally, on the very clear expression of Mr Moore's intent in raising this issue.

Mr Moore has made no bones or secret at all about the fact that he would like to delay as long as possible and as effectively as possible the onset of any change to those school sites. So, Mr Speaker, I think we have to look at this debate and this motion of Mr Moore's clearly in that light. We are not talking just about what planning processes are gone through and what the planning legislation says about the way in which we effect changes. This debate is as much about school closures as anything else.

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Let us look briefly at the arguments that Mr Moore has used to make the case that there should be no change, or that there should be change in the approach being taken in this case. He went through the language used in the notice in the newspaper to argue that there ought to be some clearer expressions used; that we ought to be using plain English. He said that there was reference in the notice in the newspaper to "an Act" or "the Act", without clear indication of what Act that referred to. He went on to draw attention to the form of the language and the complicated nature of that language, which he said we in the Assembly, being familiar with these matters, understood, but which people in the street might not understand.

I think, Mr Speaker, that a simple answer to those comments is that nobody, I imagine, who would be prepared to make some submission to the ACT Planning Authority, based on some objection to an aspect of the plan, would do so without taking up the invitation that appeared in the ad to contact the Planning Authority and seek a fuller explanation of what is proposed for the site. At the same time, of course, any person wishing to clarify or elucidate any aspect of that process of making an objection would be able to clear up and to discuss with the staff at the authority how that would occur and what they would need to say. I am absolutely confident that those staff would be very happy to help in that process. The language used in these notices is precisely the same as the language used in every other notice issued by the Planning Authority in similar circumstances.

I would feel happier about generating an argument for debate on this matter if I felt that we were raising the argument in the context only of making more simple, plain legislation. I would feel happy if that were what we were actually out to do, but we are not. We are out to use the argument that there is some flaw in the language or there is some complexity or inaccessibility in the approach used in these notices as a device to delay the closure of the schools or the reuse of the school sites.

Mr Moore: Rubbish! I would like to do that too.

MR HUMPHRIES: Well, I do not treat this debate purely in the context in which it is put forward. I think it has to be seen very widely in the context of school closures.

Mr Speaker, we have had many debates and arguments in the past about planning legislation. There will be more debates, of course, when the planning legislation package comes to the Assembly, and we can see very clearly at that stage what we need to do about simplifying language. That would be the appropriate forum, not now.

As the Chief Minister indicated when he spoke on the last occasion, it is not up to the planners to make up their minds as to what they will put in notices in the newspaper. The legislation requires a specific form of notice. The legislation makes quite clear what should occur. As far as I can tell, and nobody on the opposite side of this chamber has said otherwise, there has been no deviation from those requirements in the legislation. They have been fully complied with. It seems to me that I would need a stronger argument than that to change this policy midstream, in the middle of a sensitive matter. We need an argument stronger than that to justify some change of tactic in this particular instance.

I think, Mr Speaker, that we have to look, as I said, beyond what is happening here to the broad debate about school closures. As I said on a previous occasion, I do not treat the claims made by the Opposition very seriously. I would like to have them explain to the Assembly what mechanisms they propose to reopen these schools which they now claim to be the champions of. Mr Berry on the previous occasion nodded vigorously when I said that I hope that someone on that side of the chamber will explain what it is that they are actually going to do to reopen the schools. He promptly left the chamber and did not participate further in that particular debate. He has not spoken in this debate. I would be very interested to hear what he has to say on that subject in this debate - or Ms Follett, or anybody else on that side of the chamber. I do think it needs to be spelt out extremely clearly just how they intend to achieve - - -

Ms Follett: We all have the same policy. This will confuse you, I know.

MR HUMPHRIES: That may be. You may all have the same policy, but none of us know what it is. None of the electorate knows what it is. We would all like to know what it is because it all very much impinges on the way in which the schools debate will proceed. To give an example, take the case of the Lyons school which has closed most recently. If the Labor Party proposes to reopen that school it will have to spell out just how it will consult with the community about whether the school should be reopened.

Mr Wood: We already have.

MR HUMPHRIES: Does that mean that you have decided that the school will definitely reopen?

Mr Wood: Yes.

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

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MR HUMPHRIES: Thank you, Mr Speaker. Mr Wood says that the school will definitely reopen. Apparently talking to particular community leaders constitutes consultation with the full community. I wonder whether Mr Wood could tell people how exactly he has consulted with those community leaders. What asking of all the people in the suburb of Lyons has occurred?

I would like to ask also what constitutes, under this scenario, a viable school. There were about 100 students in the Lyons school before it closed at the end of last term. If, say, only half of those students are prepared to return to the reopened Lyons school some time in the middle of 1992, which is what we will be talking about, presumably, would those opposite consider a school of 50 students to be a viable school? Quite frankly, Mr Speaker, I think it would be irresponsible of the Government to open a school of 50 students, and it would be irresponsible of a parent to send a child to a school of 50 students. You simply could not have an urban school of 50 students with anything like the same range of choices and opportunities available to students in that school as other schools in the same area. It would be irresponsible, in my view.

So, Mr Speaker, I frankly take with a grain of salt this claim that the decision has been made definitely to reopen particular schools. The claim has been made elsewhere that there would be consultation with the community about which schools should be reopened, so clearly there is some inconsistency on that score by the Opposition.

MR CONNOLLY (10.40): Mr Speaker, I had hoped that, as today is May Day - I noted that Mr Humphries is wearing a red tie in celebration - he may have adapted his politics to match his sartorial style.

Mr Collaery: At least he does not wear silk underwear.

Mrs Grassby: How do you know?

Mr Collaery: We know the Labor Party these days.

Mrs Grassby: How do you know? He is talking about his underwear. He knows. You are one of those, are you?

MR SPEAKER: Order, Mr Collaery and Mrs Grassby! Order, please!

MR CONNOLLY: I am not sure whether the Attorney-General is interested in our underwear, or his colleagues' underwear; but it matters little. However, Mr Humphries' red tie to match May Day is not, as we could have probably predicted, matched by his politics. His politics have not changed. The policy of the Government is clearly to rip through this school closure program as quickly as possible. I had hoped to hear a defence of this indecent haste, but no defence was raised.

His only defence was to attack Mr Moore's motion by saying that there is really a sinister underlying agenda behind it. The sinister underlying agenda is that Mr Moore wants to slow down the process. Well, indeed he does; as does the Labor Opposition; as does the community. There is nothing sinister about that. This clearly is the major issue in community debate in this Territory - this, and the ripping into the hospital system.

The school closure issue is central to political debate. This issue should be on the agenda for as long as possible and the community ought to decide it at the ballot-box. That is the proper democratic process, particularly with a government that has no mandate to close schools. We have been through that issue time and time again, but I will just restate it briefly.

This is a government that is made up of the Liberal Party and one could expect that it would have adopted a school closure policy. They did not promise it in the election. They did not say, "Vote for us and we will rip into schools"; but, as people had the opportunity to look at Liberal governments elsewhere and as people were aware of the general philosophy of the Liberal Party here, one could not really complain at a Liberal government effecting a school closure policy. It is what you would expect. But this Government is in power only with the support of the Residents Rally, or at least some of the Residents Rally. As we know, some of the Residents Rally are still part of the Residents Rally party in government but not part of the Government.

A strange degree of political schizophrenia seems to operate within the Residents Rally, where it is possible to be a member of the government party but not a member of the Government.

Mr Collaery: It is called reform of the political process.

MR CONNOLLY: "Reform of the political process", says Mr Collaery. It is an extraordinary proposition.

Mrs Grassby: It is called funny business.

MR CONNOLLY: I think Mrs Grassby's definition, funny business, is far more accurate. The central issue is that this party, this Residents Rally, which had four members elected on a clear policy of not closing schools, in government is closing the schools. So there is clearly no mandate. The community was duped. They thought they were voting for a party that was promising not to close schools and found instead that they had voted for a party - - -

Mr Collaery: We had the same platform as you; exactly the same.

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MR CONNOLLY: Indeed, as Mr Collaery says, and as we acknowledge, the platform, the policy, on this issue is not that different between the Rally and Labor. The difference is that Labor followed its platform, and continues to follow its platform, by not closing schools and by opposing the school closure program. So, Mr Speaker, Mr Humphries' defence that it is all right to proceed with this indecent haste because all we want to do is to delay the process is no defence at all.

He says, also in defence, that what they are doing is okay because they are complying with the Act. It has never been suggested that they are not complying with the Act. The Interim Planning Act certainly allows for a 21-day consultation period. But, as we point out, that is the minimum period. Mr Humphries acknowledged in the debate that this is a very significant question, or a sensitive matter. I think he said that the school closure debate is a sensitive matter, as indeed it is. You would think that a government that was responsive to community opinion, a government that cared what the community thought and was in tune with community expectations, recognising that it is dealing with a sensitive matter, would give more than the bare statutory minimum period of consultation; but not a bit of it.

The Act makes it plain that 21 days is a minimum. The Act makes it clear that a longer period for consultation can be provided, as one would expect. That is a sensible legislative provision. We supported the provision in the Bill when it was introduced by Mr Kaine. You would expect that there would be cases where 21 days would be appropriate for a change to the plan. Mr Moore has given the example, and it is a good example, of a minor variation to the plan that may allow certain extensions on residential buildings, or may allow certain encroachment onto an area which was reserved for other purposes. For minor variations to the plan, 21 days would seem appropriate. Mr Humphries said that this sort of thing happens all the time. Indeed, it does happen all the time on non-sensitive, ordinary, run of the mill variations to the plan. We have no difficulties with 21 days in those circumstances.

But the closing down of schools and the flogging off of that urban green space, the fundamental change that that makes to the heart of Canberra communities, is, in Mr Humphries' words, a sensitive matter; and you would have expected that a sensitive government would have thought, "Well, this is not a case for the minimum statutory consultation period that we think is appropriate for minor, insignificant variations; this is a case for a bit broader community consultations". Did they do that? Not a bit of it. They are rushing it through in the minimum statutory period.

Why is that? It was apparent from Mr Humphries' remarks. He is terrified of the Labor Party promise on schools. He is terrified that the community recognises the promise of the Labor Party, from the leadership and every other member of the party - we speak with one voice on this issue - that schools can be reopened. He knows how the community will respond to that promise, and that is why he wants to rip the schools down - before people get a chance to vote on the issue. The real agenda here is to try to close the schools before the community gets a say at the ballot-box. We say that that is a dishonourable course of action and the Government ought to think again. The Government ought to give the community the appropriate chance to respond on this issue.

One possible defence of the 21-day consultation period might be that the community itself thinks it is adequate and that the community itself has been able to put submissions in. Indeed, as I understand it, a lot of submissions have been received or, if not received today, 1 May, will certainly be received by the statutory cut-off date of 4 May. The community in the affected regions is taking a vast interest in this issue and is producing excellent quality, thought-out, considered and well-researched submissions.

But, Mr Speaker, it is not possible for anyone in the community, even people who may be able to devote virtually full time to this effort, to properly come to grips with these planning issues in that short period, and we are hearing constantly from the community groups that they want more time. I understand that one group was given a promise of an enormously significant extension of time. They were told, "Well, look, if you cannot get your submission in on the statutory cut-off date", which is 4 May - incidentally, a Saturday - "get it in by Monday morning and that will be all right". This means, in effect, that the cut-off period is 20 days, not 21 days. You really have to have it in by close of business on Friday, but we have heard that this big-hearted, considerate, magnanimous Government has said to one community group that Monday morning would be all right. What a significant bending to community demands!

Mr Speaker, it is a farce. We have received correspondence from groups representing Holder school, Cook school, Lyons school and Hackett school, and we have met at some depth with people in the North Curtin area. They have all pointed to significant errors in these planning documents. Mr Humphries seems to think there is some suggestion that the North Curtin community is not concerned about its school. I can assure you that Mr Moore and I spent considerable time with very concerned residents of North Curtin who are horrified at some flagrant errors in these planning documents in relation to Curtin. They were able to point to areas that were classified on the coloured document that Mr Jensen made available to them, and they indeed were grateful to Mr Jensen for doing that. There were simple errors there. There were areas of car park shown as green space.

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That is the sort of response that one may expect to find in the community when there is a proper process of consultation. Mr Jensen is to be commended for giving this material to the community so that they can examine it. I am sure that that is the philosophy that Mr Jensen came into this place espousing - that the community should be able to look at these planning variations before decisions are taken. But then, having given the community the material and they finding significant errors, there is no time for proper consultation. There is no time for proper material to be put to the Government. There are reams and reams of documentation that the community would have to go through to look properly at this issue, and you are denying them the time.

DR KINLOCH (10.50): I am wearing blue underwear, but a multicultural tie, and I honour 1 May. May those around the maypoles be rejoicing outside. I have written to the Acting Chief Territory Planner to ask that the time for consideration of the green papers be extended to 30 June. That would seem to be a reasonable time for this process. Certainly I personally need more time. I cannot possibly respond to all those green papers by Friday. It is quite impossible. So I think we should ask as strongly as possible that that time be extended.

I have also asked that the Acting Chief Territory Planner take due note of the correspondence already referred to by Mr Connolly. I have written back to some of those people - they have sent quite detailed comments in some cases - to give them a copy of my letter to the Acting Chief Territory Planner. Finally, I have suggested that, in view of the closeness of the next election, no decision be taken in 1991.

MR BERRY (10.51): It is too late, Dr Kinloch; it is too late. I read in the *Canberra Times* this morning some interesting comments about the Residents Rally. One of the most fascinating was the one where they said that Dr Kinloch added some colour and movement to the Assembly. Well, the only colour and movement that I have ever witnessed is, firstly, the chameleon-like behaviour when he has changed his colour on the issue of schools, and, secondly, when he was ashen-faced, shaking his fist at Rosemary Follett in this place one night. It was a frightening spectacle.

It is outrageous that Dr Kinloch should now rise in defence of the schools when he was part of a process which put in place the destruction of schools in our system. He has to accept the responsibility for that because he played an active part in it; just as Norm Jensen and Bernard Collaery played an active role. They have to accept the responsibility for the destruction of the education system in the Australian Capital Territory, just as they have to accept the responsibility for attacking our hospital system. It is too late, Dr Kinloch.

MR MOORE (10.53), in reply: I do not intend to be quite so churlish as Mr Berry with Dr Kinloch; but I do remind Dr Kinloch that he certainly did vote to close four schools - the school sites that we are dealing with at the moment in addition to the North Curtin site.

I had expected to see some reasonable defence of the position that the Government has taken on this particular issue; instead we had the Chief Minister saying last Wednesday week that the Government rejects my proposition in its entirety. There was no attempt at all by the Government to consider the needs of the community. There is an absolutely appalling situation in that the Government has stayed steadfast in their stance on this.

Mr Connolly has made it quite clear that an attempt to respond to these variations is something that is difficult to do in three weeks. Dr Kinloch, now unmanacled and no longer bound by the Alliance, has made it quite clear that he too realises that a three-week period is absolutely impossible. I would ask Dr Kinloch to urge any other colleague in the Alliance to realise that an extension of time is the appropriate stance to take. Dr Kinloch has suggested that 30 June would be an appropriate time. I accept that there is some pressure on the Alliance Government in this matter as far as the budget and other issues are concerned. Whilst I think that Dr Kinloch's suggestion of 30 June is eminently sensible, the ideal time for this would have been three months, not three weeks. Having accepted that, I would say that, even if you were to compromise and give the community another three-week period, that would be reasonable.

I have on my desk here some of the documents that those residents associations need to make themselves familiar with if they are going to write a decent submission on this, and they are very concerned to write a decent submission. They are very concerned to write a decent submission because they recognise that you are ripping the heart out of their community. There is a tremendous amount of material, 16 centimetres high, that it would be perfectly reasonable to expect people to come to grips with in order to prepare an appropriate response. There are some things I left out of this pile that I have thought of since I came down to the chamber. It is entirely inappropriate and unfair to expect people to respond in three weeks.

I particularly draw Mr Jensen's attention to this because I know that for a long time he has had concerns for the community in this way. He knows that what the Government is doing is unreasonable, even if everything was going according to the way things should be done. We have had three major articles in the *Canberra Times* in the last week pointing to problems and mistakes, and an admission of a mistake in one of the variations that have been provided to the community. I have a letter from the Cook Community

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Association and a copy of their letter to the Acting Chief Territory Planner which draws out why they believe that they need extra time. They say:

Our advice is that the Draft Variation for Cook is invalid and it must be withdrawn. It serves no purpose to call for comments on such a flawed document nor will it enhance the professional reputation of the Authority.

Flawed documents have been given to the community and you are asking the community to respond on those flawed documents. I wonder whether the community would have a reasonable chance of taking that matter up through the Administrative Decisions (Judicial Review) Act. There are five reasons set out in the Cook Community Association letter as to why that variation is invalid. Firstly, there is improper notice. They say:

The advertisement in the *Canberra Times* on 12 April 1991 was confusing.

They say that the deadline should have been extended. They continue:

The second advertisement states, in bold capitalised letters: "These proposals are for the school sites only". This specifically excludes Section 13 Blocks 3, 5 7 and 8 in Cook.

That is another thing they have got wrong. It is certainly misleading. In Cook, for those of you who are not aware, it is not just the Cook school site. In a very devious move, as I said, they also proposed a variation for the preschool and a church site that nobody has even proposed to develop. There is no reason for a change in use.

The second point raised by the Cook Community Association is that submissions can be provided only by mail. As Mr Connolly has already pointed out, the 21 days is effectively 20 days and the submissions can be put in only by mail. They state:

The advertisements and the Draft Variations only permit delivery of written comments by mail to a Post Office Box. The lack of provision for hand delivery of submissions is in contravention of the intent of the ACT Interim Planning Act. It also effectively reduces the time for preparing submissions.

To be sure, you would have to submit those submissions by mail two days before. Therefore, those 21 days have been brought down to some 18 days.

Mrs Nolan: Come on, Michael.

MR MOORE: That is what you have done.

Mr Jensen: You can hand deliver.

MR MOORE: There is no provision for hand delivery as far as the advertisements and the draft variations are concerned.

Mr Jensen: Are you going to tell me that they will not accept it if they drop it off at the front desk? What a lot of rot.

MR SPEAKER: Order, Mr Jensen!

MR MOORE: That is what people are working to, and you know it, Mr Jensen. The reason you are getting upset is that you know that you are doing the wrong thing here. You know that you went to the people on the basis of community consultation, and you know that this is a farce as far as community consultation goes. It is an absolute farce. It is a most appalling stance by those two members of the Rally if they will not support their out-of-government colleague, Dr Kinloch, in his call for an extension to 30 June.

Now, what are you going to do? Are you going to face up to the realities of the situation and give these people a reasonable chance to respond to these draft variations that are cutting the centre out of their neighbourhoods, or are you not going to? Just think how you would have felt if this was the time you were given to respond on Rocky Knoll. Just think how you would have felt, Mr Jensen - through you, Mr Speaker - when you were chair of the Tuggeranong Community Association if you had been given three weeks to respond to an issue like this. You would have been absolutely appalled.

Mr Collaery: I think the outcome of this, Mr Moore, will be far better than Rocky Knoll.

MR MOORE: Mr Collaery interjects that he hopes that the outcome of this will be better than for Rocky Knoll. You can help the outcome be better than for Rocky Knoll, Mr Collaery, by giving an extension of time to these people.

The Cook Community Association letter also talks about there being insufficient time for comment, and then goes on to talk about errors in the draft variation. They are numbered 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, and here are some of them:

- 4.1: The distance scales ... are incorrect by a factor of 30 per cent.
- 4.2: A privately leased farm in Figure 2, "Hillview" is designated as community facility. This conveys the impression that Cook has substantial areas of land for community use beyond those of Section 13.

