



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

2 May 1991

Thursday, 2 May 1991

Legal Practitioners (Amendment) Bill 1991	1875
Supply Bill 1991-92	1876
Commercial Arbitration (Amendment) Bill 1991	1877
Film Classification (Amendment) Bill 1991	1878
Magistrates and Coroner's Courts (Registrar) Bill 1991	1879
Magistrates Court (Amendment) Bill 1991	1880
Landlord and Tenant (Amendment) Bill 1991	1880
Unparliamentary language	1884
Rates and Land Rent (Relief) (Amendment) Bill 1991	1889
Dissent from ruling	1903
Rates and Land Rent (Relief) (Amendment) Bill 1991	1908
Building (Amendment) Bill 1991	1908
Questions without notice:	
Casino project	1915
School-based management	1916
Public hospital beds	1917
Board of Health	1917
Ambient lead levels	1918
Housing - alleged crisis	1919
Civic Square redevelopment project	1920
Supplementary Commonwealth funding	1921
School fees	1922
Planning legislation	1924
Civic Square redevelopment project	1925
Prohibition discos	1926
Energy sources	1928
Hospital staff - accommodation	1928
Hospital services	1929
Small Claims (Amendment) Bill 1991	1929
Personal explanation	1930
Planning Development and Infrastructure - standing committee	1935
Personal explanation	1952
Chairing of committees	1953
Adjournment:	
Australian Labor Party	1956
Oxygen supplies	1957
Acting director of pathology	1957
Oxygen supplies	1959
White collar crime	1961

2 May 1991

Thursday, 2 May 1991

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

LEGAL PRACTITIONERS (AMENDMENT) BILL 1991

MR COLLAERY (Attorney-General) (10.31): Mr Speaker, I present the Legal Practitioners (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

The Legal Practitioners Act 1970 deals with matters relating to legal practitioners. Eligibility to apply to the Supreme Court for admission to practice in the Territory currently depends on completion of a law course at an Australian university or at an educational institution specified in the ACT, or admission in a State, another Territory, New Zealand or in England, Scotland or Northern Ireland. In order that the Supreme Court is better able to evaluate the qualifications of applicants for admission, the Bill will amend the provisions relating to applicants to provide that eligibility will depend on completion of a law course at an Australian educational institution prescribed in the Supreme Court Rules or on admission elsewhere in Australia or in New Zealand.

Admission procedures currently require that an applicant appear at a sitting of the Supreme Court. The Bill will provide that an application to the court for enrolment as a barrister and solicitor of the ACT Supreme Court from a person who is already admitted as a legal practitioner in another Australian jurisdiction may be made to the court in writing and that no personal appearance will be necessary. This will result in a saving of court time and facilities and also expense to interstate practitioners who must make a special trip to Canberra to attend an admission ceremony. These two amendments will rationalise procedures relating to the admission and enrolment of practitioners and bring the ACT to the forefront of admission procedures operating in Australia.

Provisions in the Bill will further the process of the globalisation of legal services, a topic currently under consideration by the Standing Committee of Attorneys-General. The administrative admission procedure will streamline the enrolment in the Territory of legal practitioners from another Australian jurisdiction. The removal of admission as of right for a practitioner from the United Kingdom will assist in achieving a more uniform Australian approach to overseas admissions.

Currently there is no provision which gives a client of a solicitor the right to receive an itemised statement of costs and disbursements from the solicitor. The Bill will provide for such a right. This will benefit consumers of legal services in the Territory.

A practitioner appointed as queen's counsel for the Territory is required to pay a fee which is specified in the Act. The Bill will provide that such a fee may be set by determination. This will bring the ACT into line with current Territory drafting practice. Mr Speaker, I present the explanatory memorandum for the Bill.

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

SUPPLY BILL 1991-92

MR DUBY (Minister for Finance and Urban Services) (10.34): Mr Speaker, I present the Supply Bill 1991-92. I move:

That this Bill be agreed to in principle.

This Bill is to authorise expenditure from the Consolidated Revenue Fund after 1 July 1991. It is an interim Bill which will lapse upon the enactment of the Appropriation Bill 1991-92 which will be introduced into this Assembly with the 1991-92 budget for the Australian Capital Territory.

Supply Bills are the traditional means of continuing government services pending passage of the budget. The Bill authorises an amount of \$585,749,200 to be issued by the Treasurer from the Consolidated Revenue Fund. This amount will be issued for the programs specified in the schedule to cover payments necessary for the continuing operation of government services.