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- 4.3: Figure 4 does not show the approved Fitness Track, Creative Play Centre or Peace Park on the northern and eastern sides of the School. These were built with community funds ...
- 4.4: Figure 4 shows a school building which does not exist.
- 4.5: ... a non-existent pedestrian crossing in Templeton Street.
- 4.6: The location of the pedestrian crossing in Lyttleton Crescent is incorrect.
- 4.7: Most of the background information in Section 2.3 is incorrect.

And they go on. The situation is that the thing has been botched. You have tried to do it in minimum time. You have given the authority a minimum time to get it out and they have got it wrong. The same, by the way, applies equally to Lyons and Hackett. I have letters from people in Lyons and Hackett. They have the same problems. The community association in Lyons and the Cook Community Association, at least, are doorknocking every member of their community. (*Extension of time granted*)

The community associations in those areas are busily doorknocking every member of their community in order to ensure that they have an appropriate response as a community response. That raises the question that Mr Humphries asked before: How are we going to know what the community wants as far as school reopening goes? Those community associations are prepared to doorknock every member of their community to find out, and that is not an easy task, as most of you who have doorknocked in political campaigns will know. It is not the most pleasant task, but that is how seriously this is taken.

You have given them three weeks to doorknock each member of the community, to bring back the ideas of each member of the community and then to draft the submission, after they have gone through this 16 centimetres high pile of documents. It simply is not enough time.

The motion that I have put up is a perfectly reasonable motion. It does not even go as far as Dr Kinloch suggests. Dr Kinloch, now that he is not tied by these Alliance boundaries, realises, as he has probably realised all along - as I am sure do Mr Jensen and Mr Collaery, and Ms Maher, who deals with her community out there in Belconnen - that this is simply not enough time to comment on an issue as vital as this.

The Cook Community Association is in the process of doorknocking their community and going through that procedure, but what about poor old Holder? They have only just established their community association. They are still trying to write the constitution for their community association and, parallel to that, the community, at a general meeting, authorised the steering group to prepare a

submission and to bring it back to a community meeting. So there they are, trying to establish a community association to protect their suburb and at the same time trying to write a report of this nature. The time simply is totally inadequate and it makes an absolute farce of community consultation.

The Liberals, along with the Residents Rally, and almost all people in this Assembly, have at least paid lip service to this notion of allowing the community to have a fair and reasonable chance to be consulted. This is anything but fair; it is anything but reasonable. I believe that those who are thinking and listening to the debate and who are concerned about this issue are very much aware that that is the case.

There have been no reasonable arguments put up by the Government, by any member of the Government, to say that the three-week period is the most appropriate period - not a single argument. The best the Government could come up with was an attack from Mr Humphries on me, saying that the only reason for this motion is to delay the procedure. Certainly, I have made it quite clear that I do intend to delay the procedure where that is possible. At the same time, I think that Mr Humphries, having listened today and having read the papers over the last week, would realise that this is not just a delay of a procedural matter. I have been prepared to compromise on a three-week extension, unlike Dr Kinloch, who is going, quite appropriately, for a much more appropriate period; but that is not the basis of this argument today.

The basis of this argument today is what suits the community and what is most appropriate for the community. I urge each and every one of you to think about what you can do for the community and how you would feel if you were the one trying to go through this material, trying to consult with the residents in your own community, and trying to come up with a reasonable response to these draft variations, these faulty documents. You probably were not aware of that, but you know that to be the case now; you know that they are faulty. So, for heaven's sake, support this motion and let us get a bit more time.

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Question put:

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

The Assembly voted -

AYES, 8

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

NOES, 9

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

Question so resolved in the negative.

HEALTH SERVICES DETERMINATION Motion for Disallowance

Debate resumed from 17 April 1991, on motion by **Mr Berry**:

That the determination of fees and charges as contained in Determination No. 8 of 1991, and made under the Health Services Act 1990, be disallowed.

MR HUMPHRIES (Minister for Health, Education and the Arts) (11.11): Mr Speaker, Mr Berry, during the last private members' session, moved his motion concerning the disallowance of a determination made by Mr John Bissett which related to increases in a number of fees and charges levied under the Health Services Act of 1990. That was, of course, Mr Berry's ostensible purpose; but, as usual when he talks about hospitals, he ranged over a whole series of other irrelevancies. It is not surprising that there should be a great deal of material in what he said which has no direct bearing on what it was that he was supposed to be moving, which was a motion of disallowance. Towards the end of his comments he indicated fairly clearly the flaw, the essential flaw, in the argument he was bringing forward, which I will touch on in a moment.

The determination in question is one which increased charges in a number of areas. It was made under a delegation from me exercised by Mr Bissett. The determination had the effect of increasing charges for accommodation at board hostels - not hospitals, I might note, but board hostels - where a person is not an extended stay resident. It increased charges for hospital accommodation for nursing home type patients. In relation to the nursing home beds accommodation fees, it increased the range by between 70c and 84c, depending on the number of patients in a room, and it increased fees for particular

age categories in those situations. The fee increases result from an increase in the standard rate of the pension and rental assistance paid by the Department of Social Security, which were also due to increase on 28 March, which I think is the date on which this determination was to have effect.

Those were the determinations made. They were fairly innocuous ones. Nothing that Mr Berry said touched on the relevance or the inapplicability of those particular increases in fees and charges; so I take it that he has no argument with the actual substance of the increases themselves. He would not argue against the proposition that if I, for example, were to make that determination it would be a fair and appropriate determination which would not be subject to any disallowance motion.

In the course of his rather jumbled and confused statement on the matter in the Assembly, he said eventually that, in light of the announcement I had made previously in the Assembly on 12 March about the powers that Mr Bissett was to exercise in the interim, given Mr Bissett's exercising of the financial powers of the Board of Health, there was a case to disallow that determination. I want to read what I said to the Assembly on 12 March about the situation with respect to Mr Bissett. I announced on that date that I had appointed Mr Jim Service to take personal control of all hospital finances and that he proposed, subject to that appointment, to appoint a financial controller to assist him in this task and be responsible for handling all commitments and expenditure until the board is satisfied that the control can be returned to line managers. "All commitments and expenditure" were the words I used. I think it is hard to construe that, Mr Speaker, as touching on commitments made by the board in another way.

Mr Bissett clearly had authority to exercise other powers, and he did, and those are quite clear from the situation as outlined. It was a revenue raising power he exercised, not an expenditure power. That is where the situation stands. It is very simple, Mr Speaker, and I think - - -

Ms Follett: Did you let the Law Office look at this?

MR HUMPHRIES: Yes. I think, Mr Speaker, it is very clearly summarised in that statement. I think Mr Berry's claims are unsubstantiated. They quite clearly stand up as not being powers to control finance, but powers to set revenue for the health services.

MR CONNOLLY (11.16): Mr Speaker, this is a fairly significant debate because it is the first time that this Assembly has exercised its important power to challenge delegated legislation. On the last private members' day of sitting we actually strengthened this Assembly's powers to scrutinise delegated legislation.

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The attack on the health services determination of fees and charges was mounted last week by Mr Berry. He drew attention to the first thrust of Labor's attack, which was the obvious inconsistency between the ministerial statement that Mr Bissett had been removed from financial responsibilities and the making of these financial charges. That, as I say, is the first thrust of Labor's attack. The second thrust is of a purely legal technical nature. I hope that the Minister will pay attention to Labor's attack on this and obtain Law Office advice. We see a real difficulty with these fees and, indeed, with previous fees set over many years. I suspect that at the end of the day this Assembly is going to have to deal with this by legislation.

Mr Speaker, Labor has moved disallowance of the fees purportedly made under the Health Services Act 1990 on 28 March 1991. The power of the Assembly to disallow regulations on fees comes, of course, from the Subordinate Laws Act 1989. The determination of these fees, notified in *Special Gazette*, S21 of 28 March 1991, was purportedly made by Mr Bissett, pursuant to section 48 of the Health Services Act. That section provides:

The Minister may, by notice published in the *Gazette*, determine fees and charges for the purposes of this Act.

I repeat: "The Minister may", not the Minister or an officer authorised by the Minister. There is no statutory authority, Mr Speaker, in the Health Services Act for the Minister to delegate this power. The fees in question were clearly made under Mr Bissett's hand, not under the hand of the Minister.

There has been a long history of this problem in relation to health service fees. Under the former Community and Health Service Act 1985, the power to set fees was vested also in the Minister in almost identical terms. Section 78 provided:

The Minister may, by notice in writing published in the *Gazette*, determine fees and charges for the purposes of this Act.

Fees in this Territory have repeatedly been set under the hand of an official, rather than under the hand of the Minister. The Standing Committee on Scrutiny of Bills and Subordinate Legislation has repeatedly drawn attention to this problem. In reports No. 11 of 29 June 1990 and No. 12 of 14 August 1990 the committee asked for advice on the source of power for the General Manager to make regulations. That was a request in relation to the determination of fees made under the former Community and Health Service Act because, of course, the Health Services Act was enacted only in the last few weeks of sittings in 1990.

In report No. 16 of 17 October 1990 it again asked the question. The committee said:

... could the Committee be told what the source of power is? As this could affect the validity of the collection of any monies under this Determination and its predecessors, the answer to this question is significant.

No answer was or has been received.

Mr Speaker, there is clearly no power in this Act or its predecessor expressly authorising the Minister to delegate his or her power to set fees under section 48, or indeed to make regulations under section 58, to an official or any other person. It is interesting to contrast this lack of an express power to delegate with the power to enter property in section 54 of the Health Services Act, which clearly provides that the Minister or a person authorised in writing by the Minister may enter property to conduct certain inspections and so forth. It is also interesting to contrast the Minister's powers with the board's powers. By section 9 of the Act any power vested in the board may expressly be delegated by instrument in writing to any other person. But the Minister's power may not be delegated.

Mr Speaker, this is not the place for detailed legal argument; but I would refer Mr Humphries and, indeed, the Attorney-General to Professor Dennis Pearce's work *Delegated Legislation*, page 225 and following. The principle is glaringly obvious and simple in administrative law that subdelegation of legislative power is invalid. Unless there is an express power authorising the subdelegation of legislative power it is invalid.

Mr Humphries said in his remarks that Mr Bissett, exercising a delegation under his hand, made these fees. Mr Speaker, that is not an answer. The Act expressly says that fees may be made by the Minister in exactly the same terms as the Act says that regulations may be made by the Executive. This house would properly be outraged if, in any other Act where there is a power to make regulations, the Chief Minister, for example, purported to give that regulation-making power to some junior official. Regulations are made under the hand of Ministers. When an Act says that a Minister has the power to determine fees, those fees must be determined under the hand of the Minister. Obviously the work will be done by officials and it will be submitted to the Minister for his signature. It will be done in that way. That clearly is not an onerous task.

It is interesting that in the very *Special Gazette* that contains the fees under challenge - indeed on the very next page - under the Drugs of Dependence Act 1989, which has an identical power where the Minister may determine fees - the identical provision that is found in the Health Services

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Act - we see that Mr Humphries exercised that discretion properly and, in No. S21 on page 14, set fees under the Drugs of Dependence Act under his hand, not under the hand of some official.

For some reason there has crept into public administration in this Territory the practice that fees under the Health Services Act or its predecessor may be set by an official. Mr Speaker, that official has no power. Professor Pearce, at page 225, refers to the legal maxim, well known to any lawyer on the other side, of *delegatus non potest delegare* - that is, a delegate may not subdelegate that power. Professor Pearce says:

The broad principle that a person cannot delegate legislative power that has been delegated to him has been accepted with only one or two minor expressions of doubt.

And they say:

The sole judicial reservation seems to have been that expressed by ...

Then there is mention of a Canadian judge in a Canadian wartime case. As any lawyers opposite would well know, wartime defence power cases tend to always err on the side of giving the Executive power because courts in time of war are most reluctant to strike down delegated legislation. Delegated legislation flourishes in those periods and a 1943 expression of some doubt by a Canadian judge is hardly any authority.

The long-established case which is cited in every casebook in administrative law is, of course, the New Zealand case of *Hawkes Bay Raw Milk Producers Cooperative Co. Ltd v. New Zealand Milk Board* in 1961. The Full Court there, on facts very similar to this, struck down a fee under the Milk Act. The principle there was that the Act gave the Governor-General power to determine fees; the Governor-General purported to delegate the fee-making power to the Milk Board; the Milk Board set fees; a person challenged those fees; the Full Court of the New Zealand Supreme Court said that the Act vested the power in the Minister; the Minister, absent of any express authority to subdelegate, may not purport to give that power to somebody else and the fee set by that other officer is of no validity.

Mr Speaker, we are most concerned that what has happened here, over a period of time, is that that principle has been ignored and officials have been setting fees with absolutely no legal authority. The consequences of that are of some concern to anyone who has a concern for proper administration because, over a period of many years, unlawful fees have probably been charged. I suspect that when the Law Office examines it the advice to Government will be that we had better fix this problem up. It probably will require legislation to fix the problem up. I would hope that the Government takes this on board.

I guess it is fair to say that there was a political aspect in this move by the Opposition to move disallowance because of the inherent contradiction between the Minister's statements on Mr Bissett's financial powers and his exercise of financial powers. It is quite proper for the Opposition to make that political attack and I guess it is proper for the Government to respond in a political way to that attack. But there is also a very fundamental issue of principle involved here and I would hope that the Government would respond to that very carefully. I am aware of no authority - and I have looked into this in some depth - which would say that a power vested in a Minister to determine fees may be exercised by the delegate of the Minister absent of statutory provision.

The High Court was recently looking at this in a case of *Foley v. Padley* in 1984. (*Extension of time granted*) I thank the house. I will wind up and put this on the record for the Law Office. I will be very brief. In that case a council had power to make delegated legislation by way of by-laws. The Adelaide City Council made a by-law which prohibited persons handing out material in the Rundle Mall but said that an officer could approve it. There was an argument run there that that was a subdelegation of legislative power. The High Court said, "Well, the general principle is that you cannot subdelegate legislative power, but it is all right if you have a general prohibition that may be relaxed by an official". So they are prepared to stretch the rule in that direction, but there is not even a hint in any authority that I can find that when a Minister is authorised to make determinations in relation to fees he has power to subdelegate that.

Mr Humphries, no doubt relying on advice and relying on practice over many years - I am not attacking Mr Humphries for doing the wrong thing here - has done what his predecessors have done and what has occurred well before self-government; but I suspect that there is a major flaw in that process because there simply is not the proper chain of authority that validates the fees.

Mr Bissett acted pursuant to section 48, but section 48 says that the Minister must act. Any attempt by the Minister to delegate that power would appear to be invalid. I suspect that the Government will have to look very carefully at this, and I would recommend that the situation be rectified by legislation.

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

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INTOXICATED PERSONS (CARE AND DETENTION) BILL 1991

Debate resumed from 17 April 1991, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MR COLLAERY (Attorney-General) (11.28): Mr Speaker, we have already observed in this house that the Intoxicated Persons (Care and Detention) Bill has a good social intent. I have made remarks in another debate about the work that is required to bring into operation the processes that Mr Berry wants. I also note that I have had advice from informed circles - I do not wish to name those people, but I assure Mr Berry that they are people in very well-informed circles, broadly speaking, I will say, in the law - that there are some misgivings about the structures proposed in this Bill.

There is a process in the Territory - I say through you, Mr Speaker, to Mr Berry - and there is a Criminal Law Consultative Committee that sits. It is chaired by Justice Elizabeth Evatt, and matters that deal with the criminal law, or deal obliquely with it, are usually referred to that committee for advice. I think that it would be wise, Mr Speaker, if we are dealing with an effective issue that is already covered by section 351 of the Crimes Act, for us to stick to the game in this town and refer it to the Criminal Law Consultative Committee to see whether it wants to make any comments. I am happy to do that forthwith.

Mr Speaker, the Government will not pass this Bill into law today. Mr Berry has had ample explanations from me, on behalf of the Government, as to why we do not support the legislation as it presently stands. We will undertake, of course, and are already launching, our own policy proposal for the physical structure required, and our legislation program will include, and does include, this process. I do not think we are being churlish simply because Mr Berry brought something up. He has taken an effective dead copy out of section 351 of the Crimes Act and he has dished it up with some old language. I do not believe that he has given explicit instructions - if he knew how to give them - to the draftspersons who did it, and that is no reflection on the draftspersons. I know that a little bit of blame came from Mrs Grassby in that direction, but I am sure that she did not mean it in other than a jocular sense.

I think that the issues and the end product about what you seek to do have to be researched further - whether you want this to be in an Ainslie Village-type unit, whether you want this to be carried out by a non-government agency without criminal sanctions. If you could have clarified what exactly you seek to do to the draftsperson and to us, it would have been good; but at the present time you need powers to compulsorily restrain people in certain circumstances, and we need to be careful about empowering other bodies to restrain people. One effect of the Bill is that we can effectively empower other bodies to hold these

people and, in effect, restrain them. That needs to be talked through on a consultative basis with the non-government agencies likely to carry out the task and with the Government and the police. I do not have any criticism of Mr Berry in relation to the Bill, other than that the timing of it and the preparation of the background to it are not sufficient to enable the Government to support it.

There is, on the correspondence and advice given to me, great acceptance of the principle of dealing in an informed manner with intoxicated persons. My office has had discussions with members of the Council for Civil Liberties here. They confirm that it is a straight copy of the Intoxicated Persons Act of New South Wales. I am advised that there is an unreported case in the matter. It is *Alla v. Gleeson* in the New South Wales Court of Appeal before Mr Justice Roden, so that must have been some time before he moved to other pastures. The legislation was intended to be a modern way of dealing with intoxicated persons. It is capable of misuse, but is accepted by the New South Wales Council for Civil Liberties as an improvement on the old system. It gives police the choice of treating a person under this legislation or charging them in the usual manner.

I want to say that clearly we need more time to work through this proposal. The matter came out of the Social Policy Committee's recommendations. They were commented upon and supported by the Government. It is a simple matter in that, the way budget processes work, we need a new policy proposal to get the budget through Cabinet. We need funds to be allocated to give effect to this Bill, anyway. So, in delaying the passage of the Berry Bill, we are not necessarily in any way delaying the establishment of such a facility, and I stress that.

Mr Moore: Of course you are.

MR COLLAERY: Mr Moore interjects and says that we are delaying it. You can have any amount of legislation you like - through you, Mr Speaker - Mr Moore; but, unless you have the funds and an agency willing to do it, so be it.

You know that as Minister I have been pressing for a men's shelter of some kind in this town for a long time, long before I was in government, and following the closure by St Vincent de Paul of their shelter at Turner. ACTCOSS have some ideas in that respect, and I expect some submissions to come forward from them as a way of bringing forward a men's shelter. That will not only be related to intoxicated persons - and I am not making a sexist comment in assuming that the clientele for this service will be men, but practice shows that it is. So, that initiative that is coming out of the community right now, to create that shelter as a downtown system for people who cannot get up to Ainslie Village and are not accessing other services,

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needs to be tied in with this idea of a proclaimed place. I support the notion of a proclaimed place, as has the Chief Minister in his response to the Social Policy Committee's recommendations.

Mr Speaker, we do not support the Bill in its present form. I am not saying that we will not support another Bill brought forward by Mr Berry in an appropriate form. When he analyses the comments we have made, he may have a better idea - - -

Mr Berry: Who could do that? Who could distil anything sensible from what you have just said?

MR COLLAERY: Mr Speaker, the record shows that my Government Law Office and I as Attorney have assisted Mr Connolly, because I know what it is like to be in opposition. It is extremely difficult to frame legislation. We have done that in the past, so it is not a case of being bloody-minded. I am saying to Mr Berry that, if he wants to bring his Bill forward in the context that it meets the things that I have said, we may well support it.

But the fact is that - through you, Mr Speaker - I say to the Opposition: You push on with a revised Bill, but at the same time - - -

Mr Berry: What revisions would you like to be made?

MR SPEAKER: Order, Mr Berry!