The amounts for each program represent approximately five months' expenditure as it is expected that the Appropriation Bill will have come into force by the end of November. No provision has been made for new policy initiatives, as is the usual practice. These and other changes in budgetary arrangements, such as the attribution of rental costs to programs, will be addressed in the formulation of the budget for 1991-92 and will be presented to the Assembly in that context.

Provision of \$12m has been included for the Treasurer's Advance. This item can be used to advance moneys only for expenditure which is urgently required for the efficient administration of the Territory and generally covers circumstances unforeseen at the time of preparing the Supply Bill. Section 47 of the Audit Act 1989 prescribes the conditions for use of this advance. It should be noted that the 1990-91 advance of \$10m was fully utilised. While

2 May 1991

this level would normally be considered appropriate to cover unforeseen items, a further \$2m has been added in 1991-92 to provide for deferred redundancy expenditure arising from the administrative arrangements of 4 July 1990.

The Supply Bill is in line with the current administrative arrangements. However, there are some changes from the 1990-91 program structure, principally in my Department of Urban Services. Within each program, a distinction between recurrent and capital expenditure has been made to limit the application of the moneys appropriated. I now present the explanatory memorandum for the Bill.

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

COMMERCIAL ARBITRATION (AMENDMENT) BILL 1991

MR COLLAERY (Attorney-General) (10.37): Mr Speaker, I present the Commercial Arbitration (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

This Bill will amend the Commercial Arbitration Act 1986 to bring the ACT into line with a national uniform approach to the regulation of commercial arbitration procedures. The Commercial Arbitration Act deals with provisions in commercial agreements which provide that, in the event of a dispute arising between the parties to such an agreement, the matter is referred to arbitration. The Act contains a set of provisions governing the mechanics of the arbitration process where the parties do not specifically address the detailed operation of the arbitration process in their own agreement. The arbitration is generally conducted by an independent arbitrator or panel of arbitrators at the expense of the parties.

Proposals for national uniform commercial arbitration legislation have been the subject of discussion in the Standing Committee of Attorneys-General in recent years. This committee meets regularly to develop and consider proposals for national uniform laws on a variety of extremely important topics. At the end of last year, my State and Territory colleagues and I reached agreement on a text suitable for adoption in all Australian State and Territory jurisdictions.

The Commercial Arbitration (Amendment) Bill 1991 will amend the Commercial Arbitration Act so that it will mirror the agreed model. In this way the ACT will be brought into the national scheme. As the ACT legislation is already very close to the agreed model, only minor amendments are required. Most of the changes involve drafting style and simply convert existing provisions into the agreed form.

The amendments do include changes to the law, but these are of a minor nature. They include provisions to widen the power to consolidate disputes, including disputes not all of which are being heard by the same arbitrator, and provisions to extend the circumstances in which a party may be represented by someone else in the hearing of a dispute. They also expand current provisions for settlement of disputes by means other than arbitration. Mediation and conciliation are dealt with specifically. In line with recognition that disputes may be settled without arbitration, the Bill allows for interest to be awarded on settlement payments before a formal award arising from an arbitration hearing.

This legislation will give greater certainty to commercial relationships which run across State and Territory borders. The move to uniform commercial arbitration laws is part of a more general trend towards the use of alternative dispute resolution rather than the adversarial approach in litigation in the courts. I observe that there is now an active ACT chapter of the Institute of Arbitrators, Australia. I welcome this and hope that the ACT can provide a suitable environment for high quality arbitration services. Indeed, the Government sees this legislation as further facilitation of proposals to provide here, in the Australian Capital Territory, a wider venue for arbitration, perhaps even at an international level.

There are no financial considerations involved in this proposed amendment. Mr Speaker, I now present the explanatory memorandum for the Bill.

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

FILM CLASSIFICATION (AMENDMENT) BILL 1991

MR COLLAERY (Attorney-General) (10.41): Mr Speaker, I present the Film Classification (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

The purpose of this Bill is to allow some cultural films with a limited audience to be shown in the ACT without having been classified by the Commonwealth. The films in question are cultural and film society films with a small audience, usually screened by such non-profit groups as the Goethe Institute and, may I add, the Alliance Francaise. The times, dates and locations of screening are approved by the Commonwealth Office of Film and Literature Classification and the audience numbers are prescribed.

2 May 1991

Prior to self-government the Commonwealth utilised a system of corresponding law certificates. Under this system, films which were exempt from classification in New South Wales were also exempt in the ACT. Following self-government, the corresponding law system was inoperative under ACT law and there was no means of exempting films from the requirements of classification. This Bill allows the ACT Attorney-General, or a delegate, to grant exemptions to films which have already been exempted from classification under the New South Wales Film and Video Classification Act 1984. As such, it merely reinstates the practice which existed before self-government. Mr Speaker, I now present the explanatory memorandum for this Bill.

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

MAGISTRATES AND CORONER'S COURTS (REGISTRAR) BILL 1991

MR COLLAERY (Attorney-General) (10.43): I present the Magistrates and Coroner's Courts (Registrar) Bill 1991. I move:

That this Bill be agreed to in principle.

This is a straightforward measure which will effect an important change in nomenclature by altering the title of the Clerk and Deputy Clerk of the ACT Magistrates and Coroner's Courts to Registrar and Deputy Registrar respectively. This change reflects a trend in the terminology of the office in all jurisdictions in Australia which will, in due course, bring the titles of these officers into line.

The change was recommended by a Commonwealth working party which carried out a comprehensive review of the operations and future directions of the Magistrates Court prior to the transfer of responsibility for the Magistrates Court to this Territory. The necessary legislation was not developed by the Commonwealth before the transfer to the Territory Government of administrative responsibility for the Magistrates Court.

"Registrar" is becoming the accepted term for the office and it carries connotations more appropriate to the office than that of "Clerk". I make no inferences in regard to any situation in this house. As the nomenclature of an office can have an important bearing on how an office is perceived, I believe that the change in name will enhance the authority of the Magistrates and Coroner's Courts. I present the explanatory memorandum for the Bill.

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

MAGISTRATES COURT (AMENDMENT) BILL 1991

MR COLLAERY (Attorney-General) (10.45): Mr Speaker, I present the Magistrates Court (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

The Magistrates Court Act 1930 provides, under part VIIA, for a plea to specified offences to be made by post. Section 116A of the Act specifies offences for the purposes of part VIIA. The Motor Vehicles (Dimensions and Mass) Act 1990 provides for the regulation of the dimensions and mass of certain motor vehicles with particular reference to loads.

The amendment will insert a reference to the Motor Vehicles (Dimensions and Mass) Act 1990 into section 116A of the Magistrates Court Act 1930. The amendment will allow a plea in response to a summons to answer a charge under the Motor Vehicles (Dimensions and Mass) Act 1990 to be made by post where the penalty for the offence does not exceed a fine of \$1,000. There will be no need for a person who wishes to plead guilty to make a court appearance to answer a charge in relation to such a specified offence.

This is a minor technical amendment, but one which will have the effect of reducing court time and costs spent on minor criminal offences and allow a person charged with a minor offence against the Motor Vehicles (Dimension and Mass) Act 1990 to answer a summons without the need for a court appearance. I am sure that members of the Transport Workers Union and other truck drivers who may come within the ambit of these provisions will welcome this simple but convenient process. Mr Speaker, I present the explanatory memorandum for the Bill.

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

LANDLORD AND TENANT (AMENDMENT) BILL 1991

MR COLLAERY (Attorney-General and Minister for Housing and Community Services) (10.47): Mr Speaker, I present the Landlord and Tenant (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

Mr Speaker, all members of this Assembly would agree that the establishment of a rental bond protection scheme in the ACT is a long overdue initiative. It has been overdue through successive Labor governments. There has been for some time an urgent need to provide tenants and landlords with an effective and independent custodial and advisory service for rental bonds. It is the Alliance Government which has now ensured that this need will be finally met. The Office of Rental Bonds is to be created under the Landlord and Tenant (Amendment) Bill 1991.

2 May 1991

The operation and functions of the office will closely parallel similar bodies operating in New South Wales and Queensland where the schemes have operated successfully for the benefit of both tenants and landlords. The proposed Office of Rental Bonds represents the first stage of the reform of residential tenancy law in the ACT. Under the direction of the Alliance Government, the Community Law Reform Committee will be examining other private and public sector tenancy law issues in the ACT. At present, all bonds collected by real estate agents are held in trust accounts which do not attract any interest. Bonds collected by private landlords are dealt with as the individual landlord chooses. It has been shown that this latter situation can lead to unwarranted retention of bond moneys.