MR COLLAERY: We are trying to put the thing together. Mr Berry asks what revisions I would like. Their role on the other side of the house is a matter for them; but, if Mr Berry sets out to me what his objectives are, we may be able to start a dialogue. If that is the outcome of his initiative, it is good. I think he has got the credit in the town for the initiative. My advice is, Mr Speaker, that the suggested amendments that my advisers put to me would require a complete rewrite of the Bill. They have also advised me, as I have said before, that the Bill contravenes the Privacy Act in respect of recommended record-keeping practices. I am sure that Mr Berry did not intend that, and I am sure that it was not pointed out to him. I am sure that, had it been, he would not have gone ahead.

I am advised that it offers police immunity from civil litigation and that it ascribes powers of custody to authorised persons, and that comes back to what the Council for Civil Liberties has put to me about recognising the fact that in New South Wales it has given powers to people other than the police, who are the only elements in society apart from some military police that we authorise to have detention powers. It is an issue that needs more examination. It may well be an issue that could be dealt with as a specific exercise by one of the committees of

this Assembly, and I would welcome suggestions from members. My informed advice - and I rely on that advice - is that there are too many amendments to put forward to the Berry Bill and that there are a number of other issues, as I stated in the house and as can be discerned from *Hansard*. Mr Berry's Bill, Mr Speaker, may well get the support of this house when it is in sufficient form to meet the needs and the aspirations that he seeks.

MR MOORE (11.38): Mr Speaker, I find it difficult to believe the duplicity of Mr Collaery on this issue, having just heard the Government vote and him vote when we talked about the need for more time for communities to respond to variations to their schools. As far as Mr Collaery is concerned, they have to go through much, much more work without the sort of support that he has, and he is going to give them three weeks.

He has had well over three weeks already, and he comes back to Mr Berry with this very vague talk: "I have talked to some people who have some relationship with the law". It could be police, it could be lawyers, it could be judges, it could be prisoners, it could be a whole range of possible people. It could be his Law Office, but the point is that he has a Law Office that supports him. He has an opportunity, and has had an opportunity, to look through Mr Berry's Bill. He recognises the importance of the concept, and I certainly give him credit for that. He mentioned that earlier, and quite rightly so.

For a long time I have known that Mr Collaery has supported the need for a facility, such as the one that Mr Berry has proposed by the intent of the legislation. It seems to me, Mr Speaker, that the appropriate response for the Government would have been to prepare the amendments, give them to Mr Berry and allow Mr Berry then to come back to the Government - this is before we had to sit - and say, "Yes, we agree with this; we agree with that", or for the Government then to flex its muscle and say, "We are going to modify Mr Berry's Bill in this way and that way and the other".

It would have been quite simple. But, no, what Mr Collaery is doing instead is that, when a private member's Bill or a private member's motion that he actually likes comes up, he thinks to himself, "How can we, as the Government, take this over and make it our Bill?". So, the only way to do it is to delay and to turn it around and to introduce a new Bill in his name that does all the same things with a few modifications. We have certainly seen examples of that before. Mr Kaine often draws the house's attention to the fact that Labor rarely supports the Bills of the Government, and we really have to ask ourselves why it is then that the Government, in a case such as this, is reluctant to support what is obviously a very good idea. It is a well-drafted Bill and Mr Collaery draws attention to a couple of problems - and that is what there are; there are a couple of problems.

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The concept of dealing with intoxicated persons in a much more caring way, as Mr Berry has suggested, is something that the community and Mr Collaery should be pleased about, not something that he should find in any way threatening. It does appear that that has been his approach. It is ironic, considering that just recently in the *Canberra Times* an article was published about Rally policy and going for a committee-style form of government. It is ironic that, where there is an opportunity to work in a bipartisan way, the only way that Mr Collaery seems to be able to work in a bipartisan way is to accept that bipartisanship means that the Government suggests something and everybody else supports it. In this case, we have a situation where Mr Berry has presented the Bill and it ought to have had much more care and consideration by the Government, or Mr Collaery should have indicated - as he has now indicated in his speech, but he should have indicated much earlier - that perhaps the appropriate procedure would have been for this to go to the appropriate committee - in this case, most likely, I would presume, the Social Policy Committee.

Let me warn you that there is some danger, and let me warn you about that danger, because things can get buried. One example of that is that we are in the process of having variations drawn up on school sites, and yet at the same time one of our committees is considering the schools location Bill, which is a methodology on just how to deal with the closure of schools and also the disposal of school land. The very issue that is before this Government with that variation is also a matter that is before a committee, and I believe that that is an entirely inappropriate situation. Yet, did we hear from the chairman of that committee on this issue and on my motion? Certainly not. A similar situation here with the Intoxicated Persons Bill would therefore be a cause for concern. What the Government pays lip service to - community consultation, bipartisanship, support of the committee system - often appears to be just that - lip service. There are notable exceptions, of course. However, this is a case where it would have been quite appropriate for the Government to support Mr Berry's Bill and to suggest some amendments.

Mr Collaery's speech indicates the need for some amendments, but not so wide and so far as would have been of any great concern. He has also drawn attention to the fact that his Law Office suggests that this is a direct take from the New South Wales legislation that has been implemented and has been accepted by the Council for Civil Liberties there, in spite of the fact that it has some compromises, because anybody who looks at civil liberties recognises the importance of balancing the individual's civil liberties against the fact that we live in a society. The very fact that we live in a society and choose to live in a society is, in effect, a restriction on some forms of civil liberty.

Therefore, Mr Speaker, it seems to me that the very good intention of Mr Berry's Bill is being delayed by this Government - not on the grounds of what the Bill might achieve, but on the grounds of political kudos: "We do not want the Opposition to come up with a Bill that might be useful to the community and might be seen to be compassionate and might be seen to be a useful and appropriate way of dealing with intoxicated persons. We want to be the ones to do it. Therefore, we will not allow you to come up with your Bill; we will not propose any variations; we will not propose any amendments to it. Instead, we will put it aside while we get our Law Office to put it on our program and come up with a Bill some time in the near future". In the meantime, the methods we have for dealing with intoxicated people are really entirely inappropriate.

One of the issues, of course, that concern me is clause 4 subclause (3), "the prescribed place". A police station may be declared a prescribed place. A police station, of course, is, in effect - as I understand it - the current method of detaining people, and it is what we should be attempting to avoid. The reality of the matter is, of course, that we certainly need to have a backup system. There are times in the ACT like the Food and Wine Frolic when there are a large number of intoxicated people and, by and large, although they seem to be able to be dealt with very well by the police and the police seem to be able to manage them in an appropriate way, one can foresee the possibility that the prescribed places that are set out under clause 4 of this Bill may not have enough facilities to be able to take the number of people. Therefore, as a backup system, and as a backup system only, it is quite appropriate for the police station to be used.

The emphasis of this Bill and the emphasis of the Assembly as a whole should be to ensure that intoxicated people are detained in a way that can be helpful for them, rather than in a way that is threatening. And that is the emphasis of the Bill. It will not resolve the problems of people who have a problem with alcohol, apart from those who are intoxicated only rarely, because, of course, that does happen. In the majority of cases people who are dependent upon alcohol find that they are intoxicated again and again. Under those circumstances, people clearly need to be provided with assistance rather than, if you like, the force of the law. That is the situation that Mr Berry is providing for.

Our attitude in this society to intoxicated people is becoming less and less tolerant - not so much to the actual people themselves, as to the fact that we consider that inappropriate behaviour. It is inappropriate, and I notice more and more that in my circle of friends - at parties and so forth - less alcohol is being consumed. No doubt that has something to do with my age group and the fact that many of my friends have young children and are going to have to be up early the next morning, therefore they are less likely to overimbibe.

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That being the case, I think that the problem of intoxicated persons is something that is being dealt with in the appropriate place, and that, if I can quote from the committee on violence, is the "marketplace of ideas". That is where we need to frown upon the use of alcohol. That is where we need to look at the minimisation of the use of this drug, along with other drugs like tobacco. I think the methodology that Mr Berry is proposing is a quite appropriate methodology, and I must say that I am very disappointed that the Attorney-General has not responded appropriately on this particular occasion. More so than anything else, I am disappointed because not only - - -

Mr Collaery: How outrageous! I have to write your Bills for you, on that side of the house!

MR SPEAKER: Order, Mr Collaery, please!

Mr Collaery: I cannot restrain myself, listening to this.

MR SPEAKER: Well, please do.

MR MOORE: It is entirely inappropriate; I am disappointed at the inappropriateness. Most importantly, I am disappointed because Mr Collaery has had much more time to be able to do that than the time that he is prepared to give the people of Cook, Lyons, Hackett and so forth to respond on a much more complicated issue, with much less support.

The issue involved here that has made me greatly disappointed in Mr Collaery and greatly disappointed in his response to this is his duplicity, as illustrated once again here today. He has failed to find enough time to do something; but he will not be party to providing the community with a reasonable amount of time for consultation, in spite of the fact that it was a very basic principle upon which the Rally was founded.

MR HUMPHRIES (Minister for Health, Education and the Arts) (11.52): Mr Speaker, the issue that has been raised here, of course, is one about the nature of private members' legislation and just what should happen when it comes to this place. On the last occasion that this was debated, on 17 April, Mr Collaery ran through the arguments as to why there were flaws - - -

Mr Moore: You want to move an amendment, the same as we do to your Bills!

Mr Collaery: Just listen to the record now, Mr Duplicitous.

Mr Connolly: On a point of order, Mr Speaker: Is "Mr Duplicitous" a parliamentary interjection, or should not that be withdrawn?

MR SPEAKER: Mr Connolly, I believe that that is probably an allowable statement at this time. Please proceed, Mr Humphries.

Mr Moore: On a point of order, Mr Speaker: In fact, I raised the matter of duplicity myself - that is quite right - but at the time I pointed out exactly why I was saying it with reference to particular issues, rather than just name-calling willy-nilly. I think that is the difference, and I think there is a major distinction to be made there.

Mr Collaery: Mr Speaker, I can respond very briefly here. He accused me, in opening his speech, of duplicity. I did not take the point of order because very few people in Canberra, as we all know, take this man seriously at all, and I let it go so that he could continue his tirade. There has to be goose-gander, and now Mr Moore does not like it.

MR HUMPHRIES: Mr Speaker, as I said, the issue raised here is: Just what is the Government expected to do with legislation that comes forward from the Opposition - or members on that side of the house - which is flawed, or which contains issues which need to be further canvassed? On the last occasion Mr Collaery went through the arguments concerning problems with that legislation and he said that, in his view, the Bill required a complete rewrite in the sense of being inadequate in a number of ways. He said that his advice was that the Bill contravenes the Privacy Act in respect of the recommended record-keeping practices. It also offers the police immunity from civil litigation, which I assume he was saying is inappropriate, or ought to be more carefully examined.

Mr Berry: I do not think he said that.

MR HUMPHRIES: He did not say that, but I think he was implying that it was clearly not appropriate and at least ought to be examined. It also ascribes powers of custody to authorised persons and it also gives them immunity from civil litigation.

Mr Speaker, there are other issues, Mr Collaery went on to say, which we need to consider in the context of how we would make more modern provisions. For example, he went on to talk about the sex ratio of people in such a place. Would it cater for males, or females, or both, et cetera? I think, Mr Speaker, that the question then becomes: If there are such flaws, who fixes them up? Is it the responsibility of the Government to take a piece of legislation, sometimes poorly or inadequately drafted, and get it fixed up? Is it the role of the Government to say to the Opposition, "These are what we consider to be the flaws. You take them back and fix them up"?

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Mr Speaker, there was a period of two weeks - 14 days - between then and now, and we are sitting here today without any indication of any amendments from the Opposition. There are no amendments to say, "We have addressed this issue". There was no indication in the debate, for example, by Mr Connolly who followed Mr Collaery, that he was going to respond to those issues and that he was going to deal with them. What is the Opposition's view? Are the points that Mr Collaery has raised valid objections, or are they not? We are entitled to know.

Ms Follett: What are they?

MR HUMPHRIES: I just went through them. The Bill contravenes the Privacy Act; it offers police immunity from civil litigation; it ascribes powers of custody to authorised persons and also accords them immunity from civil litigation.

Mr Berry: Rubbish! You are rubbishing your own drafting people, are you?

MR HUMPHRIES: I think it is reasonable to ask: What is the attitude of the Opposition to those issues? Are they fair comment, or are they not?

Mr Moore: No. Therefore, if you want to do it, you have to put an amendment.

MR HUMPHRIES: We have indicated clearly what we see as the problems with the Bill. If you are not prepared to address those issues and at least look at the question of privacy and immunity from litigation, then I am afraid that you have to expect that we might vote against the Bill. That is the risk that you run. I think, Mr Speaker, that it is unfair to expect the Government to have to fix up all the poorly drafted and improperly drafted legislation which comes forward from the Opposition. It really is an unacceptable burden to place on the Government, given that it has its own very extensive and very heavy legislative program. So, I say that I think that there is a responsibility on the part of the Opposition to accept the advice offered by the Chief Law Officer on the matter and to accept - - -

Mr Berry: What advice?

MR HUMPHRIES: You obviously were not - - -

Mr Collaery: Read your *Hansard* of 17 April.

Mr Berry: How many times have I written to you and asked you what your problems were, shirker?

Mr Collaery: I gave you the answer on 17 April.

Mr Berry: That is right; you did, too. You said that you would tell us in the Assembly, but it would not - - -

MR SPEAKER: Order, Mr Berry!

MR HUMPHRIES: Mr Berry may not have been in the chamber at the time, although it looks as though he was. Mr Collaery gave a very clear indication of his concerns. He spelt them out quite clearly, and I think they deserve to be answered. I would be concerned about the implications of this provision for the Privacy Act. I do not know what they are, and I would like to see that addressed by the Opposition. This is a debate; we are entitled to see what the arguments are. Mr Collaery has put up an argument about why there are problems with the legislation. Why cannot the Opposition respond to those arguments?

Ms Follett: We have.

MR HUMPHRIES: You have not. I do not know where it is. Where is the response?

Mr Collaery: All right; Ms Follett is going to respond. She has just announced that.

MR HUMPHRIES: Ms Follett is; okay. Whoever responds from that part of the house might be able to clear up these concerns, but I have not seen what those responses are, and I would like to know what they are before I agree to the legislation.

Mr Wood: Are you suggesting that we should never amend government Bills?

MR HUMPHRIES: Of course you can amend government Bills. If you want to amend the Bill, by all means, go ahead. You are perfectly entitled to move amendments, either to your own Bills or to ours. But we have not seen that; we have not seen any amendments.

Mr Berry: We do not need any amendments. It is okay.

MR HUMPHRIES: Tell us why it does not need to be amended. I want to know why.

Mr Berry: It is consistent with legislation that Mr Collaery now administers.

MR HUMPHRIES: It is not good enough just to throw the Bill on the floor of the house and expect the Government to fix it up.

MR JENSEN (11.59): Mr Speaker, I am going to make a brief comment on some statements and interjections that have been made by Mr Berry from across the chamber this morning. Mr Speaker, it is quite clear - - -

Mr Berry: On a point of order, Mr Speaker: The speech that he is required to give has to be in relation to the Bill, not about interjections that were made in the chamber this morning.

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MR SPEAKER: Thank you for your observation, Mr Berry. Please proceed, Mr Jensen.

Mr Berry: That is a point of order, Mr Speaker; that is not an observation.

MR SPEAKER: That is an observation because we have not yet heard what the member has to say, Mr Berry.

Mr Berry: He told us.

MR SPEAKER: Thank you. I take that to be an invalid objection because he has not stated the position.

MR JENSEN: Mr Speaker, during this morning in debate on this particular matter we have heard statements from the Opposition that, in fact, it is the Law Office that has drafted this Bill incorrectly. That was what Mr Berry said. That was the statement that Mr Berry made. That is not the issue, Mr Speaker, in relation to this Bill.

Ms Follett: On a point of order, Mr Speaker: The statement made was that the Law Office had drafted the Bill, not that it had drafted it incorrectly.

MR SPEAKER: Thank you for that observation. I cannot remember the exact words used. Please proceed. I will look at *Hansard*.

MR JENSEN: Mr Speaker, I think you will find quite clearly that the record will say that Mr Berry, in interjection, indicated to this Assembly that, in fact, the Bill had been badly drafted by those drafters. As Mr Berry well knows, Mr Speaker, Bills are drafted for private members on the basis of the drafting instructions. Mr Berry, if you cannot get your drafting instructions right, do not come into this place and complain - - -

MR SPEAKER: Order, Mr Jensen, please!

Ms Follett: On a point of order, Mr Speaker: It relates exactly to that. I find Mr Jensen's style of debate, while shaking his fist and shouting at this side of the chamber, deliberately intimidatory and quite unparliamentary.

MR SPEAKER: Yes, I ask you to settle down there please, Mr Jensen.

MR JENSEN: I am sorry, Mr Speaker, if I have offended. Maybe I have been watching Mr Keating during question time in the Federal Parliament, and I have been overcome by the way he carries on in debate there.

Let me suggest that it was Mr Berry who provided the drafting instructions - no-one else. The Law Office and the drafting counsel's office did not provide the drafting instructions; Mr Berry did. So, Mr Speaker, if Mr Berry cannot get his drafting instructions right, he should not

try to lay the blame elsewhere. I think it is highly inappropriate for Mr Berry to do so, and I think he should get his act together in relation to private members' Bills and make sure that when he puts a Bill before this Assembly it is not full of many holes, like a previous piece of legislation that was tabled by the Opposition just prior to Mr Whalan departing from this place. He put onto this table a piece of legislation that was clearly so badly drafted that it had not, in fact, been drafted at all. All he did was just change the dates, and he even got those wrong.

Ms Follett: On a point of order, Mr Speaker: We are debating Mr Berry's Bill, not any other Bill, and I think that Mr Jensen's remarks are quite irrelevant.

MR SPEAKER: I would overrule your objection there, Ms Follett. Please proceed, Mr Jensen.

Ms Follett: Would you uphold my point of order, though?

MR SPEAKER: I have overruled it.

MR JENSEN: I am pleased to see that, Mr Speaker, because I would suggest that, when we are looking at the issue of legislation, it is quite appropriate on occasions to bring in issues of this type. So, I am glad to see, Mr Speaker, that you have accepted the relevance of my statement in that matter, and I think the record will show that once again Mr Berry seeks to blame others when, in fact, it is his fault.

MR BERRY (12.03), in reply: I will not waste too much effort on responding to the contribution just made by Mr Jensen. It is not worth responding to because it is all full of holes. The response from Mr Collaery - - -

Mr Collaery: The Canberra Times today says that the Rally is to the left of you people.

MR SPEAKER: Order, Mr Collaery!

MR BERRY: That is about the fourth time that you have warned him, Mr Speaker, and it is about time that you really pulled him into gear. The performance by the Residents Rally leader, Mr Collaery, this morning earned - - -

Mr Moore: The duplicitous one.

MR SPEAKER: Order! Mr Berry, would you resume your chair. Mr Moore, you keep playing on words, and I will rule that "duplicity" and "duplicitous" are certainly not words that are parliamentary and - - -

Mr Moore: Mr Speaker, I - - -

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MR SPEAKER: Order! In the context of the debate in which it was raised earlier, I believed that it was a frivolous comment and that is why I allowed it to proceed; but having a look - - -

Mrs Grassby: Oh, that is favouritism.

MR SPEAKER: On both sides. I now ask that both Mr Moore and Mr Collaery withdraw their statements referring to duplicity.

Mr Moore: Delighted, Mr Speaker: I withdraw.

MR SPEAKER: Thank you.

Mr Collaery: Mr Speaker, I withdraw unreservedly.

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

MR BERRY: I say that the response by Mr Collaery earned at least the minimum charge of duplicity. Mr Speaker - - -

MR SPEAKER: I am sorry; what was that?

Mr Collaery: On a point of order, Mr Speaker: He has said that my comments today earn a minimum charge of duplicity. He is defying your Chair.