Consultation with all interested community groups has been undertaken in the course of development of this Bill, and the Alliance Government has welcomed the involvement of all key parties during the consultative process. This has included the Real Estate Institute of the ACT, the ACT Council of Social Service and the ACT Tenants Union. Consultation has been undertaken so as to ensure that the enabling legislation is the most effective and appropriate for the special needs of the ACT.

A key issue brought up in consultation, and which the Government has resolved collaboratively, relates to the lodgment of condition reports on all dwellings subject to new tenancy agreements. When the landlord or an agent acting for the landlord lodges a bond with the office, they should provide a written condition report signed by the lessor and the lessee relating to the state of repair of the premises. After the final inspection, the tenant and landlord or agent should decide together how the bond will be refunded by reference to this condition report. These procedures, I am pleased to say, have been fully endorsed by community groups, and it was our Government which consulted fully before it brought a Bill down. They are considered essential in order to provide a proper information base for the resolution of disputes. The lodgment of condition reports has also been fully supported by the Magistrates Court.

The Bill will enable the Director of Rental Bonds to require all parties in conflict to attempt mediation before a bond dispute could be heard in the Small Claims Court. The Conflict Resolution Service will be the approved mediator at this stage for the Office of Rental Bonds. This will present an opportunity for mediation likely to resolve a number of conflicts, while still preserving the option of taking any disputed matters through the due legal process to the Small Claims Court.

The lodgment of condition reports and the mediating role of the Conflict Resolution Service are seen as two important initiatives contained in the Bill which will assist in reducing the number of bond disputes. Under the operation of the Office of Rental Bonds, all bond moneys from residential tenancy agreements will be required by law to be deposited into a rental bond trust fund. The purpose of providing for the deposit of bonds with the Director of Rental Bonds is to provide an objective third stakeholder so that neither the landlord nor the tenant holds an advantage over the other in disputes that may arise on termination of a tenancy agreement.

It will be the responsibility of the landlord or landlord's managing agent to lodge bonds. Before this can be done, both tenants and landlords must agree to sign standard lodgment forms supplied by the office. An application for a refund of rental bond moneys is likewise to be completed and signed by both tenants and landlords. All information received by the office will, of course, be strictly confidential.

It is estimated that approximately \$10m is held in bond moneys in this Territory in one form or another. This is calculated on a total bond number of about 14,500 bonds. Annual revenue from interest earned on bonds would then be in the vicinity of \$1.16m. Interest earnings from the rental bond trust would help recoup the initial cost of establishing the office and fund ongoing operational expenses. Any surplus funds will be used for the purpose of tenant and landlord information programs and for facilitating assistance in the provision of residential accommodation - with the long-term aim of settling the issue of the division of interest to tenants.

A non-remunerative advisory committee will be established to monitor operational efficiency, make recommendations on the allocation of surplus funds, and provide advice on strategies to facilitate the bond collection process. Membership of the proposed Rental Bond Advisory Committee would comprise one representative of the ACT Government Service, a tenant representative, a representative of landlords, and an independent chairperson.

There have been some concerns expressed in the media relating to the cost of administration and planned effectiveness of the office. I am pleased to say that we have not introduced the gargantuan model proposed by the Opposition. These concerns included the views that the office should exclude bonds held by agents; would serve as no more than a clearing house for the receipt and refund of bond moneys; would cater for a minority; would slow down settlement of disputes and return of non-disputed bond moneys; and would provide no identifiable benefit for either landlord or tenant. They were the allegations. But, as I have stated earlier, the Law Reform Committee is undertaking a review of all aspects of private and public sector tenancy law issues, including the settlement of

2 May 1991

disputes. This Bill, drafted into the form of the subsisting and often unsatisfactory Landlord and Tenant Act, will come through further review by the Law Reform Committee. The Bill will not pre-empt major recommendations of that committee that may result from the review.

The proposed legislation requires all bonds to be lodged with the office. It is not considered cost-effective to allow bonds collected by agents to be exempted. Bond moneys invested by the office would be able to earn a higher interest rate than if those bonds were held in a separate agents' trust fund. An agents' fund would also require an effective system for monitoring bond lodgments and payments, which would generate additional administrative costs.

It has also been suggested that the office will do nothing to settle disputes between tenants and landlords and may actually slow down settlement. Currently there is clear evidence that the level of disputation between tenant and landlord has been reduced through the existence of such schemes in other States. There is no reason to suggest that this will not be the case in the ACT after the office has been operating for a reasonable period.

It has also been reported in the media that the office will slow down the return of non-disputed bond moneys. The New South Wales experience has been cited, where it is asserted that it took an average of six weeks to return such moneys. On my advice, this is incorrect. In most cases, undisputed bond moneys which are claimed in New South Wales, as in Queensland, are refunded on the same day. The Office of Rental Bonds in the ACT will follow the same practices operating in those States. Up until now, landlords and real estate agents in the ACT have had a legally required period of 28 days to refund bond moneys. It is quite obvious that the office will be providing a direct service to the majority of tenants not involved in disputation, not just to a minority.

It has also been asserted that the office will provide no tangible benefits to landlords or tenants. One of the central objectives of the office will be to identify key areas of concern in tenant-landlord relations and to fund programs specifically directed towards meeting these needs. In New South Wales, where the Rental Bond Board has been operating successfully for over 10 years, interest earned on bond moneys has funded non-government tenants advice and housing referral services and an array of home purchase assistance schemes.

Finally, there are claims that the office would be a mini-bureaucracy and require \$1m a year to staff and operate. The structure of the proposed Office of Rental Bonds will minimise operational costs. Firstly, the permanent staffing structure will be reviewed after operation to ensure that it is cost effective. Secondly, services

currently existing within the ACT Government Service, including the Receiver of Public Moneys, will be utilised where possible. Thirdly, the development of the office's computer system requirements and the conducting of a publicity campaign will take place within the ACT Government Service. Lastly, program management will be based on New South Wales procedures for accountability which have proved to be highly successful.

In conclusion, I believe that the passage of this Bill through the Assembly will result in significant social welfare benefits, not just to tenants and landlords but to the community at large. The establishment of the Office of the Director of Rental Bonds is an exciting initiative, consistent with the ACT Government's aims, and one which I believe should be fully supported by the Assembly. I take this opportunity to thank the many community groups, the Real Estate Institute and the many individuals who have assisted us over a lengthy period to get this legislation right. Mr Speaker, I present the explanatory memorandum for the Bill.

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

UNPARLIAMENTARY LANGUAGE

MR SPEAKER: Members, I have given careful consideration to some of the language used in the Assembly during the recent sittings. On Thursday, 18 April 1991, during the adjournment debate Mr Berry made the comment, "They have their snouts in the trough".

Ms Follett: They have.

MR SPEAKER: The remark was made during a speech in which he was referring to government members and, in particular, members of the Residents Rally. A point of order was taken that it was a reflection on members in the Assembly and that it should be withdrawn.

It was put to me that I had allowed that expression in the past. As I said at the time, I doubt that I have allowed or would ever allow such language to be used in the same context as it was on this occasion. However, I undertook to review the matter and report back to the Assembly. The term "snouts in the trough" may have been used in the Assembly before, although Assembly staff have not been able to readily establish whether it has or not. Therefore, if it was used, I cannot establish in what context.

In regard to the current episode, having reviewed the *Hansard*, I have concluded that the Rally members were individually and then collectively identified as having "snouts in the trough". I also believe that the remark was a reflection on those members, as it implies that they have taken improper advantage of their position by taking more

2 May 1991

than is due by right or that they have taken improper advantage of the incidentals of office. The statement was unparliamentary and in conflict with standing orders. I therefore call on Mr Berry to withdraw the remark.

Mr Berry: Thank you, Mr Speaker. I do not believe that the statement that people are wallowing in the perks of office is unparliamentary; but to satisfy your demand I am prepared to withdraw it, reluctantly.

MR SPEAKER: Order! That was a qualified withdrawal.

Mr Berry: I withdraw the remark, reluctantly.

Mr Collaery: No. Withdraw it. It is a qualified withdrawal, Mr Speaker.

MR SPEAKER: I do believe that you are still putting the imputation on the statement, Mr Berry. I direct that it be withdrawn without reservation.

Mr Berry: I withdraw it, reluctantly.

Mr Collaery: Mr Speaker, you are being defied. This man has brought the chamber into disrepute all week.

MR SPEAKER: Order! I uphold your objection, Mr Collaery. Mr Berry, I warn you that I have asked you to withdraw without qualification. I believe that you are not doing so. Would you please just withdraw without reservation.

Mr Berry: Mr Speaker, I am most reluctant to withdraw this matter, but I withdraw it unequivocally.