MR SPEAKER: Yes, I would ask you to withdraw - - -

Mr Collaery: He is making a mockery of this chamber. He is a disgrace to his own party already. He has a few months left in the house.

MR BERRY: I understand that those charges of duplicity have been withdrawn, and that they are not matters relevant to further discussion. His comments have earned it. I have not made the charge.

MR SPEAKER: I ask you to withdraw that statement if you claim that it has been earned. It is unparliamentary, and I ask you to withdraw it.

MR BERRY: I withdraw that.

MR SPEAKER: Thank you. Please proceed.

MR BERRY: It has been an extensive exercise in doublespeak. This two-faced person opposite has deliberately tried to present himself in the community as one thing; but, when we see him speak in this place, we can really see where he is coming from. He is opposed to anything that has anything that looks like a social justice motive. He is bereft of social justice conscience. This chameleon has demonstrated to the community just where he stands on progressive legislation - well back from it. He blamed his Law Office for the quality of the document that is before this house, very clearly.

He refused to lay on the table any amendments which would, in his words, improve the legislation to his liking. He did not have the courage to do that, because what has happened here is that the Labor Opposition has stolen the march on a government that is not able to put together a decent legislative package. That is what has happened. He is embarrassed. For the Labor Party to get away with this piece of legislation would be a supreme embarrassment to him; so what he is going to do is stand in the way of it, in the same way as he has in relation to other progressive legislation that has come before this place from the Labor Party. That is what this is all about - nothing more, nothing less.

He rambled on about contravention of the Privacy Act. That is very interesting, because the Crimes Act contains the same or similar provisions, and he is the Minister responsible for that. And what is he doing about it? Absolutely nothing - because there is nothing wrong with it. There cannot be anything wrong with it if you support it. You then talked about clause 9 of the Bill in relation to restraint and the need to be careful. Tell us why you need to be careful. It is very clear in the Bill what can happen there. What amendments do you think would be necessary, Mr Attorney-General? You have not even worked them out, by the sound of it; you cannot be bothered. You would rather knock off a piece of progressive legislation because you cannot take the credit for it. You have a dog in the manger attitude; that is what it is all about.

This Attorney-General also moaned about the police "choice of care". I do not know what he was moaning about. It is very hard to work out what Mr Collaery is doing from one day to the next. But again, why not some amendments? There is not a sign of them. I say, Mr Speaker, that Mr Collaery is behaving like a spoiled brat in this chamber, and he will be exposed as a - - -

Mr Collaery: On a point of order, Mr Speaker: That is a personal reflection. I do not know what he means by "spoiled brat", but - - -

MR SPEAKER: All right. Order! I do not believe that that is unparliamentary, but you can certainly make an explanation if you feel that you have been aggrieved.

MR BERRY: Even with his legal background, I am afraid that he would have great difficulty in making out a case to prove that he was not behaving like a spoiled brat. Mr Speaker, he has not got his way, and now he is chucking a tantrum. That is the point that I am making, and I think it is clearly the case.

This piece of legislation was intended to look after people who were on hard times. It was intended to relieve the police of responsibilities which take them away from duties which perhaps would be in the better interests of the

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community. This Attorney-General is clearly standing in the way of it for no good reason. If there was a good reason, he would lay it on the table in this place. He would have the courage, he would have the guts, to lay it on the table in this place so that we could debate it. But he has no good reason. He is not going to put it on the table. That is the truth of the matter, no matter what is said from the other side. It is clearly avoidance of the real issues. We want to see the amendments that the Attorney-General thinks are necessary. We want to see the sort of rewrite that the Attorney-General thinks is necessary. It is all a furphy; that is what it is. It is all another Bernard Collaery furphy, and another demonstration of Mr Collaery being everything to all people.

MR SPEAKER: I ask you to withdraw "furphy" in the interpretation that it can be a lie. I ask you to withdraw that.

Mr Connolly: It is a fine piece of Australian tradition.

MR SPEAKER: It may well be, but it is misused in this chamber. Whenever I allow any leniency, it is misused.

Ms Follett: It does not mean a lie; it is a red herring.

MR SPEAKER: It is also interpreted as a lie.

Mr Berry: Is "red herring" a lie, too?

MR SPEAKER: It can well be interpreted so, and I ask you to withdraw it.

Ms Follett: Are you going to let him have "red herring"?

MR SPEAKER: I ask you to withdraw "furphy".

Mr Berry: It is a furphy, it is a red herring; it is being deliberately constructed to mislead. They are all the same.

MR SPEAKER: Mr Berry, please withdraw "furphy".

Mr Berry: All right. I do not believe this. One cannot criticise the Government.

MR SPEAKER: People take the Chair's interpretation when leniency is allowed and then carry it to the extreme.

Mr Connolly: On a point of order, Mr Speaker: The *Macquarie Dictionary* defines "furphy" as a rumour or a false story. If the Opposition cannot say that things are false, we have the position that it is only parliamentary for us to come into this chamber and say, "What a good government we have; aren't they wonderful". Surely this must be a position that is allowable. I challenge you to give any example in any other parliament where "furphy" has been declared unparliamentary.

MR SPEAKER: This is not any other parliament. Please proceed, Mr Berry.

MR BERRY: Mr Collaery's position can be likened to a rumour or a false story. This Attorney-General is the greatest example of double standards that we are ever likely to see in politics in the Australian Capital Territory. The good thing about it is that the community has woken up to him and he is not likely to be back next time, and I think that is a good thing.

What Mr Collaery very carefully avoided telling this Assembly was that on the 17th, when he had worked out that he had been beaten to the punch, he muttered that he had some difficulties with the Bill. I wrote to him asking him to provide me with some examples of what he might find wrong with the Bill, so that we could come to an agreement and fix it up. Of course, the response from Mr Collaery has been predictable. He does not want to fix it up. He does not have any problems. He does not want to fix it up, because it would demonstrate clearly how poorly he has performed as what he describes as the leading law officer or the senior law officer in the Territory. Nobody else describes him that way - nobody with commonsense, anyway.

This piece of legislation is intended, as I have said before, to look after people who are on hard times, and to create a better environment in the Australian Capital Territory in relation to the consumption of intoxicating substances. The Minister obviously does not care about that. He is not prepared to put forward a piece of alternative legislation. He is not prepared to table a draft piece of legislation which might replace that which has been put forward by the Labor Party. He has no courage in that respect. His lack of courage has shown through in relation to all his comments in relation to this Bill.

Mr Humphries' parroting of Mr Collaery's position offers nothing to the debate, because Mr Humphries clearly is as wrong as Mr Collaery. It strikes me that this Minister will do anything, anything at all, including inflicting serious damage on the community, in order to preserve the image that he wants to create for himself. That is the way that he has attacked the debate on this piece of legislation - an entirely gutless approach. There is no thought for the community at all, only his own self-interest. That is a hallmark of the Residents Rally. It is something that we have had to live with, and I expect that we will see some more examples of that as we move closer to the 1992 election.

But this Minister will not get away with it. It will be continually brought to the attention of the community, as will his performance on this piece of legislation. Many community organisations have written to me and said that they support this legislation. I suspect that many have written to the Attorney-General and told him that they

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support the legislation as well. But none of them could convince him that he ought to let this progressive legislation go through because somebody else would be able to take the credit. The dog in the manger attitude has shown through again. It is typical of the Residents Rally.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 6

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

NOES, 9

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

Question so resolved in the negative.

PERSONAL EXPLANATIONS

MR COLLAERY (Attorney-General): Mr Speaker, I claim to have been misrepresented and I seek leave to make a short statement.

MR SPEAKER: Please proceed.

MR COLLAERY: Mr Berry has made a number of allegations about me, principally that I have deliberately set out to block his Bill and that I have failed to advise him. The principal claim is that I have not advised him and have not responded to a letter from him setting out what was necessary to amend the Bill and make it acceptable.

Mr Speaker, on 17 April I enumerated the things that the Law Office had indicated to me were wrong with his Bill. Mr Berry's allegation that I have failed to assist him is quite wrong. The advice he sought was given to him on the floor of this house. I do not know, because of the confidentiality of the drafting process for private members, whether he took my comments to those people who were drafting the Bill for him. I do not know their identity. But clearly, Mr Speaker, his allegation that I have somehow failed to advise or assist him is entirely wrong and misplaced.

Mr Speaker, Mr Berry also alleged that I had no concern on social justice issues. I simply draw attention to today's editorial in the *Canberra Times* that indicates that the Rally that I lead is left of Labor. That is saying something about the group opposite, Mr Speaker. I think we will let that judgment sit on Mr Berry, and that has probably stung him into action today.

MR BERRY: I claim to have been misrepresented, Mr Speaker.

MR SPEAKER: Please proceed.

MR BERRY: In that short discourse Mr Collaery put it to the Assembly that he had been in some way misrepresented by me. That is quite untrue. My representation of Mr Collaery has been - - -

Mr Collaery: Mr Speaker, on a point of order: He is arguing the point; he is not saying how he has been misrepresented.

MR SPEAKER: I think, Mr Berry, you were getting to the point. I will allow you to continue.

MR BERRY: My representation of Mr Collaery has been entirely true. I have tried to present him as a dog in the manger, and I think I have succeeded in doing that. I have tried to present him as pursuing doublespeak in this Assembly in terms of - - -

MR SPEAKER: Order! How have you been misrepresented, Mr Berry?

MR BERRY: Mr Speaker, Mr Collaery has claimed that I have misrepresented him. I have in no way misrepresented Mr Collaery.

Mr Collaery: On a point of order, Mr Speaker: This is a flagrant abuse of procedures here. He is not saying how he was misrepresented; he is simply restating his case.

MR SPEAKER: Thank you, Mr Collaery. I uphold your objection and I ask Mr Berry to get to his point.

MR BERRY: I am getting to the point, Mr Speaker, but I need to touch on some of those issues which Mr Collaery claimed in his discourse were a misrepresentation of him. I have not misrepresented Mr Collaery, Mr Speaker; I have put to this Assembly a plain and truthful case that he has failed to deliver the goods, that he has been a dog in the manger and a spoilt brat.

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Mr Collaery: On a point of order, Mr Speaker: Are you going to allow this? I ask you to rule on this matter now.

MR SPEAKER: Order! Mr Collaery, I did rule on it. You were given the opportunity to state your case. Mr Berry is stating his. I do not see that there is - - -

Mr Collaery: He is not saying how he has been misrepresented.

MR SPEAKER: Order! It is very close to 12.30. The sitting is suspended for the lunch break.

Sitting suspended from 12.26 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Alliance Government

MS FOLLETT: My question is to the Chief Minister. Mr Kaine, what action have you taken to stop the public brawling between your Ministers, which was evidenced yet again this morning in Mr Collaery's remarks on ABC radio about his colleague Mr Humphries?

MR KAINE: I do not know that there is any public brawling, Mr Speaker. The Leader of the Opposition is quick to jump on anybody who expresses any opinion of any kind about anything. I have repeatedly said, Mr Speaker - - -

Mr Berry: What they need is a bit of strong leadership over that side. That is what they need. They need some discipline.

MR KAINE: You are the last person to talk about discipline. You have no personal discipline whatsoever.

I have made it quite clear on many occasions that the Alliance is a group of people with various political and other beliefs. We work together strongly as a government and the evidence for that is on the record. I do not expect all of my Ministers or all of the members to toe the line on every issue, like the Labor Party expects of the members of its Caucus. If they have an opinion to express, generally speaking, they go and express it. I think it is healthy debate. It shows the general community out there that we are not always of one mind on all subjects; but it also demonstrates that, when it comes to the crunch and we want to put a policy into place, we agree on what we are going to do and we go and do it. We do not fight in the Caucus room like you lot.

MS FOLLETT: I have a supplementary question, Mr Speaker. On the basis of Mr Kaine's reply I would ask him: Does he admit, then, that he has absolutely no control whatsoever over the members of his Government?

MR KAINE: All I can say is that we are in the latest episode of the Rosie and Wayne comedy show.

Mental Health Legislation

MRS NOLAN: Mr Speaker, my question is addressed to Mr Humphries in his capacity as Minister for Health. Can the Minister advise what action is being taken with regard to the *Balancing Rights* report released following a review of mental health legislation in the ACT?

MR HUMPHRIES: Mr Speaker, yes, I can. In 1990 I initiated a major review of mental health legislation in the ACT. The review was undertaken by an expert committee headed by an independent chair, Mr Nick Seddon, a senior lecturer in law at the ANU. Committee members represented a wide variety of viewpoints and interest groups. The committee provided its report to me at the end of November last year and produced a detailed and highly professional document entitled *Balancing Rights: A Review of Mental Health Legislation in the ACT*.

The report contained some 59 recommendations and I think it is one of the most significant documents to emerge in the field of mental health law in this country for some years. Hundreds of copies of the report have been distributed to those groups and individuals who made submissions to the review, and to other interested parties. Several of these individuals and groups have since written to me putting forward submissions on the report and its recommendations. I have decided to set a cut-off date for such submissions, after which time a government response to the report, taking into account any community comments, would be finalised. That cut-off date is 18 May 1991, which I am sure will satisfy those opposite.

The Government's response to the report will need to cover several areas of concern. The Government will, firstly, respond to the committee's recommendations concerning changes in ACT mental health legislation. However, as was found during the review process, the issues of legislation and services in this field cannot be clearly separated, and our response will need to address community service delivery and administrative issues arising from the report

In order to cover those various areas the Government's response to the report will most likely take the form of a white paper. I thank Mrs Nolan for that question.

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White Collar Crime

MR STEVENSON: My question is directed to the Attorney-General, Bernard Collaery. Will the Attorney-General initiate an investigation into the matter of white collar crime I raised in this house last night concerning the falsification of records by Alexander Gajic and liquidation of Joyfrey Nominees Pty Ltd to evade tax obligations and payments to creditors?

MR COLLAERY: I thank Mr Stevenson for the question. I am waiting on the *Hansard* report and copies of the tabled documents, of course. I have undertaken to refer that to the Australian Federal Police and to any other necessary authorities concerned with that alleged liquidation. But certainly I am not saying that I am undertaking the investigation; I am saying that I have referred the matter to the relevant authorities who, within their own operational prerogatives, can decide whether the matter should be investigated further. But if it is not investigated, and within the realms of privacy considerations, I can tell you why.

Alliance Government - Resignation of Dr Kinloch

MR WOOD: Mr Speaker, I direct a question to the Chief Minister. Chief Minister, has Dr Kinloch formally submitted to you his resignation as an Executive Deputy in the Alliance Government? Will you table that resignation?

MR KAINE: Yes, Dr Kinloch has submitted to me his resignation as a member of the Government and as an Executive Deputy. No, I will not table it. It is a private message between Dr Kinloch and me.

MR WOOD: I ask a supplementary question. Further to that, are you acting to adjust any of Dr Kinloch's extra staffing and other resources provided by the Government to Executive Deputies, and do you require that he leave the accommodation on the Executive level?

MR KAINE: Mr Speaker, my recollection is that Executive Deputies have the same staff as individual members of the Assembly do. The only difference, as I understand it, is that out of the Executive budget comes some part of the costs of the staff. I will take that matter up with the Speaker to see whether there ought to be an adjustment between his budget and mine. As to accommodation, it is a matter that I have not considered yet.

Ambient Lead Levels

MR STEFANIAK: My question is addressed to Mr Humphries. Is the Minister aware of media reports that lead levels in the ACT are higher than was previously thought? If so, does this change the answer given to a question on notice asked by the Leader of the Opposition on 7 August last year?

MR HUMPHRIES: I thank Mr Stefaniak for that question. I am aware of these reports which are, in fact, due to a press release from the ACT Board of Health on 24 April. I am informed that it became known to the Director of the ACT Government Analytical Laboratory on 2 April this year that an error in methodology had occurred at some time prior to January 1990 whereby the results of ambient air level monitoring were determined to be inaccurate and lower than now known to be the case. It is not known how long this error had existed.

As a result of this review of methodology, ambient airborne lead levels for 1990 can now be restated as validated data. Prior to 1990 airborne lead levels cannot be validated. Consequently, I am now advised that, instead of there being no exceedances of the National Health and Medical Research Council's recommended levels - that is, 1.5 micrograms per cubic metre for three-monthly rolling averages - there was one instance when this level was exceeded; namely, in the May rolling average of 1990. A level of 1.51 micrograms was recorded at Civic and 1.67 micrograms per cubic metre at Woden - not matters of great alarm, I would have thought.

This is a time when, of course, historically there are very marked temperature inversion layers in the atmosphere of Canberra, and that would account for very still air which would contribute to a higher than usual reading.

Mr Wood: Are you happy with the lead levels?

MR HUMPHRIES: I said so yesterday, Mr Wood.

Mr Wood: You are?

MR HUMPHRIES: Yes. As mentioned in my reply to the Leader of the Opposition on 7 August, the data collected still shows cyclical trends associated with climatic conditions and a definite downward trend in lead levels since the introduction of unleaded petrol into the ACT. I am advised by the Chief Health Officer that the facts that I have just given indicate that there is no public health risk to residents of the ACT.

I can assure members of the Assembly that the Government Analytical Laboratory continually reviews its methodology for all tests and that this monitoring will continue to be carried out, and any perceived public health risk will be drawn to my attention.

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Mr Berry: Mr Speaker, I move:

That the document to which the Minister was referring be tabled.

Question resolved in the affirmative.

Schools Location Legislation

MR MOORE: My question is directed to Mr Jensen as chair of the planning committee. Mr Jensen, considering the current round of variations to school sites, the task force that Mr Humphries established and spoke about yesterday and the schools location Bill, has the planning committee approached the Government to point out that there is some conflict between the proposed variations going ahead and the work of the committee in dealing with the methodology for dealing with school closures; or has your position as Executive Deputy made such a letter difficult? What action has the committee taken with reference to the schools location Bill?

MR JENSEN: The planning committee will be meeting on Monday at 4 o'clock. These issues that have been raised by Mr Moore will be discussed at that meeting, and I trust that Mr Berry will put in an appearance, for a change, to fully participate in the committee process. However, I suspect that once again he will probably shirk his responsibility as a working member of the Assembly and refuse to attend.

MR MOORE: I ask a supplementary question, Mr Speaker. So far, then, on the schools location Bill you have done absolutely nothing, and that was referred to you late last year by Mr Humphries. Is this a government way of ensuring that that Bill, which I had offered to sponsor through the Assembly, will not, in fact, be considered by this Assembly while this process is going on?

MR JENSEN: As I have already indicated, the matter will be discussed within committee, as Mr Moore knows full well. It is appropriate for those matters to be discussed in committee, and, once again, I would expect that Mr Berry would make his face available to participate in that debate.

Ambient Lead Levels

MRS GRASSBY: Mr Speaker, my question is addressed to the Minister for Health, Education and the Arts. Is the question of lead levels in ACT petrol a matter on which you should have consulted Mr Collaery before speaking in public, as Mr Collaery claimed on the Matt Abraham show this morning?

MR HUMPHRIES: Mr Speaker, as I have said many times in the past in this place in response to suggestions about what my colleagues are saying elsewhere, I will wait until I hear it from the horse's mouth before I take it as read that, in fact, Mr Collaery did say that. I certainly discussed the matter of airborne lead levels with my colleague the Minister for Urban Services before I spoke to the media. I am sure that if there is some problem with communication it can be worked out, but I do not think there is a problem with communication.

North Ainslie Primary School and Preschool

MS MAHER: Mr Speaker, my question is directed to the Minister for Health, Education and the Arts. Minister, what has been the level of support amongst parents and staff for the collocation of North Ainslie Preschool with North Ainslie Primary School?

MR HUMPHRIES: I thank Ms Maher for that question. Of course, her question reminds the Assembly that North Ainslie Preschool was the first of six collocations that the Government announced towards the end of last year.

Mr Berry: Six closures, you mean.