MR SPEAKER: Thank you.

Mr Collaery: Mr Speaker, I raise a point of order. During your address to the house the Leader of the Opposition said, "Yes, they do have them". She repeated the allegation. That interjection may appear in *Hansard*. I ask that she be directed to withdraw it as well.

MR SPEAKER: Ms Follett, I would ask you to withdraw it if they, in fact, were the words you stated - - -

Ms Follett: He does not - - -

Mr Berry: They wallow in the perks of office.

Ms Follett: They wallow in the perks of office.

Mr Berry: Up to their little trotters in the trough.

MR SPEAKER: Order! Ms Follett, would you please withdraw the remark.

Ms Follett: Equally reluctantly, Mr Speaker, I withdraw.

Mr Berry: Wallow in - up to your little trotters in the trough.

Mr Duby: Mr Speaker, I raise a point of order. You have just ruled that the expression "snouts in the trough" is unparliamentary. We are now hearing Mr Berry saying "wallowing up to their trotters in the trough". In the line of consistency, I think Mr Berry should be forced to withdraw that comment.

Mr Berry: On the point of order, Mr Speaker: Once again Mr Duby has got it wrong. What I said was, "wallowing in the perks of office" and then I said - - -

Mr Moore: He did indeed.

Mr Duby: That is not true.

Mr Collaery: That is not what he said.

Mr Moore: That is what I heard him say.

Mrs Grassby: That is exactly what he said.

MR SPEAKER: Order! Please resume your seats. I will review the *Hansard* once again.

Mr Duby: Mr Speaker, he said it twice.

Mr Berry: But you are guilty.

MR SPEAKER: Order! Would members please read the *Hansards* that come out of this parliament. It is an embarrassment.

Mr Collaery: Mr Speaker, you must have seen him point across the way a moment ago and say, "But you are guilty", to Mr Duby - and in the context of having snouts in the trough. He is defying you on this floor.

MR SPEAKER: Mr Collaery, I will review the *Hansard* on this issue.

Mr Collaery: We would like you to control Mr Berry.

MR SPEAKER: Yes; thank you. I was talking at the time, I believe. I did not hear him say whatever you are referring to. I will check the *Hansard* and see what was said.

Mr Duby: Mr Speaker, on the point of order: The solution is obvious. You simply have to ask Mr Berry whether he used the expression "trotters in the trough" or not.

MR SPEAKER: Thank you for your observation, Mr Duby.

2 May 1991

Mr Collaery: Mr Speaker, I wish to address that point taken by Mr Duby. I ask you, respectfully, to ask Mr Berry whether he used those words, and we will then let the transcript show - if he denies it. I ask that you ask him whether he used those words. That is the practice on the hill.

MR SPEAKER: Order! I have asked Mr Berry to explain the words used. He changed the words; that will show - - -

Mr Berry: I did not.

Mr Duby: That is not the case.

MR SPEAKER: I am sorry; he changed the words as presented by Mr Duby. The matter is closed.

I also note that on Tuesday, 30 April 1991, Mr Humphries referred to the Opposition relying on "untruths" in debate during the motion of censure of Mr Humphries. As there has been some discussion on the proper practice to be followed in these cases, I repeat my earlier remarks that unparliamentary statements referring to a group or party collectively are to be considered as being made about each individual of that collective. Therefore, to avoid the necessity of each member demanding withdrawal, I propose to not allow collective statements which would be unparliamentary if directed to an individual. I refer members to Speaker Snedden's ruling outlined at page 487 of *House of Representatives Practice*. He stated:

I think that if an accusation is made against members of the House which, if made against any one of them, would be unparliamentary or offensive, it is in the interests of the comity of this House that it should not be made against all as it could not be made against one. Otherwise, it may become necessary for every member of the group against whom the words are alleged to stand up and personally withdraw him or herself from the accusation ... I ask all honourable members to cease using unparliamentary expressions against a group or all members which would be unparliamentary if used against an individual.

That is the practice which I intend to follow. Therefore, although the word "untruths" may have been allowed in the past when referring to a party or group, I advise members that in future such language will be ruled out of order.

Mr Berry: One rule for one side and one rule for the other.

Mr Collaery: I raise a point of order, Mr Speaker. Mr Berry just said, "One rule for one side and one rule for another". Mr Speaker, I want to tell you that all day today we will draw to your attention this man's behaviour, because he is bringing our Assembly into disrepute. I ask that he withdraw that reflection on your chair.