MR HUMPHRIES: Mr Berry says "Six closures". He forgets that his colleagues sitting with him have supported the concept of collocation of preschools. Before he gets too worked up, he would be better to talk to Mr Wood and Mr Connolly.

Mr Wood: In certain circumstances, let us say.

MR HUMPHRIES: In certain circumstances collocation is all right. So, be careful, Mr Berry. Talk to your colleagues; talk to your leader. Find out what the line is before you run any lines that do not quite make sense.

The fact is that there has been no significant opposition to the idea of collocation. In fact, I have had not one single letter that I can recall saying, "My preschool should not be collocated". I have had support from your colleagues on that side of the chamber for the idea of collocation as a way of saving money in preschool education. So I think, Mr Berry, you have shot from the mouth without thinking. You did not think before you made those comments and you will probably find yourself hauled over the coals by your colleagues in your party room later on today.

North Ainslie Preschool commenced operations from its new site at North Ainslie on Wednesday, 10 April. The preschool facilities are separate from the primary school.

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Mr Berry: When did the others close?

MR HUMPHRIES: Obviously Mr Berry has not caught up with the facts in this matter. He does not realise what is going on in this field. He does not know that preschool education is moving on to new areas.

Mr Berry: He wants to debate it across the floor.

MR SPEAKER: Order! Mr Berry, I warn you. Please proceed, Mr Humphries.

MR HUMPHRIES: Thank you, Mr Speaker. Mr Berry does not realise that there are issues very intimately concerned with the process of change in the preschool area, such as collocation, which have been debated with the community and which have been accepted by organisations such as the Canberra Pre-School Society. This is part of the process of consultation which this Government has entered into with respect to preschools and which, I have to say, has been, so far at least, a great success.

Preschool facilities are now separate from the primary school at North Ainslie, and the area has been substantially renovated and refurbished. I would like to take this opportunity to commend the efforts of parents and staff in support of that collocation. I understand that there have been many willing hands helping with packing and moving stores and equipment to the new home for the preschool, and the attitude of the community there has been very positive towards this development.

Ministerial Travel

MR CONNOLLY: My question is addressed to the Chief Minister. Chief Minister, what guidelines have you laid down for ministerial travel and will these guidelines be tabled?

MR KAINE: Mr Speaker, there is a handbook which deals with matters concerning the conditions of service and otherwise of members of the Executive and members of the Government. There are criteria laid down there in terms of entitlements to travel. I have no objection at all to tabling that. I cannot do it right now, because I do not have it with me.

MR CONNOLLY: Mr Speaker, I ask a supplementary question. Last night the Chief Minister indicated that the Government did undertake some process of analysis in relation to whether trips are undertaken or not. I refer to page 81 of the proof *Hansard*. Those are the guidelines I am seeking to have tabled. Do they exist or not?

MR KAINE: I am not quite sure what Mr Connolly is on about. He is obviously off on another witch-hunt where he is trying to prove somehow that Ministers are travelling unnecessarily or without authority or something. I think I had better talk to him privately and find out what it is that he has got stuck in his craw, and if he can really tell me what the problem is I will see whether I can address it.

Vocational Training Authority

MR BERRY: My question is directed to the Chief Minister as the Minister responsible for industrial relations. The Vocational Training Act of 1989 provides for the appointment of a chief executive. Chief Minister, does the fact that the position has not been filled indicate a lack of support for the authority? If that is not the case, when will the position be filled?

MR KAINE: The fact that there is nobody occupying the job merely indicates that we have not yet selected anybody to fill it. It is like a lot of jobs in the public service and in associated statutory bodies that are vacant from time to time. People do leave, people with suitable qualifications have to be found to fill those jobs, and when a suitably qualified person is found to fill that vacancy it will be filled.

MR BERRY: Mr Speaker, I ask a supplementary question. Has the position been advertised and, if so, when is the position due to be filled?

MR KAINE: I will have to consult the chairman of the Vocational Training Authority to see what the current status of that vacancy is. I do not know offhand, but I will find out and I will inform the member opposite.

Petrol - Lead Levels

MS FOLLETT: My question is directed to Mr Kaine in his capacity as Minister for the environment. It is a question concerning lead in petrol. On 20 February you said in answer to a question on that subject:

The lead levels are way below permissible limits.

A little later you said:

We are encouraging suppliers to eliminate country grade fuel altogether.

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Given the recent publicity which shows that there is some concern about atmospheric lead levels in Canberra, and the document that Mr Humphries has now tabled which shows that the atmospheric lead levels have in fact exceeded the National Health and Medical Research Council's recommended levels, I would ask you, Mr Kaine: What action are you taking on the continued supply of high lead country grade petrol in the ACT?

MR KAINÉ: Mr Speaker, it is clear that members of the Opposition will have a go at one Minister and when they do not think they have got the right answer they will have a go at another one. I am surprised that they did not ask Mr DUBY or Mr COLLAERY. The fact of the matter is that the Government has this matter well under control. The very fact that we know the levels indicates that we are conducting a very close monitoring. In fact, it is monitored at four different points in Canberra constantly. Occasionally, as Mr Humphries pointed out, the level does exceed the permissible levels, and nothing has changed with that. It exceeded permissible levels when you were Chief Minister and it has exceeded permissible levels at different times of the year for many years. As Mr Humphries I think also pointed out, the use of leaded fuels is reducing. Therefore, the number of occasions when the limits are exceeded will reduce progressively. That is the current status.

To deal more specifically with your question, it may well interest you to know that the Cabinet in fact discussed this question only on Monday. As a result of that discussion, the two responsible Ministers - who happen to be Mr Collaery and Mr DUBY, but I notice that you never ask them a question on the subject; you might address your questions to the appropriate Ministers once in a while - are, at the request of the Cabinet, contacting the oil companies, because it is our understanding that if we put a ban on the supply of leaded fuel today we simply would not get sufficient fuel supplies made available.

Mr Connolly: Mr Collaery said that he does not believe what the petrol companies say.

MR KAINÉ: I am telling you, Mr Connolly, whether you choose to listen or not, what the oil companies say. Because they say that and because there is a continuing problem, Mr Collaery and Mr DUBY, at the request of the Executive, will be inviting the oil companies to discussions to find out just what the true position is now.

The advice that we would get no fuel if we put a total ban on leaded fuel is now dated and it may or may not still be true. But, if you really want to know the situation, we will determine, by discussion with the oil companies, what the true situation is and we will inform you. If you just

want to persist with this dog in the manger attitude, instead of trying to find the facts, then you just keep on. That is fine; we will just ignore you. But, if you really want to know what the status is and if you are really concerned about the good of this community, we will find out the facts and when we have them, if they have changed, we will inform you.

MS FOLLETT: I have a supplementary question, Mr Speaker. I have heard Mr Kaine say that if the Government were to cease the supply of high lead country grade petrol today it would jeopardise the ACT's petrol supplies. I would ask: What deadline will you put for the ceasing of supply of high lead country grade petrol?

MR Kaine: Mr Speaker, when we know, after consultation with the oil companies, at what point they can guarantee the supply of city grade fuel to Canberra, we can determine what date to put a limit on it. If it is going to take the oil companies five years before they can adjust their production so that they can guarantee the delivery of city grade fuel and we say that in 18 months' time we will ban country grade fuel, we will have no fuel. It is a matter of finding out the facts, negotiating with the oil companies and - - -

Mr Connolly: Doing what they tell you.

MR Kaine: I beg your pardon, Mr Connolly; I did not say that I was going to do what they tell me. I said that we were going to find the facts; that I was going to find the facts. If you can think of a better way of finding the facts, come up to my office after the Assembly adjourns tonight and tell me how you would go about this problem - if you are such a genius and you have a better solution to the problem. You are full of snide remarks. The Government is attempting to deal with this problem and all you can do is sit there and make snide remarks. You are not interested in the good of the community; you are just interested in scoring points, and that is what you do constantly. If you really believe in the thing, join with us and help us solve the problem.

Mr Connolly: I raise a point of order, Mr Speaker. Surely it is unparliamentary to say of any member of a representative assembly that they are not interested in the good of the community.

MR SPEAKER: I do not believe that that is a valid point of order.

White Collar Crime

MR STEVENSON: My question is directed to the Attorney-General. Will the Attorney-General call for an investigation into the involvement of the prominent Sydney law firm Simons and Baffsky in regard to the 27 pages of evidence I tabled in the house yesterday? In particular, firstly, was Simons and Baffsky aware that its client Alexander Gajic had confessed before the Woodward royal commission into drug trafficking? Secondly, was Simons and Baffsky aware that the Californian company VCX Incorporated, which it dealt with on behalf of Gajic, was run by well-known Mafia figures in the United States? Thirdly, was Simons and Baffsky aware that the actions it took on behalf of its client to obtain video masters from the company Armstrong Audio Visual assisted its clients Alexander Gajic and Sienna Pty Ltd to asset-strip Joyfrey Nominees Pty Ltd in order to avoid tax obligations and creditors? Fourthly, was Simons and Baffsky aware that Harold Schekeloff, with whom it had dealings on behalf of Gajic and who paid Simons and Baffsky's account for Gajic, had attracted the attention of various crime intelligence bureaus in Australia?

MR COLLAERY: I thank Mr Stevenson for the questions. Mr Speaker, I will take all of the question on notice; but, in fairness to that law firm, I think it should be observed that you should not judge a lawyer by the client he or she acts for or defends. That mistake is often made by the community. I would have no objection to defending anyone opposite, but I would not want to be associated with them in doing it. Certainly I will take the matter on notice and I will inform Mr Stevenson directly on the matter and I will inform the house as well.

MR SPEAKER: Members, before we go past the point, I draw members' attention to standing order 117. Paragraph (d) of that standing order provides that questions that are critical of the character or conduct of other persons must be put on notice. I would ask you all to abide by that rule in our standing orders. Also, questions should be concise and relate to one matter only.

Public Servants

MR WOOD: Mr Speaker, I direct a question to the Chief Minister. Chief Minister, will you give a guarantee to ACT public servants that they will continue to have unrestricted rights of promotion and transfer to Commonwealth departments?

MR KAINE: Yes, I give that unequivocal undertaking. In fact, people do not seem even to have read the speech that I made yesterday in this connection, although they seem to be prepared to quote from it and misrepresent it. I made it quite clear in that speech that, if there were to be any change in the arrangements, there would be two fundamentals.

One was that the existing conditions of service that they enjoy under the APS arrangements would be the baseline from which we would begin to negotiate. The other was that mobility between any future ACT Government Service and the Australian Public Service would be retained for existing employees. They are two specific statements that I made in that speech. I have always made those points. They are basic to any substantial change in the Government Service arrangements.

MR WOOD: I ask a supplementary question, Mr Speaker. Minister, do your remarks yesterday about downsizing suggest that your proposal is a vehicle for staff wages and conditions cuts?

MR KAINE: Absolutely not; to the contrary. Let us be quite clear, Mr Wood. I have always said, ever since I have been Chief Minister, that there was scope for reducing the number of people on the ACT Government Service payroll. I have never said anything other than that. People keep putting figures on it: "How many are you going to fire this year?".

I have also said that we are not going to fire anybody; that the public service numbers will reduce by attrition or by people choosing to take voluntary redundancy packages. That is happening this year; it will happen next year; and it will happen in future years until the numbers employed by the ACT Government Service are, in my view, at an acceptable level.

Nothing that I have said implies any reduction in the level of their conditions of service. Nothing implies that people will be paid less or that their compensation packages will be less acceptable than they are now. Indeed, what I am proposing is that with a highly professional public service you can pay them more, by one means or another, increase their productivity and more than recover the cost of that additional wages bill or compensation bill.

That is the basic premise that I am putting forward. I think it is a sound management proposition, and that is what I intend to do in the long term. And, incidentally, three years from now I will still be sitting here, still putting that policy into effect.

Health Management

MR MOORE: Mr Speaker, my question is, I think, directed to the Chief Minister, but I am quite happy if Mr Humphries takes it if that is more appropriate. What was the cost of the report - by John Enfield and the consultants that he used - into the health system?

MR HUMPHRIES: Mr Speaker, I think the report was initially commissioned by me, although ultimately the report was given to the Chief Minister on the basis that Mr Enfield conducted an inquiry under the Inquiries Act. I do not know the amount that was involved. I am happy to take that question on notice and I will get back to Mr Moore on it.

Quarterly Financial Statement

MRS GRASSBY: My question is addressed to the Treasurer. When will you publish the quarterly financial statement for the March quarter, which ended a month ago?

MR KAINE: I will publish the statement for the March quarter as soon as it is available to me. It does take a little time to extract the figures and put them together. It cannot be done instantaneously. The fact that the period ended a month ago is no reflection on the people who are producing it and putting the information together. It will be published as soon as it is available.

Hospital Services Budget

MR CONNOLLY: My question is directed to the Minister for Health. I refer to the Chief Minister's letter to you dated 12 April 1990, which I think was tabled yesterday, in which he refused to allow officers of your department, Treasury and the hospitals to meet to discuss the basis for hospital funding. Did you ever take up the Chief Minister's invitation in this letter to comment on his decision?

MR HUMPHRIES: I am not sure I caught the whole of that question, but I do not think I ever refused anybody - - -

Mr Berry: No, no.

MR HUMPHRIES: The Chief Minister; I beg your pardon. Mr Speaker, I think this issue was canvassed quite thoroughly yesterday when I think I explained pretty clearly what happened with respect to that. The letter which was responded to by the Chief Minister, which, as those

opposite know, was the second letter on that subject I had signed to him, was forwarded back to the Board of Health. I thereafter met regularly with the chairman of the Interim Hospitals Board and subsequently of the Board of Health, and at no stage was - - -

Mr Berry: I raise a point of order. I think the Minister is answering the wrong question. The question is: Did he ever take up the Chief Minister's invitation to comment on his decision?

Mr Kaine: Whose question was it, yours?

Mr Berry: My point of order.

MR SPEAKER: I do not believe that that is a valid point of order. Please proceed, Mr Humphries.

MR HUMPHRIES: No, I do not think so either, Mr Speaker. The issue came back to the Board of Health; that is where the issue rested. It is a matter of regret to me that it did rest there, given the problems that followed. But I cannot help the fact that the matter was raised with the Chief Minister; a reply was received; it was sent back to the Board of Health. I did discuss subsequently with the chairman of the Board of Health, on several occasions, issues concerning the board and the operation of health services, and the issue was not raised.

Of course, the Enfield report makes a very pointed comment about how that came about. Those opposite, Mr Connolly in particular, have not mentioned that, but there is a very direct piece of comment in Mr Enfield's report on why further follow-up did not occur. I think that if he reads the report he will see why it did not occur and he will perhaps redirect his questions away from where they do not belong to where they should belong.

MR CONNOLLY: I ask a supplementary question. Does your failure to follow through the invitation to comment show that you do not have the interests of the Canberra community at heart?

MR HUMPHRIES: Mr Speaker, there was no failure and, no, there is no indication of any failure to have the interests of the Canberra community at heart.

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

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PAPERS

MR COLLAERY (Deputy Chief Minister): Mr Speaker, for the information of members I table the following papers:

Audit Act -

ACT Transport Trust Account (ACTION) - Report and financial statements, including the Auditor-General's report for the period 11 May 1989 to 30 June 1990.

Canberra Theatre Trust - Report, freedom of information statement and financial statements, including the Auditor-General's report for 1989-90.

Trustees of the Canberra Public Cemeteries - Report and financial statement, including the Auditor-General's report for the period 11 May 1989 to 30 June 1990.

CASINO PROJECT Ministerial Statement

MR KAINE (Chief Minister), by leave: Mr Speaker, I wish to make a statement about the Canberra casino project. My previous statement on this matter on 17 April this year indicated that the preferred tenderer for the Civic Square redevelopment project had been unable to secure finance. At that time I indicated that there was still very strong interest in establishing a casino in the Territory and that the Government would consider other action to ensure that the failure of that process did not have serious consequences for the local economy.

As I advised in my media statement of 24 April, the Government has decided to continue the casino selection process by calling for new expressions of interest in establishing a casino in the Territory. In making this decision, the Government was very much aware of the benefits that will accrue to the Territory with the establishment of a casino. These benefits are in terms of positive impacts for tourism, construction and long-term employment and Territory revenue.

It is with this very strong commitment that the Government has decided to call generally for expressions of interest in establishing a casino in the ACT. The advantages of this initiative are that the replacement selection process will allow the marketplace to put forward innovative and exciting proposals on sites preferred by the private sector. This process should also result in the early establishment of a casino, and it will allow the opportunity for consideration of staged developments.

Interested consortia are being advised that the Government will consider only proposals that will involve a major construction component. In this regard, the Government will also take into account premiums offered by consortia for the casino licence which will, consistent with previous undertakings, be used for the construction of community facilities.

The two-stage selection process will be utilised, with a preliminary submission stage being followed by a design and financial submission stage for short-listed consortia. Invitations to register interest will be issued in major Australian newspapers on Saturday next, 4 May, and it is the Government's intention to complete the selection process by 1 December 1991, including the finance and design assessment and Casino Surveillance Authority recommendations.

The expression of interest document will note that under current planning policies a casino is permitted only in the area bounded by London Circuit and Vernon Circle. Notwithstanding this, consideration will be given to substantial proposals for the establishment of a casino in other areas of the Territory. Development conditions will be established for each proposal short-listed, depending on the location of the site and the nature of the proposed development.

The Government has also considered the question of an interim casino and, given the delay in establishing Canberra's permanent casino in the current economic climate, it has decided to consider the possible establishment of an interim casino. The Government is of the view that a professionally operated and rigorously controlled interim casino will provide both a lift in Territory tax revenue and the opportunity to establish a position in the casino market, pending the opening of the permanent casino. A temporary casino licence will be issued only to the successful tenderer for the permanent casino.

In conclusion, I must stress the Government's continued commitment to the establishment of a casino in the Territory, and I would ask the Assembly, the community, the media and business leaders to support the Government's efforts to bring this important project to a successful completion. Indeed, I ask even the Opposition to get off their hobbyhorse and support it. Mr Speaker, I table the following paper:

Canberra Casino Project - Ministerial statement, 1 May 1991.

Motion (by **Mr Berry**), by leave, proposed:

That the Assembly takes note of the paper.

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MS FOLLETT (Leader of the Opposition) (3.08): I have taken great interest in Mr Kaine's remarks on the issue of the future of a casino project in the ACT. I am particularly interested in the final paragraph of Mr Kaine's statement, in which he calls upon a variety of organisations - including the Assembly, the community, the media and business leaders - to support the Government's efforts to bring this important project to a successful completion. He has left one important group out of his exhortations for support there, and that is, of course, the members of his own Alliance. It is due to the actions and statements of the Residents Rally members of the Alliance that the casino issue has been so long delayed, so uncertain and so unattractive to potential investors in the ACT.

There is no doubt that Mr Collaery, as Acting Chief Minister, is on the public record as saying that he does not support the project. Mr Kaine cannot wiggle out of that; it is on the public record. It indicates, if any further indication were necessary, that he is totally unable to exert any discipline over his Government and that once he is out of the country the members of his Government can just say and do whatever they like.

In this case, of course, what they have said and done has cost the ACT a very valuable and very important project. There is no doubt that the section 19 proposal, had it gone ahead, would have created jobs for some thousands of Canberra people. There is no doubt that that proposal would have created new opportunities for employment in the construction and building industry in the early stages and, of course, in the tourism industry once it was developed.

I know that members opposite have no interest whatsoever in jobs for other people; they are interested only in their own jobs, and they will cling to them come what may and regardless of how ridiculous they look. But it is a very sad fact, I think, that the ACT has lost that opportunity for a major employment project.