Mr Berry: Mr Speaker, on that point of order: Mr Collaery is going to continuously raise frivolous points of order in this place because he has been unnerved by what was said about him in this place before, all of which is true, Mr Speaker.

Mr Collaery: The only thing that unnerves us is sitting opposite you.

Mr Berry: Indeed it should, because it is a fairly formidable experience for you. Mr Speaker, if you have been offended by anything that I have said, I will withdraw it.

MR SPEAKER: Thank you, Mr Berry.

Mr Connolly: I raise a point of order, Mr Speaker. Is Mr Humphries going to withdraw that statement about "untruths"?

MR SPEAKER: The statement that Mr Humphries - - -

Mr Connolly: Because Mr Berry has now withdrawn two statements.

MR SPEAKER: Order! Are you prepared to listen to my reply?

Mr Connolly: I am indeed, Mr Speaker, if you are prepared to listen to my submission on the point of order.

MR SPEAKER: Thank you. The situation is that Mr Humphries made the statement and a ruling was made at that time. I am now correcting the record for future debate.

Mr Connolly: So Mr Humphries' statement that we say untruths remains in the record and he is not going to be asked to withdraw. Is that the correct position?

MR SPEAKER: I think you have been able to interpret the words accurately.

Mr Connolly: In that case, Mr Speaker, Mr Berry's point that there are two rules - that we are required to withdraw statements about snouts in the trough and they are not - remains. I would ask you to ask Mr Humphries to withdraw. I am sure Mr Humphries would be prepared to withdraw, being the fair-minded fellow that he is.

MR SPEAKER: Order! Would you resume your seat. Thank you. The situation is that with the snouts in the trough issue I offered to return to the Assembly with a judgment on the words used. In the case referring to Mr Humphries, a decision was taken by the Deputy Speaker at the time and I uphold his decision in that matter.

Mr Connolly: So it is all right for them but not for us?

2 May 1991

Ms Follett: That is one rule for them and another rule for us.

Mrs Grassby: One rule for them and one for us.

MR SPEAKER: If that is your lopsided interpretation, I am afraid that is the way you will have to read it. But it is not; it is a fair ruling. My ruling applies to both sides of the house equally.

Mr Collaery: On the point of order, Mr Speaker: The record should show that that term has been freely used on both sides of the house, and that your ruling impacts no more on them than on us; it applies equally on both sides of the house. We on this side of the house will respect your ruling. I give that undertaking as manager of government business.

MR SPEAKER: Thank you.

RATES AND LAND RENT (RELIEF) (AMENDMENT) BILL 1991

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

That this Bill be agreed to in principle.

MRS GRASSBY (11.07): Mr Speaker, the Opposition is happy with this Bill. However, we did speak to the Council on the Ageing and ACTCOSS on this Bill - as we always try to speak to all the groups that such measures will have an effect on - and some of the comments that came back from both those organisations were very interesting. We saw very quickly the point that the Council on the Ageing was making. It said that the clause requiring applications for a rebate to be "in writing signed by the applicant" should clearly state that it applies also to someone holding a power of attorney. It said also that it should include the "principal carer" to allow for people who may not have given a power of attorney and may have become incapable of signing such an application in person.

The point I am making here is that often when people get put into a home it is not really quite clear whether they will be there forever. In some cases they may be there for six to 12 months, and they may then be able to go home again. The point is that at that time their house is left empty and, according to the Council on the Ageing, there is no proviso in the Bill whereby, for that full year, their rates and taxes will still enjoy that lower rate. Perhaps the Minister, when he speaks, can inform us that this will be so.

As I say, this is one of the things the Council on the Ageing came up with when I spoke to them, and they felt that something along that line should be put into the Bill. I am sure the Minister will see this and I am sure that it can be done. I am only bringing up what the Council on the Ageing has said. As always, we speak to everybody that a Bill affects. If the Minister had done so, he would have got that notice. If the Minister would like me to table the letter from the Council on the Ageing about this, I am quite happy to do it.

Mr Duby: I am quite familiar with the letter from the Council on the Ageing.

MRS GRASSBY: Fine. On page 6 of the Bill, proposed section 21BAB(1) refers to 14 days. It should be three months. This is because, when people have problems with the Department of Social Security and are taken off a benefit for the wrong reason, it normally takes about three months for the problems to be fixed. This would also save paperwork and administration. That is another part that they brought up.