Another sad fact is that the incredible delay on this project has cost the ACT significant amounts of money. There is no doubt that the goings-on of this Government over the casino issue have wasted large amounts of ACT money. We have seen, for instance, the emptying out of the office buildings on section 19 and the relocation of ACT facilities and services in other premises. What was the cost of that? What is the cost of continuing with empty buildings over there? What has been the cost of the closing down of the Seasons restaurant on that site? And will you now compensate that restaurant if it wishes to reopen? What has been the cost of the Playhouse closing down? And what will be the cost of the required refurbishment and reopening of that facility?

There is also the question of the operation of the Casino Surveillance Authority. Leaving aside the question of its use of a government vehicle - to which attention has been drawn by the Auditor-General - there is the question of the staff costs and the activity that has gone on within that authority for the duration of this Government. We can only speculate as to what on earth they have been doing. Those staff members have been employed to oversight a casino project. What project? What have they been doing? What has the ACT taxpayer got to show for the expenditure of that part of their rates?

I think that the handling by Mr Kaine and his Government of this very important project has been lamentable and careless. It has been done with absolutely no regard for the good of the ACT community. Mr Kaine now tells us, in his mealy-mouthed statement, that he is interested in a project that has a major construction component. What a load of rubbish. He has already said that he is interested in an interim casino and that the temporary casino licence will be issued only to somebody who goes ahead and builds a permanent casino. So, what we are going to see under this Government, under Mr Kaine's so-called leadership, is the establishment of an interim casino with some kind of a promise that maybe at some stage in the future that interim casino may turn into a permanent casino. It is a gross dilution of the original project.

Mr Speaker, it is a project put forward by a Chief Minister who knows that he cannot get a decent proposal through his own Cabinet. It is a proposal that is put forward by Mr Kaine in the full knowledge that Mr Collaery, Dr Kinloch and their cohorts will fight him every inch of the way - because of their warped ideological objection to this kind of a project. Mr Kaine has no credibility whatsoever on this issue. He is unable to discipline his own Government on this issue, and he has cost the ACT community thousands of job opportunities and a great deal of taxpayers' money. Most of all, of course, he has cost his own Government an opportunity to show some sort of intention to build investor confidence in the ACT, and some sort of intention to do something for the building industry and for employment prospects in the ACT. This is a very sad statement indeed, and it is made by a Chief Minister who knows that he cannot rely on his own Government.

Debate (on motion by **Mrs Nolan**) adjourned.

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HOUSING CRISIS
Discussion of Matter of Public Importance

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

The failure of the Alliance Government to adequately address the housing crisis in the Australian Capital Territory.

MRS GRASSBY (3.15): Mr Speaker, I rise to speak on what is surely one of the most acute problems currently in the ACT, the housing crisis. More especially, Mr Speaker, I rise to speak about the Government - the Alliance Government - and its failure to adequately address the current housing crisis.

Mr Speaker, one of the great achievements, among the many achievements of the Follett Labor Government, was the total review of housing policy which we put into place as soon as we achieved government. This was, and still remains, an indication of our commitment, the Australian Labor Party's commitment, to housing in this Territory. On the other hand, since assuming office some 18 months ago, the Alliance Government has done very little. Mr Speaker, let me say from the start that this can be traced to the Minister responsible for the Housing Trust, Mr Collaery. Once we realise who is the Minister for Housing in the ACT, we realise why such little attention is given to this significant policy area by the Alliance Government.

Mr Speaker, in Mr Collaery we have a second-rate lawyer who has got his hands on the Attorney-General's portfolio. Consequently, we have seen Mr Collaery strut about this Assembly - - -

Mr Duby: On a point of order, Mr Speaker: That is clearly a slur on the reputation of the member. I ask that she withdraw that statement, that Mr Collaery is a second-rate lawyer. That is a clear personal imputation.

MR SPEAKER: I uphold Mr Duby's objection, Mrs Grassby. I ask you to withdraw that, because it is a personal reflection and there is too much of this going on.

MRS GRASSBY: My opinion of him is that he is second class, but I withdraw it.

Members interjected.

MR SPEAKER: Order!

MRS GRASSBY: I said that I withdraw it. That is my opinion, but I withdraw it.

MR SPEAKER: Thank you.

MRS GRASSBY: Once we realise who is the Minister for Housing in the ACT, we realise why such little attention is given to this policy area. Having his hands on the Attorney-General's portfolio, consequently we have seen Mr Collaery strut about this Assembly, the media and the Canberra community like a legal Napoleon trying to prove his worth, and all this has been going on to the detriment of the housing portfolio, and subsequently to the Canberra community.

Let us look at the major element of the housing crisis in Canberra at the moment, which is, of course, the rental crisis. I have searched through media clippings to try to find one example where Mr Collaery has said that he is doing something concrete to solve the rental problem in Canberra or, at least, to lessen the pressure. I have not been able to find this one example. Of course, I have found numerous examples of Mr Collaery pretending to be this century's greatest legal mind. But, importantly, this illustrates that this Government's commitment to housing is truly pathetic. Here we have one of the most pressing issues in Canberra which is either directly or indirectly affecting thousands of Canberrans, and we have not seen the Housing Minister earn his keep. There has been no public announcement that he is consulting with the HIA, the MBA, the Housing Trust, ACTCOSS or any other body which deals with housing in one way or another.

We all know that the influx of tertiary students at the start of the academic year puts pressure on the rental market; but, again, we have not seen any public announcement from the Minister that he is trying to work in collaboration with the Australian National University or the University of Canberra to solve this recurrent problem. I can provide quotes where property managers from large real estate agencies are talking about the rental market in Canberra as being "absolutely desperate", but still we have not heard anything from the Housing Minister. As one headline had it: "We'll be living in caravans". Mr Speaker, I think that we will probably be living in caravans before we even hear from this Minister.

As a further example of Mr Collaery's lacklustre commitment to his housing portfolio, I think it is worth turning our attention to the issue of a Rental Bond Board in Canberra. After some two years in the Assembly, even Mr Collaery has woken up to the fact that Canberra needs such a body to look after bond moneys and to make sure that tenants get their bond money back when they have kept their rental properties in good condition. But where is the Minister's Bill? We have heard that it is on its way, but we still have not seen it.

We have seen the draft version released by the Minister, but that was so badly ridiculed that it has been taken back to the drawing board. Even his own Law Society thought it was pathetic. We know that the reason why there is not going to be a bond board or there will be something that is

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going to be so hopeless that it will not hold any water is that the Liberal Party does not want one. We have heard Mr Jansen, who was a Liberal candidate, say how a bond board was not important. Of course, he is a real estate agent. He would know!

Mr Speaker, one important point needs to be remembered when we talk of this Government's progress, or lack of it, with its Rental Bond Board Bill, and that is that we have seen how the Alliance Government can vote as a bloc not to pass the Australian Labor Party's Rental Bond Board Bill which has been in this house for some time and still has no chance of getting through. In other words, we have seen how the government members can act in such a childish manner with significant legislation that directly affects the lives of Canberrans. They have said that, if it is not going to be their legislation, then they will take their bat and ball and go home, so that no-one can get any joy.

Mr Speaker, to further argue my point, I think it is well worth looking at Mr Collaery's new housing idea, which I briefly mentioned before. We have had a proposal announced by Mr Collaery in this place to allow Housing Trust tenants to purchase their homes if they have been in them for at least 10 years. In itself, this is not a bad idea. However, I think it is fair to say that the timing of this initiative could not be worse, given the rental crisis in Canberra at the moment.

As I have mentioned in this place before, the administrative arrangements which underwrite the proposal to sell Housing Trust properties have a major flaw. This is the "lag time" between the sale of current properties and the time that it will take to purchase and/or construct new properties. The lag time, Mr Speaker, basically represents the period when the Housing Trust's rental stock will be reduced, and there will be a lag time in buying new stock or building new stock to put into the market. We will find that the Housing Trust's rental stock is reduced in what is already a tight rental market in Canberra.

Mr Speaker, I have suggested how the Housing Trust may be able to overcome the lag time problem - that is, by employing some sort of rental stock forward estimation system. But the only response from the Minister was to suggest that I was being unnecessarily critical of the Housing Trust. I think we all know that nothing could be further from the truth. The Housing Trust has done a wonderful job, working under conditions of not enough staff and with more and more troubles in the Canberra community and in the housing field. I congratulate the staff for their hard work under these terrible conditions.

Mr Speaker, let us look even further at this uncaring Alliance Government's attitude to emergency housing in the Territory. As an indication of its compassion and humanity, it has now decided to reduce the number of beds at Ainslie Village to 209. Here we are approaching a

winter in Canberra and those opposite want to close the doors on those in need. And the Minister is always telling you how much he cares. It is words, precious words. They do not mean a thing. As my mother used to say, it is actions that count, not words.

We all know that Ainslie Village has the capacity to handle 300 beds; but, instead, the Minister in his wisdom has chosen to reduce the numbers. As my colleague Mr Berry recently said:

The Liberal/Residents Rally Government has no perception of social justice. Once again it is those on hard times who have been hit.

Mr Speaker, this is disgraceful. This is a disgrace which will not endear the Alliance Government to the Canberra community, as we move closer and closer to the next Assembly election. More importantly, it quite simply validates our criticism of the Alliance Government being nothing more than a Liberal Government. And we all know what the Liberals would like to do with public housing and the disadvantaged - sell them off and move them out; in other words, let the law of the jungle decide.

Mr Speaker, I think that I can already anticipate the Alliance Government's response to this very serious matter of public importance. I can see Mr Collaery and possibly the rest of the Government over there attacking the Federal Government and washing their hands of any responsibility - the Pontius Pilates of the ACT. Those opposite will claim purity when, in fact, they should be re-examining their attitudes to housing and, subsequently, their housing policies. If those opposite were to look afresh at their housing policies they might find themselves approaching the philosophical outlook which has been adopted by the Federal Government.

Mr Speaker, I think it is well worth discussing the recent publications released by the National Housing Strategy. For those present, the National Housing Strategy has been requested by Brian Howe, the Federal Minister for Community Services and Health, to review housing policy in Australia for the first time in nearly 50 years. It is headed by Dr Meredith Edwards, and the National Housing Strategy's background and issues papers have, to date, been quite brilliant and impressive documents.

I think they should all be made to read this. The paper, *Framework for Reform*, sets out the challenges and proposed processes for developing housing policies suitable for the 1990s and beyond. Those policies will involve Federal, State and local governments working out their respective roles and policies to complement each other. This is why I have listed quite a number of questions on notice to the Housing Minister, to see whether he has already started any form of dialogue with the National Housing Strategy. To date I have had no response from the Minister on these

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questions, and I will be lucky if I ever get any, I suppose, if it has anything to do with the Minister. I truly cannot understand why the Housing Minister has not made any comments about the National Housing Strategy in this Assembly. Clearly, the Minister has not understood the significance of the review. As such, this also indicates the Alliance Government's lack of commitment to housing as an area of government policy.

I am particularly pleased to see that the National Housing Strategy will be pursuing the question of how to measure affordability of housing for different groups and household types. However, affordability of housing is not the only aim of the National Housing Strategy. Housing must be affordable; but it must also be housing that people want. For example, if you have read the papers that I am referring to - that is, the Minister and the rest of them over there - then you would be aware that almost 80 per cent of Australian dwellings are single detached dwellings. We must ask ourselves whether that form of housing is appropriate for the wide range of householders in Australia.

Mr Speaker, what the background and issues papers released by the National Housing Strategy show us is that we need to re-examine our housing policy to see how we can: Firstly, maximise the choice of household options available to Australians so that, whatever our life circumstances, housing appropriate to each of us will be available; secondly, ensure that we utilise our housing stock as efficiently as possible; and, thirdly, deliver housing with access to services and employment.

As you can see, Mr Speaker, the National Housing Strategy is all about in-depth policy examination - and I am sure that the Minister would not even understand that - policy reform and political relevancy. This is exactly the opposite of what we are seeing from Mr Collaery as the Minister for Housing in the ACT and this is yet another justification for the criticism that the Alliance Government has failed to address the housing crisis in this Territory.

Let us be very clear that, without continuing improvements in Australia's overall economic efficiency, many Australians would be unable to afford their own housing in the future. However, with continuing micro-economic reform it should be possible to provide housing which most Australians can afford. This, I hope, is an argument that even those opposite can understand - although I doubt it at times, because I do not think they have a brain between them. I hope so, because, if they cannot, then they should not be loitering in this Assembly - I underline that they should not be loitering in this Assembly - because they are certainly not representing the people that they are paid to represent.

MR JENSEN (3.29): Mr Speaker, talk about loitering with intent! The remarks that I have just heard from Mrs Grassby are a prime example of that. However, I do not propose to engage in the sort of personal attack that we heard from Mrs Grassby this afternoon in her opening remarks.

Mrs Grassby: You could not do it as well as I can, though.

MR JENSEN: Yes, Mrs Grassby, we all know the story about empty vessels making the most noise.

Mrs Grassby: You are talking about yourself.

MR SPEAKER: Order, members!

MR JENSEN: We certainly heard a little bit about that from you this afternoon. Unfortunately this has been par for the course from the second-class Opposition opposite us in the chamber. With these few remarks, Mr Speaker, I promise to treat such remarks with the contempt that they deserve, and I have no doubt that the community of Canberra will very quickly reach the same conclusion and do the same.

Mr Speaker, let me get back to the matters at hand, now that I have dealt with the sort of nonsense and drivel we have just heard from Mrs Grassby. In addition to the public housing assistance program which my colleague Ms Maher will outline, it is appropriate to indicate what we have achieved to ensure adequate land and housing supply in the ACT. The level of allotment production and sales in the Territory has remained steady over the last few years. For example, the Indicative Planning Council, or IPC, which is a joint government-industry body with representatives from Australia-wide organisations, makes recommendations as to the likely demand for housing needs in the various States and Territories.

Over recent years, the IPC has been recommending that there is likely to be a demand for housing starts in the ACT in the vicinity of 2,400 to 2,900 per year. Obviously, this relates to the growth rate of the ACT population, which is currently just over the 2 per cent mark. The land development program provides the blueprint for land development to meet the ACT's housing needs. The program of single residential unit land sales and multi-unit development sites, together with redevelopments in places such as Kingston, have met the supply figures recommended by the IPC.

Of course, Mr Speaker, those people who are familiar with the discussion papers issued by the Territory Planning Authority in the lead-up to the development of the ACT plan - the new Territory Plan - will note that in those papers there was reference to the requirement for increasing population densities in certain major centres to encourage and assist in the use of an effective and efficient public transport system. I notice Mr Connolly

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nodding his head over there. Obviously he has been doing a bit of background reading, and I commend him for that. Clear evidence of the development that has been done in relation to the ACT is the more recent land sales in Tuggeranong, where prices for land and land and housing packages are substantially below the major capital cities' prices.

Mr Collaery: She is not here to hear your speech. She is not here, mate.

MR JENSEN: Yes, that is pretty typical. Canberra home prices have recently been described as the most affordable in Australia, through reference to the home loan affordability index of the Real Estate Institute of Australia. Talking about one other organisation that Mrs Grassby was referring to today - suggesting that my colleague the Minister or his officials have not been talking to industry on that - Mr Crowe of the HIA, in fact, has rung and advised the following points: Land is available and affordable at an attractive price and geared to market demand; and pressure is easing in the rental market within the ACT. Those points have been provided to us by the HIA. So, clearly that indicates that the provision and availability of land in the ACT is moving in the right direction.

However, Mr Speaker, it is important not to become complacent about the supply of land and to ensure that we, as a community, are able to provide opportunities for the many first home buyers that our 2 per cent population growth will demand. Members will, no doubt, recall the important initiatives that my colleague the Minister for Housing and Attorney-General, Mr Collaery, announced in the house during the last sittings regarding assistance to this very important group of residents of the ACT. In fact, as a government we inherited the policy of private enterprise land development from the Commonwealth Government. This policy was, of course, maintained by the Labor Party - when in government in the ACT - and the Alliance Government. The timely release of land and the proper management of the leasing packages have ensured that adequate, affordable new land and housing packages are available to the Canberra community.

Mr Speaker, as I have already indicated, referring to another organisation and flowing on from the comments made by the HIA, the most recent survey of the Real Estate Institute of Australia has reported:

... a strong recovery in the ACT first home market that occurred over much of the latter part of last year continues today ... the period July 1990 to February 1991 saw 18% more dwellings financed than for the same period in 1989-90.

So much, Mr Speaker, for the problems that Mrs Grassby is indicating to us for the provision of housing in the ACT. These facts clearly refute the Opposition's claims that we have a housing crisis at the moment. In fact, it is to the credit of the Territory that housing affordability, as measured by the Real Estate Institute's affordability index, is, as already indicated, better than in any other major city. The Territory is at the forefront of the provision of a wide variety of housing types and densities, thus contributing to reducing housing costs, increasing housing choices and facilitating more efficient use of infrastructure and urban services.

Mr Speaker, we fully support the continuation of joint ventures between government and industry groups to provide affordable house-land packages. They have been going on in the Tuggeranong Valley now since private sector land development commenced, and I would expect that they will continue during the development of the Gungahlin area.

Mr Speaker, I acknowledge that the ACT has experienced a tightening in the private rental market. Much of this, of course, is influenced by the continuing national micro-economic conditions. The Territory can best help by ensuring that adequate land releases and redevelopment opportunities are available. We will all acknowledge in this chamber that the Territory Government can do little to ameliorate the level of interest rates. That, of course, is the responsibility of someone who used to call himself the world's greatest treasurer. I think his halo has slipped a little bit lately, and I guess that the people of Australia in due course will give him his just desserts and he will become an irrelevance, if you like, on the political scene. That is, of course, if he does not manage to roll the little Aussie battler - as he sometimes likes to call himself - in the meantime.

It is therefore pleasing to see - despite the efforts of the world's greatest treasurer, and it has taken him a while to get his act together - that the trend is towards a lowering of interest rates, and not before time. No doubt this has helped underpin the recovery in the first home owner market in Canberra. It is unfortunate that the Treasurer artificially kept those interest rates up much higher, in fact, than was absolutely necessary, and for much longer than I believe the majority of people considered was necessary, particularly those small businesses that are struggling to make ends meet with the increasing interest rates that were applying last year. However, we will ensure that, as demand further picks up, sufficient land continues to be available to avoid the sorts of price escalations that would cause difficulties for first home buyers in the ACT. I think we in the ACT are fortunate in that our leasehold system and the system whereby purchasers of land are required to build within a certain time will continue to ensure that housing stocks are available for the community.

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Given these facts that I have outlined today, I am not quite sure how the Opposition can claim that there is a crisis. Once again, its members are tilting at windmills, as we often see from that little group opposite. They are scaremongering. Once again they show their indications of being a second-rate opposition, and that, Mr Speaker, will very quickly be identified by the people of the ACT when they are put under pressure in the forthcoming months.

MS FOLLETT (Leader of the Opposition) (3.39): I cannot believe that I heard that. I really think that if that is the best the Alliance can do on a matter of public importance like housing, then its members really ought not to be in government at all. They should even give up the pretence. Mr Speaker, what we heard from Mr Jensen was remarks addressed exclusively, of course, to that proportion of the population who own their own homes, or who are buying their own homes.

Of course, we on this side of the house are in agreement and took action whilst in government to assist people to buy their own houses. Mr Jensen referred to the first home buyers assistance scheme. We increased that. He referred to the housing affordability figures for the ACT, and I agree with him that we are relatively advantaged. He referred to the high interest rates, and I agree with him that they make it more difficult for people to own their homes, and I have said so publicly.

What Mr Jensen has completely overlooked, from his exalted position in government, is that there are some 35 per cent of Canberrans who are housed in public or private rental accommodation. In overlooking that 35 per cent of our population, Mr Jensen has sought to deny that there is, in any way, a crisis in ACT housing. He has, of course, completely obfuscated the issue. He does not understand it. He is unable to address it and he has made a total mess of his remarks. That is not surprising, coming from the bungling Government opposite; but I think it is a bit of a shame, on an important issue like this, that we should get such a one-eyed approach.

Mr Speaker, there is no doubt in the minds of people who do know about this issue that there is currently a crisis in ACT housing. For Mr Jensen's benefit, I might just go through some of the factors in that crisis, although I thought that Mrs Grassby addressed them very well. Had Mr Jensen been listening, he would not have been so ignorant in his own remarks.

Mr Speaker, the ACT Housing Trust, I am advised, has about 12,000 dwellings under its management. There has been an increase in those numbers, historically, and that has been an increase, I believe, of some 20 per cent since 1984. Nevertheless, in looking at that figure, you also have to look at the numbers of people requiring that kind of accommodation, and at the waiting lists - the call on the Housing Trust's accommodation.

Mr Speaker, in June 1990 the public housing waiting list stood at 3,034 households. In the six-month period to January 1991 that list had grown by 34.2 per cent, that is, 4,071 households or over 10,000 people were looking to call on the Housing Trust to assist them with their accommodation. Of course, the Housing Trust cannot keep pace with that kind of demand. Last year its construction activity added 150 dwellings to the public housing stock, and I believe that the increase for 1991 will be of about the same order.

It also, of course, has a spot purchase arrangement for housing in the ACT, but the purchases in the past year have actually numbered less than 100. So, there have been about 250 dwellings added to the Housing Trust stock, and you have to put that figure against those 10,000 people waiting to be accommodated. Mr Speaker, I think that on any kind of a valuation we must see that that response is inadequate to meet the demand, and that the people who are waiting for that kind of accommodation can well be said to be in crisis. Mr Jensen has written them off totally.

As we know, the Government opposite - the Liberal Government opposite - has frequently spoken about selling off public housing. Indeed, the Priorities Review Board, the Alliance's bible, strongly urged the Government to engage in wholesale asset stripping of the public housing stock. Even if the sale of that stock went ahead and the proceeds were reinvested, the problem that you then encounter - and it is a problem indeed - is that the reinvestment most often takes place in the outer areas of the ACT, on the urban fringes where people find transport difficult, find employment difficult and find access to community services difficult. We must bear in mind that the people I am talking about are already the most disadvantaged in our community. They are not part of the 65 per cent that Mr Jensen addressed his remarks to, who are buying their own homes and presumably have assets and resources. These are the most disadvantaged people.

If we turn and look at the private rental market, I notice that Mr Jensen is quite relaxed about the situation there, and from his callousness it is quite obvious that he is not looking to rent accommodation. There is, indeed, a real crisis in rental accommodation, a real difficulty for people, firstly, to find accommodation and, secondly, to afford the skyrocketing prices for that accommodation. Vacancy rates in the private rental market in Canberra in March were approximately 0.8 per cent. That is a very low vacancy rate. Mr Jensen appears unaware of that. In November last year, I believe, the figure was about 2.2 per cent. So, you can see that just in that short period in the ACT there has been a massive contraction in rental vacancies. This means, of course, that people all have to compete. They are open to exploitation by landlords, and that is quite often the case.

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The Alliance Government has totally failed to introduce a Rental Bond Board, although it was a platform pledge of the Residents Rally at the last election. So, at the moment those tenants are not able to seek protection from unethical landlords in Canberra. Even though Mr Collaery got a C for consumer affairs, Mr Speaker, I am quite sure that he has read the annual report of the Consumer Affairs Bureau and he would be aware that complaints by tenants and complaints on housing matters comprise a very large amount of the work of the Consumer Affairs Bureau. According to the current annual report, there have been over 2,000 telephone complaints about tenancy matters. There have been 105 formal complaints about real estate and accommodation. That comprises a very large part of the work of the Consumer Affairs Bureau, and I would think that Mr Collaery would understand how a Rental Bond Board might help alleviate the difficulties that some of those people are experiencing and might actually act to protect the most vulnerable people in this whole equation, namely, the tenants.

I believe that, even if the Liberal Alliance does go ahead with the Rental Bond Board, it will be nothing more than a tool of the Real Estate Institute, and it will compromise any remaining principles that the Government may lay claim to, to the extent that it will be quite prepared to allow the Real Estate Institute to dictate its policy to the Government on that matter.

I will turn very briefly, Mr Speaker, to the question of homelessness in the ACT. I know that the data of homelessness here is scant. There are not enough figures available for us to really make an evaluation of how many people here are sleeping in the streets, sleeping in parks, how many people will have to spend the Canberra winter out of doors. Nevertheless, everybody knows that there are people in those circumstances. Everybody has their own story to tell. Indeed, I have had people sleeping in my garage from time to time. And, Mr Speaker, if anybody travels through the city late at night, year round, you will know that there are people there who are intending to spend the night there.

Mr Collaery's response to that, in terms of the accommodation provided at the Ainslie Village, is, of course, to cut back the bed capacity. This incredibly heartless and callous Minister is planning to further disadvantage the most disadvantaged people in our community. There have been 260 people sleeping at the Ainslie Village, and it has a capacity for about 300. And what does Mr Collaery do in response to that? He cuts it back. He now says that there are far too many of them taking advantage of that kind of accommodation, they do not need that many beds and they should be reduced to 209.

So, under Mr Collaery's careless and callous ministry for housing there are about 50 Canberra people who will have to find other accommodation each night and who will probably have to sleep out. That is an indictment of this Government's housing policy. It is an indictment of any claims to social justice that Mr Collaery might have and, of course, it is very much the Liberal Party attitude towards what it would class as "welfare housing" and what we, on this side of the house, would call "public housing".

Mr Speaker, the Alliance has done absolutely nothing about housing in the ACT. Its members have been particularly harsh in relation to the most disadvantaged in our community and they now totally refuse to acknowledge that there is a crisis there at all. We have heard from the complacent Mr Jensen. And, of course, given that refusal, they have not acted upon it either.

MS MAHER (3.50): I disagree with Ms Follett's comments and would like to remind the Assembly of what the Alliance Government has recently done to assist people to become home owners. On 2 April 1991, my colleague Bernard Collaery, the Minister for Housing and Community Services, announced the Alliance Government's package of programs for home ownership assistance. These are: The introduction of a new gazetted scheme to rationalise the management of home mortgages along commercial lines; significant changes to eligibility criteria to enable more people to qualify under the Commissioner for Housing loan scheme; a new home entry scheme to provide a \$1,500 grant to assist with deposit and other acquisition costs for first home buyers and families seeking to re-enter home ownership - this money will assist families whose partners have separated and custodial parents who are looking to re-establish their family home; and the extension of stamp duty concessions to people who are re-entering home ownership. These initiatives put home ownership on a more equitable footing in the ACT.

Mr Speaker, these packages have generated considerable interest from members of the ACT public. As a result, we have eliminated gaps that existed between people who could not afford mortgage funding from the private sector but who exceeded the eligibility criteria for public housing. There are many families in this group who have shown an interest in becoming home owners. The Housing Trust has already answered several hundred inquiries and it received 124 new applications in April, which is four times the number received in March.

We have also ensured that eligibility will keep pace with the market conditions by linking it to official statistical indicators. This clearly demonstrates that we, in government, have responded to an obvious need for housing assistance. At the same time as announcing the new package for home ownership, we announced a phased program for sales of government houses to tenants. This will assist people currently in public housing into home ownership, and this is very important for a lot of them who are renting and

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cannot go out into the private market. It also provides more funds to purchase and construct more homes for those in need, particularly smaller and ageing households, and it allows for a more effective stock management strategy.

Mr Speaker, in the first four weeks of operation of the reintroduction of the sales program, the Housing Trust received 80 applications from tenants wishing to buy their own homes. We are about to enter the market to purchase replacement houses with the funds obtained from sales, and this will assist in shortening the waiting list. In allowing public tenants to purchase their homes, the Alliance Government has had the courage to reintroduce a program to the obvious advantage of clients and the community alike, while the Opposition is still chasing phantoms to find fault with these initiatives.

The Alliance Government has given a high priority to expanding the rental housing stock. The Housing Trust achievements in constructions of new dwellings have been better than those planned in the 1990-91 program. The approval program included 91 new dwellings, and the forward design for a further project, within the available funds of \$36.882m. The trust will commit projects yielding 124 new dwellings. These comprise 42 family homes or townhouses, 58 aged persons units, one special purpose house and 22 flats. Further, many of these dwellings will result from redevelopment, infill, and joint venture projects involving client and community consultation, which will ensure that the homes that are built meet the community needs.

Mr Speaker, the trust's reallocations of tenants from Melba Flats will be close to being completed this financial year. All but 50 of the 350 sitting tenants have been rehoused. This will have been done in half the programmed time scale, through a creative combination of all the mechanisms available to the trust. The reallocation of Melba residents has been achieved without calling on borrowed funds. The trust has been using existing stock, also spot purchases and the construction of 78 new dwellings, in addition to the construction program within the current financial year, to complete this program.

Mr Speaker, the trust continues to meet the needs of most disadvantaged groups, including women. There are many houses around the ACT which are used as women's refuges, and there are facilities for community groups that provide services to women and families, like the O'Connor Family Centre. Also, the trust is, at the moment, negotiating a purpose-built house for another women's refuge. Many of the youth refuges around the ACT are also using government housing. The trust has a commitment to accommodation for people with disabilities, and spot purchased some houses last year for three young people. It also has purpose-built houses in North Lyneham for people with disabilities, and earlier this year allocated a house in Ainslie to two young people with severe behaviour problems.

The trust also has a commitment to helping those who are homeless. To ensure that we can respond appropriately to the needs of those in housing stress, the trust is continuing to respond to the demands for housing assistance and is currently reviewing its priority allocations, eligibility criteria, rent relief, rental rebate scheme and emergency housing strategy. These reviews are being done in close consultation with the community.

Mr Speaker, all these initiatives demonstrate that this Government does have a commitment, and that it is fully aware of the emerging difficulties. We are responding in a caring and expeditious manner.

MR WOOD (3.58): There is a very clear and imperative reason behind the raising of this matter today by the Opposition. That reason is the fact that we in our ranks have had no small number of people in the community come to us and draw our attention to what appears to be a looming crisis in housing. I suggest to you that the input that we are getting from the community - and maybe you are getting the same approaches - is suggesting a trend that is ahead of the statistics, and in a month, or two, three or four months, as data are collected and prepared, you will then see the impact of what it is that we are saying today.

For example, I live in a cul-de-sac that is immediately adjacent to one of Canberra's major roads, and I was aware the week before last that a couple slept in a car at the end of that cul-de-sac. It was quite clear when I came home, not too late in the evening, that there were people in the car, and they were still there when I went out to get the paper in the morning. I have never seen that before, and I do not expect to see it again. I did go out shortly after in a better form of dress than I was wearing when I went out the first time, but they had gone. So, I was not in a position to offer them the advice that it was clear that they urgently needed. I have never seen that before, yet there it is. I am told that it has happened, but it happened close to me - perhaps because I live close to a major road.

I had a call at home early this week from people who have been renting in the private market for many years. They are fine tenants, acknowledged by all as the sort of tenants that every landlord would want. They were faced overnight with a 30 per cent increase in their rent, and, of course, that is something that they could not afford. That is the private rental market. As we have discussed this upstairs, my colleagues Mrs Grassby and Mr Connolly have indicated that they have had approaches from people who are also feeling the stress of the private rental market. So, we discern some disturbing trends coming into this scene.

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There was some debate earlier about Canberra's relatively favourable situation on affordability, and I use the word "relatively". It has been the case that we have, on the figures, been in a better position, and our people have been in a better position, to afford to buy new homes. I understand that there were some reasons for this, of course, as part of that affordability index is the income of the person and the ACT has a high average level of income compared with the rest of Australia. Also, of course, the most significant part of any affordability index is the cost of housing. In respect of costs, our land costs are generally much cheaper than anywhere else, and that is one of the benefits of the system that we have. Interest rates, of course, another factor, tend to remain pretty constant across the country. But, in determining affordability, it is the income of the people that has been a fairly significant factor.

If we do have a favourable situation in terms of affordability, we should fight to keep that, just as we fight to keep the green space in our city or the very good schools that we have. Let us see that we keep what is good about Canberra. But, if we just talk about affordability, it leads us into a direction where we can forget what we might call the bottom 40 per cent of the market for whom affordability has no real meaning. Let us look to that 40 per cent, the ones who are feeling the pressure, the ones who have to somehow adjust to very significant increases in private rentals that will put off again, for some considerable period of time, their saving plans to move into their own houses. Let us look at that 40 per cent and see what we can do.

It is quite clear that the market is pressured. Rosemary Follett indicated that there is a vacancy rate of 0.8 per cent in private rentals in Canberra at the moment. That is very significant in creating pressure. But we have not stopped to think - and I am sure that Mr Collaery has not stopped to think - why it is that there is an 0.8 per cent vacancy rate. That is very low. It ought to be up, I believe, to 4 or 5 per cent. The reason for that is clear: In the finetuning we make in releasing land in this city, we just have not been releasing quite enough in recent times.

I suggest to the Minister for Housing that it is time to accelerate somewhat the release of land in this city, because it is clear in that statistic, as it is clear in the people who have been coming to me, that there is a tight squeeze at the moment in home ownership and in the rental market. It is tighter than it ought to be, and it is causing considerable troubles. The Leader of the Opposition indicated that there is a waiting list of applicants - not necessarily of people in homes - of about 4,100 people, and a figure of about 150 new homes a year. With those two figures next to each other, you can see that we are not going to make any impact at all on reducing that number of people needing homes.

I would suggest to Mr Collaery that he needs to increase substantially the number of new starts a year, and he needs to do so for some time. Happily, after the next election we will have a Labor government that will do that. We should also remember that, in that 150 new starts that have been the average in the last couple of years, a group of people from the now being demolished Melba Flats have taken homes. So, if we adjust for the necessary loss of those Melba units, in fact, we are not providing 150 new homes a year at all; we are perhaps providing about half that, because we have had to make way for those people who have shifted from one to the other.

Mrs Grassby: How about the ones paying enormous rents, Bill, who have been turfed out of houses?

MR WOOD: Mrs Grassby, you had people coming to you, I understand, as we were talking this morning.

Mrs Grassby: Good tenants are being kicked out because they cannot pay the extra rent that has been put up.

Mr Collaery: That is a scandalous comment.

Mrs Grassby: It is not. That is true.

Mr Collaery: Produce the names to me tonight. I challenge you to produce the names.

MR DEPUTY SPEAKER: Order, members! Come on, Mr Collaery and Mrs Grassby.

MR WOOD: It may be that the links that the Labor Party has to the community are much closer and more effective than those that the Government has, and this has led us to discern this undesirable trend before the Government or the statisticians were able to do so.

I want to emphasise the point, and it relates also to the fact that when the Government is selling off housing stock, there is a long lead time. When you say, "We are going to release some more homes. We are going to provide some more money", it takes some considerable amount of time before the decisions you take finish up with a house and someone walking in through the front door. So, it is very important that you take note of these remarks that we are making. It has not yet shown up in statistics maybe, although I think that 0.8 per cent makes it quite clear that it is; but it is the case that we have a crisis in housing looming. It is the case that you need to attend to that as a matter of urgency.

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MR COLLAERY (Attorney-General and Minister for Housing and Community Services) (4.08): I thank Mr Wood for his measured comments, because I thought that was the better contribution from the Labor Party. Mr Wood, of course, has read volumes 1, 2 and 3 of this excellent publication that the Housing Ministers Conference gave support to. It is by Dr Meredith Edwards of the National Housing Strategy.

As an introduction to my comments, I will draw the conclusions reached on page 21 of background paper 1 to the attention of the house. It states:

There have been incremental and fragmented developments in Australian housing policies over the past few decades.

It goes on to state that one of the great challenges is:

... to develop an agenda of fundamental policy reform to match the dramatic changes in demographic, economic and social environments.

And again, in issues paper 2, at page 45, the study indicates, on rental housing supply, that in Melbourne, Darwin and Hobart there has been a decrease in the number of rental properties and "despite national vacancy rates of around 3 per cent and moderate rates of rent increases over the whole of this period, the availability of low to moderately priced accommodation has generally declined". So, that is a national trend.

Last year, our Alliance Government committed itself to introducing a private rental trust during the current year, and that was a rental trust to tackle the lower end of the market, if I can say that - the people on lower incomes. We believed that the Commonwealth had committed itself to giving us matched or agreed funding on that. It has deferred its commitment. Therefore we find that we cannot rely on the Commonwealth to pursue the introduction of a private rental trust arrangement. Nevertheless, we will pursue the introduction of one, and we are looking at a scheme that over the next five years may assist us to provide, out there on the private rental market, an additional 400 rental properties. We are currently looking at that and we are looking at off-budget loan capacities to do that. That is exciting work that the new Commissioner for Housing, Rod Templar, is undertaking for me at this stage.

Mr Deputy Speaker, I refute that we are in any housing crisis. When we took over the government from Labor, the waiting list in the public housing sector was 3,261 in November 1989, and at 30 April 1991 it stands at 3,483. This increase of about 200 registrants could hardly be seen as a blow-out, if you accept the fluctuations that exist on that list. The average waiting time in the ACT is less than three years, and this compares favourably with the other

States. The housing industry and the availability of affordable housing face a lot of pressures. They are contributed to by macro-economic settings. The impact of the recession, particularly increased levels of unemployment, places a greater demand on housing assistance. It is a variable of unemployment. We do not control that top end macro variable, and the record high interest rates have had an impact on housing affordability across Australia.

In the ACT we have a particular challenge. The most recent Bureau of Statistics figures reveal that in the past 12 months the ACT has had the highest growth rate of any State or Territory in Australia, and we have to look at the fact that our household formation arrangements and our ageing population present particular challenges. (*Quorum formed*)

Overseas migration gain for the ACT was twice as high as for the previous year and interstate migration, which is a big factor in public housing, as we well know, was four times higher. This presents a greater challenge for my officials in dealing with this important area.

Mr Deputy Speaker, I table a letter from the Commissioner for Housing, dated 27 March 1991, to Mr Kelvin Enright, chair, Ainslie Village Ltd.

MR DEPUTY SPEAKER: Order! The time for the discussion has expired. The discussion is concluded.

ADMINISTRATION AND PROBATE (AMENDMENT) BILL 1991

[COGNATE BILL:

PUBLIC TRUSTEE (AMENDMENT) BILL 1991]

Debate resumed from 18 April 1991, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

MR DEPUTY SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Public Trustee (Amendment) Bill 1991? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MR CONNOLLY (4.15): Mr Deputy Speaker, the Opposition has no difficulty with these two Bills having passage through the house at this stage. They give effect to changes in policy in relation to the running of the Public Trustee's office which will, in effect, be putting the Public Trustee's office on more of a cost recovery basis. The Public Trustee's office will, by charging a more comprehensive range of fees, seek to recover the full cost

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of that office. The amendments in the Administration and Probate (Amendment) Bill will increase the monetary level at which certain estates can be dealt with in a simplified manner. They are, in effect, to keep pace with inflation.

The Opposition had real concerns with one of the recommendations in the Priorities Review Board report of last year which suggested that the Public Trustee function be done away with entirely and that instead that work be undertaken solely by private trustee firms. We were most concerned should the Government proceed down that course. We are pleased to note, as a result of these Bills, that the Government obviously has abandoned that proposal. Rather than abolishing the Public Trustee's office and putting that work out to private tender, the Government is proposing that the Public Trustee's office recover more of the cost of administering those estates. That is something that we cannot object to on social justice grounds.

The Public Trustee's office performs a useful function as a trustee service for persons of limited means. The persons who at the end of the day benefit from that are the persons who benefit under the wills or other arrangements administered by the Public Trustee, and there is no reason why they ought not pay some of the costs of administration. The alternative would be that they would be paying the full costs of private solicitors to deal with the matter.

The only concern that we would raise would be that, if the level of fees was struck on the basis of the complexity of the estate or the complexity of the work, that could have a degree of social injustice. Small estates may, through the different measures of distribution, give rise to some greater degree of complexity. It appears, however, from the Minister's statements that the indication would be that the fees would be set on more of a percentage basis in relation to the estate being administered. We have no difficulty with that.

As we say, this is a measure which is a better alternative than passing the entire function of trustee over to the private sector. It preserves the important role of the Public Trustee. It is hardly a widely heralded role. It is an area that most people are probably little aware of, but the Public Trustee's office and the officers there do an important job in the community in handling small estates and estates of persons with no great wealth and riches who are reluctant to go to the private sector because they do not really want to pay the up-front fees.

It is well known that at the Public Trustee you will get a will done for nothing but a fee will be charged for the administration of that estate, whereas if you go to a private solicitor the will will cost you an up-front fee. In fact, depending on the size of the estate, of course, in some cases people are better off going to the private profession and being charged for their will because the percentage fee presently charged by the Public Trustee may,

depending on the size of the estate, involve a larger cost than going to solicitors. But, of course, that cost is borne by the beneficiaries rather than by the person seeking to have the will made.

We are pleased that the cost-cutting axe of the Priorities Review Board has not been wielded in this case and that the Public Trustee's office will continue to provide an important public and social function, albeit with a greater degree of fee charging. Fee charging on a cost recovery basis will not be opposed by the Opposition in this case because we do not see that there is any degree of social inequity involved in it. Indeed, it is fair enough that the persons who are inheriting a degree of wealth, even if it is only a small estate, should have something to do with paying the costs of the administration. Therefore, Mr Deputy Speaker, the Opposition supports both of these Bills.

MR COLLAERY (Attorney-General) (4.20), in reply: I welcome the comments from the other side of the house. These are minor amendments to the Administration and Probate Act 1929 and the Public Trustee Act 1985. The amendments simply will increase the monetary limits used to define small estates, and I am grateful that Mr Connolly acknowledges that that is the intent. They will result in an increase in the number of estates able to have the advantage of expeditious treatment by the Public Trustee. Savings in court filing fees will also flow to these estates. It is not often a government gives a concession in that area.

The amendments to the Public Trustee Act will allow the Public Trustee to charge a fee for management of money invested with the common fund. This merely recognises the reality that the Public Trustee must recoup some of the costs of providing the common fund investment facility against interest earned on the investments. The rate at which the fee may be charged will initially be set at one per cent per annum. The effect will simply be a one per cent reduction in the rate of interest returned on the client's investment.

Mr Deputy Speaker, I did hear Mr Connolly refer to will making and the like. I did not quite hear what he said; but that, on my understanding, is not charged and rated with respect to the assets being dealt with in the will. The fee levels impact on the estate at a later date. I think that is what Mr Connolly mentioned.

Mr Connolly: But you have to have your estate administered by the Public Trustee if they do the will.

MR COLLAERY: Yes. I do not want to say whether people should go to the Public Trustee's office or to the private profession for their wills, other than to say that people should seek the best possible service, the best possible advice, for the best possible fee; and that is the way it should be. I commend these amendments to the house and thank the Opposition for their support.

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Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PUBLIC TRUSTEE (AMENDMENT) BILL 1991

Consideration resumed from 18 April 1991, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

May Day

MR COLLAERY (Deputy Chief Minister) (4.23): I move:

That the Assembly do now adjourn.

Since it is May Day I will give Mr Berry his chance to speak first.

May Day

MR BERRY (4.23): It is May Day and this is a traditional day of celebration for the labour movement, in both its industrial and political wings. It is of particular significance this year because it is the centenary of the Labor Party, the political wing of the labour movement. Many of us will remember from our studies of the labour movement that it did start in Barcaldine. It was founded in the great shearers strike of 1891. That was a strike against the squattocracy of the day. It was about workers organising to defend themselves, to defend their working conditions, to improve them, and, of course, to defend their rights as workers. Since then the movement has worked to organise to improve the lot of workers, and the trade union movement has excelled in that respect. I think that on May Day we have to remember the significant

performance of the Australian labour movement in the defence and improvement of workers' conditions. It is wished well by members on this side of the house, at least, in the pursuit of better and improving conditions for Australian working-class people.

I think it is of significance, at least for this place, that the Occupational Health and Safety Bill of 1989 was the first Bill put before the first Legislative Assembly and it was introduced by the first Labor Government in the Australian Capital Territory. I am quite proud about being associated with that Government in the introduction of a Bill which set out to improve the conditions of workers in the Australian Capital Territory. It was the first Bill introduced by a government in the Australian Capital Territory.

I also have to say that May Day this year is more significant than it has been in recent memory. It is this year that the Liberal Party, through Mr Howard - we all recall that he was the boy blunder of the Fraser Government - is showing the true divisions - - -

Mrs Nolan: He was the what?

MR BERRY: The boy blunder of the Fraser Government. The Liberal Party is showing its true colours in its stand to weaken the position of the union movement in its defence of the labour movement. I remember in 1986 joining with the largest group of people that I had ever joined with in a May Day rally in Manila in the Philippines. Something like half a million workers were out on the streets celebrating May Day. It was interesting that they were fighting against a government which supports the sorts of labour industrial conditions, industrial movements and industrial negotiating conditions that are now proposed by Mr Howard. That is what Mr Howard is trying to do. He is trying to take us back to Third World conditions for workers in this country. The trade union movement will never forget that and will never withdraw from the fight to protect its members. I know that Mr Howard is in for a good fight and it will be taken right up to him. I think it is a good thing, in many ways, that the demarcation lines are being drawn more clearly now than they ever were.

It is part of the New Right agenda to undermine the rights and conditions of workers in the Territory and, of course, across Australia. Mr Howard is threatening, it seems, to force a double dissolution over industrial relations and I think we have to remember the clear distinction between the Liberal Party and the Labor Party in relation to the defence of workers in this country. The members opposite who have joined with the Liberals ought also to remember that they are participating in strengthening the Liberal position of opposition to improved conditions for workers in this country. Mr Collaery and Mr DUBY ought to remember that; they have participated and assisted them.

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Assembly Members

MR CONNOLLY (4.28): Mr Speaker, I wish to speak this afternoon for two reasons; firstly, because it is May Day, and Mr Berry well put the importance of May Day; and, secondly, because May Day for me, as well as being a matter of significance for the Labor Party, is the anniversary of my coming to this place. It was on May Day last year that I was appointed to this Assembly under the provisions of the Australian Capital Territory (Self-Government) Act dealing with casual vacancies. As Mr Moore said to me a few moments ago, it is quite possible that as there will be changes to the electoral system at the next election - we will have either Hare-Clark, which normally operates with a countback, or hopefully, if sanity prevails, single member electorates - I may be the only person ever appointed to this place under those provisions.

Mr Moore: Or any parliament in Australia.

MR CONNOLLY: Well, the Senate allows appointees under the party system. Mr Speaker, it has been an extraordinary 12 months. I have seen bizarre occurrence after bizarre occurrence in my time in this chamber. I have seen resignations from government positions, resignation from governments altogether and changes in parties. The Liberal Party mysteriously sprung from having four members to having five members in my time in this place. I have seen a No Self Government member at my time of entry into this place surviving, narrowly, calls for his resignation, and editorialising, and then mysteriously turning from a No Self Government member into an Independents Group member. Indeed, two No Self Government members turned into Independent members, as opposed to one No Self Government member turning into a Liberal Party member. I do not know whether that says that Independents are twice as good as Liberals, or what; but that is what has occurred.

Mr Speaker, it has been an odd 12 months. I often find it difficult, going around to branches of the Labor Party, to find the appropriate words to describe sometimes the full horror of what occurs in this place with this ramshackle coalition of non-like-minded persons. Governments traditionally, Mr Speaker, are formed of persons of like minds and similar political philosophies; yet, as we so repeatedly see, this Government is purely a coalition of convenience and an alliance of ambition.

Mr Speaker, when I came to this place 12 months ago I said in my maiden speech that I intended to pursue a program of reform from Opposition by way of private members' business, and I have vigorously kept to that. It is interesting to compare the Labor Opposition's program of private members' business with the efforts of both the Liberal Party and the Residents Rally when they were in Opposition. Apart from Mr Stefaniak's move-on powers Bill, there was really very little effort in that direction.

This Labor Opposition has consistently put forward productive measures. Two of the measures that I specifically referred to in my maiden speech have been put forward; that is, food standards legislation and legislation for a Rental Bond Board. Both of them, of course, have been rejected by this Government. That is most unfortunate.

Mr Collaery: No, your bond board Bill is adjourned.

MR CONNOLLY: Mr Collaery says that the bond board Bill is adjourned. I hope that gives some faint hope for tenants in the Territory that the Government will see the error of its ways.

As well as the bizarre sights on the Government benches, Mr Speaker, we also have seen some bizarre sights from the Opposition benches, insofar as I take a straight dividing line down the chamber. The occupant of the end bench on the Opposition's side has entertained this house with some bizarre theories of public finance that suggest that we can simply get the printing presses rolling and that will satisfy all problems. Mr DUBY restrained himself during that whole exercise and did not rush off and attempt to put the Stevenson-Clampett theory into practice. I suppose the ACT can be thankful for small mercies.

Evidence of the housing crisis that was the subject of the matter of public importance today hit home personally when we observed the plight of a member of this Assembly. Obviously affected by the housing crisis, he was forced to find shelter within the portals of this Assembly for some period. While we often debate these ideas as matters of public importance, in some cases they are matters of private importance.

Mr Speaker, it has been a stimulating 12 months. I hope to spend many more in this place, but less as a member of the Opposition and more as part of a reformist Labor Government.

Australian Labor Party

MR STEFANIAK (4.33): Firstly, it being May Day and it being the 100th anniversary of the Australian Labor Party, congratulations. I will have a few words to say about certain things Mr Berry said which I would not agree with, but I suppose the fact is that the Australian Labor Party is one of the great political parties of the Western world.

Mrs Nolan: One of. Do not forget "one of".

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MR STEFANIAK: Yes, I am not forgetting my own, Robyn. It is one of the great political parties of Western parliamentary democracy. It has been around for a long time. Although of late it has probably gone off the rails a little bit, in terms of Australian history it certainly has done some excellent things - initially, of course, for its members. I do not think there would be anyone in this house who would dispute that before the Second World War - certainly going back towards the 1890s - the lot of ordinary Australians was not as good as it could have been, and I think the Labor Party can take a lot of credit for early reforms which helped Australian workers.

In World War II we had some great Labor Prime Ministers. The ones that come to mind, of course, are Curtin, who basically redirected Australia's foreign policy in the dark days of World War II, and Chifley. Perhaps those great Labor leaders would turn in their graves in relation to a number of things that the present Australian Labor Party has done.

Mr Berry - I know of his concern for workers - sometimes I think misses the point. He had a bit of a harangue about John Howard. If he looks closely at what John Howard is doing and if those reforms come into being, he will realise that they will increase a lot of benefits to ordinary Australian workers. It is rather pointless just continuing a wage-cost spiral, Mr Speaker, and that is one of the dreadful things we see about inflation. The Whitlam Government was renowned for its inflation. The people who are affected by inflation are the workers; they are the ones who do not have huge wages. They are the ones who, if given a 10 per cent pay rise, will certainly have to pay for it in terms of costs passed on because they are wage and salary earners. I do not think the Labor Party does its workers and the people it purports to support any justice, really, by some of its economic theories.

Unfortunately, also, following the Whitlam Government, we have seen the national debt rise from the \$33 billion it was under Fraser in March 1983 - he had not been too crash hot because he had actually increased it from about \$4 billion, the figure in about 1972 - and it has blossomed to \$170 billion. That really has put this country in a rather precarious economic position. It is quite horrific and that has occurred under the Hawke Labor Government. It has lost its way. Despite what the Hawke Federal Government does, I do not think it will be re-elected at the next elections. I think Australians have had just quite enough.

There are a couple of other areas which concern me locally, I suppose, Mr Speaker, in terms of the attitude of the Labor Party. Although there are many aspects where we have a bipartisan approach and where we support each other in relation to a number of beliefs, there are a few problems which I think arise from a philosophy which has been gained by a lot of left wing trendies coming into the party, perhaps in the last 30 or 40 years. Mr Berry has been one

of the prime opponents of such sensible measures as the move-on powers and certain law and order measures which, really, are just commonsense. I am sure the earlier Labor Party members, such as Chifley and people like that, would have agreed with them because they, again, benefit the ordinary people in our society, the ordinary workers, women, the elderly - people that the Labor Party purports to support.

All in all, the Labor Party is a great historical party. It has done a lot for this country, as indeed has the Liberal Party - another party with roots going back many years. But I think it does need to look to its laurels in 1991, in the hundredth year of its existence, and there are a number of improvements that it can make. It certainly has left the rails in a number of areas that would concern its founding fathers greatly.

Australian Labor Party : Law and Order

MR MOORE (4.38): When I saw Mr Stefaniak jump to his feet I was wondering whether he was going to be a little churlish but, on the contrary, I think his speech was most eloquent and appropriate. He congratulated Labor on their hundredth anniversary and Mr Connolly on the fact that he has now spent a year in this place. On many occasions during that year we have enjoyed his contributions to debate. One of the fondest memories I have is of what happened when he was dealing with Mr Stevenson and Mr Clampett in the financial debate. They were some of the more enjoyable moments in the Assembly. I also take this opportunity to congratulate them on this anniversary.

I take a moment to take exception to something that Mr Stefaniak had to say. It had to do with law and order. It would be a wonderful situation indeed, Mr Stefaniak - you might just agree with me in this - if we did not need to have that law and order.

Mr Stefaniak: It would be nice.

MR MOORE: I am glad to see that on that small point Mr Stefaniak agrees with me. The way we can work towards ensuring that we do not need a law and order approach is to work for crime prevention. One of the things that we must do is move our strategy more and more towards crime prevention. I am aware that Mr Collaery has taken some steps in this direction. Certainly the Federal police are working in that direction as well. This issue was raised by me in private members' business and I was supported very eloquently by Mr Connolly. That was another of his speeches that I enjoyed. I enjoy it when he supports what I am saying.

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On that issue I think that, out of this chamber, we should raise again whether or not crime prevention should become a matter that we need to take a bipartisan approach on within this chamber and establish a committee that starts the process of looking into the range of possibilities as far as crime prevention goes. There are a tremendous number of possibilities. That committee, in one form or another, should make recommendations and then proceed into the next parliament independent of which government is in power. It is something that I am sure we are all interested in, whether we take a strong law and order approach like Mr Stefaniak or a more moderate approach like me. It is something that we should now bring to the attention of the Assembly. It is something that I will be raising again.

Australian Labor Party

MR DUBY (Minister for Finance and Urban Services) (4.41): Mr Speaker, I would like to endorse the comments made by, I think, all members of the house today in connection with the significance of today's date, 1 May, May Day, and the special significance it has for members of the Labor Party opposite. There is no doubt that in the 100 years that the party has been in place it has wrought immense changes for the better in Australian society. I endorse the statements made by other speakers about that particular movement and, indeed, about the movement of working-class people throughout the world generally.

I would also like to congratulate Mr Connolly on his anniversary in the Assembly. I must admit that, in terms of debate, Mr Connolly is always entertaining. Whilst at times not logical, his speeches are always entertaining. As Mr Moore said, there are some absolute gems for us avid readers of *Hansard*. I am sure that when we read Mr Connolly's statements a quiet smile comes to our face. Nevertheless, congratulations, Mr Connolly. I think you have proved yourself to be a worthy member of the Assembly. Given the power play that goes on within your party today, I think you are going to be here for some time in the future. I would like you to make sure that you enjoy - - -

Mr Humphries: On that side.

MR DUBY: On that side of the house; I agree. Undoubtedly, I think, the time will come when Mr Connolly will sit at the front right of the people of that side of the house. I look forward to that day with pleasure.

Australian Labor Party

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.43): I might briefly contribute a little bit, Mr Speaker. I also note the anniversary of the Australian Labor Party and agree reluctantly with the comment made by my colleague Mr DUBY that there are some positive features of Australian society which are attributable to Labor governments. One great catchcry or issue facing the labour movement during the early period of the Labor Party's existence was the call and quest for an eight-hour day - eight hours of work, eight hours of sleep and eight hours of rest. There are some of us who would dearly wish that we could today achieve an eight-hour day - eight hours of work, eight hours of sleep and eight hours of rest - but, for some of us, it is not possible, and for some people in our community it is also not even desirable.

Mr DUBY: An unattainable dream, I think.

MR HUMPHRIES: An unattainable dream, indeed. It is good to see that both the ALP and Mr Connolly have matured in that time. Of course, in three years' time, in 1994, the Liberal Party will be celebrating its 50th anniversary. It is not quite as old as the ALP; but certainly, at the present point in Australian political life, it has somewhat more vigour, I would think, than the Australian Labor Party and somewhat more prospect of governing in future years in Federal and State parliaments.

Mr Speaker, when I got up this morning I had no idea that putting on this red tie would have such significance; but, indeed, it did have that significance. It must have been some subconscious calling on the part of my mind that I put it on. Anyway, I use it to commemorate this important day in international folklore.

Australian Labor Party

MR COLLAERY (Deputy Chief Minister) (4.45), in reply: Mr Speaker, I also rise to congratulate the Labor Party on its centenary and to congratulate Mr Connolly on the passage of his first year in this house. I also believe that one day - not too soon, but a long way off - Mr Connolly will be potential Chief Minister material in this Territory. We wish him well in his career and the sooner he gets to the front bench the better. I do not want to give him the kiss of death, so I will not say anything more that is nice about him.

Mr DUBY: You know that he will be doomed to a lifetime as Leader of the Opposition.

MR COLLAERY: I said "front bench", I remind my colleague Mr DUBY, not "Government bench". Mr Speaker, I also recall Mr Connolly's very good inaugural speech.

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Mr Humphries: Maiden speech.

MR COLLAERY: Well, we do not use that term, I gather. I think Mr Connolly reminded us of that, but he used it himself in his address. That just proves that we all have our foibles. When he said that he was the only one elected in that manner and may go down in history, I could not but think of the 1935 election campaign when the Labor Party in New South Wales was not too sure of where it was going to go, so it put the following people on the ballot paper, trusting in the donkey vote - Amour, Armstrong, Arthur and Ashley.

Mr Stefaniak: Did they get in?

MR COLLAERY: And they got in. I am sure Mr Connolly will not have to rely on something like that.

With respect to the Labor Party, all of us who grew up in Wollongong were familiar with Spence's *History of the AWU*, the shearers and the maritime strikes and so on. Labor has travelled a long way. When it first got to Federal Parliament it was not that organised, and it has become progressively and cyclically organised and disorganised. I need not state what cycle it is in now; I think that is pretty obvious. It is a movement that had, and has, great aspirations. I just wish that they could see through those and, instead of trying to knock down alternative political parties, concentrate on cleaning up their own game first.

I say that because it has become particularly evident in recent times in this chamber, and elsewhere, that the Labor Party in this Territory is determined to attack the new movement, which I represent. That might be to the ultimate detriment of the Labor Party. I like to think that some of the values, the Chifley-type Labor values, that have been abandoned now reside in measure in the local new fledgling movement that exists in the Territory in the form of the Residents Rally.

I would say, on the centenary of Labor's growth, that if they are going to pass the baton to us, just for a little period, until they get their act together again, they should acknowledge that those of us in this chamber - I also look at my colleague Mr Duby - who make and press for strong social justice decisions in this Government should occasionally be given the credit for carrying the baton that was dropped in this Territory for a number of years. I do not say that it was dropped by those opposite, because they were not in power.

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I know that in the Queensland Parliament - I have learnt this from visits to Queensland - Mr Wood was a prominent and noble backbencher during what must have been some of the worst years for anyone to be in a parliament. I am always delighted - never always satisfied, of course - with what Mr Wood says in this house, but I think he enshrines, still, the values that the Labor Party used to have in the Chifley era.

Question resolved in the affirmative.

Assembly adjourned at 4.50 pm