There were some general comments from ACTCOSS which should be talked about. These are all in the letter from ACTCOSS. I understand that a letter was sent to Mr Duby in the first place. He has a copy of it. As for some of the other comments made by the Council on the Ageing, I understand that they were to write to the Minister. If not, I am quite happy for the Minister to have a copy of the letter that they wrote back to me.

Other than those things, Mr Speaker, we are not unhappy about the Bill. We do feel that the Minister could have taken these things into account. After all, ACTCOSS and the Council on the Ageing are very large groups in Canberra. They do represent a lot of people and I do not think they should be ignored. In spite of the fact that the Chief Minister does not think they are terribly important, we do think they are very important.

Mr Kaine: What are you talking about, Ellnor?

MRS GRASSBY: Well, you thought that it was not important when I just said that.

Mr Kaine: I did not say that.

MRS GRASSBY: I am sorry; I apologise.

Mr Kaine: I did not say that and I wish you would not assert it.

MR SPEAKER: Order!

MRS GRASSBY: I apologise to the Chief Minister, Mr Speaker. I understood from what he said that he felt that their point did not really matter. So I have apologised, Chief Minister.

2 May 1991

As I was saying, I do think that the Minister in charge of this Bill, Mr Duby, should have taken into account what the Council on the Ageing and ACTCOSS have to say about this part of the Bill. They were happy with the fact that something was being done about it but felt that it could have gone further and a lot more could have been put into the Bill. As I say, I understand that they have written to the Minister, but we have not heard back whether the Minister has taken this into account or not.

MS MAHER (11.12): I wish to speak in support of the Bill. Mr Speaker, the Bill contains several features which will be welcomed by ACT pensioner ratepayers. The Bill proposes to introduce improved services to pensioners eligible to receive a rebate of rates. These enhancements are expected to be implemented without additional cost to the ratepayer.

This Government is committed to ensuring that government services are provided to the community in a fair and equitable manner, and this Bill is an example of that commitment. The Bill proposes to amend the current rebate scheme for general, water and sewerage rates. Currently, a pensioner is disadvantaged because he or she is unable to apply for a rebate until the end of the financial year. Under this Bill a pensioner will be able to apply for a part-year rebate which will commence on the day the pensioner is deemed eligible. This will be of great benefit to those eligible for assistance in these difficult financial times.

Mr Speaker, the Bill also proposes to remove the need for pensioners to apply every year for a rebate. Instead, the Bill allows eligible people to make only one application. Those who are already receiving the rebate need not apply as they will automatically be eligible to receive the rebate every year. Mr Speaker, the ACT Revenue Office and ACTEW will be responsible for continuing eligibility status with the Department of Social Security and Department of Veterans' Affairs officers on a regular basis. The details of a ratepayer's pension eligibility status is privileged information and will be used only for the purpose of issuing a rebate of rates.

The fact that rebates will not have to be applied for each year means that the peak load period of annual rebate applications will also be avoided for the ACT Revenue Office and ACTEW. Therefore, administrative costs will reduce and the refinement of procedures will overcome inconsistencies and will increase public confidence in the Government's capacity to provide an efficient and effective level of service. However, Mr Speaker, to protect the community, the Bill provides for the rebate to be terminated if and when appropriate and for the Government to receive any amount owing. If pensioners feel that their rebates have been terminated unjustly, they will be able to lodge an application for an appeal through the Administrative Appeals Tribunal.

The final change I would like to mention is the definition of the word "pensioner". This term has been updated to include people receiving benefits under the Social Security Act 1947 and the Veterans' Entitlements Act 1986. In conclusion, Mr Speaker, the Rates and Land Rent (Relief) (Amendment) Bill will rectify some of the anomalies in the principal Act. The changes I have highlighted will enable people eligible for rebates in the ACT to receive them in an efficient and equitable way. I commend the Bill to the Assembly.

MR MOORE (11.16): Mr Speaker, I rise to support the Bill and the benefits that it will bring. I think members have done that quite appropriately and eloquently at this stage. I would like to draw attention, though, to one or two things in the Bill that I think indicate something that we need to become more aware of in the Territory. I refer to page 4, line 26, where it states:

21B. An eligible person who owns the parcel of land that is the person's principal place of residence ...

I think we must become much more aware that in the ACT, under a leasehold system, we do not actually own the land as such. I think the wording, when we are dealing with land, ought more appropriately deal with owning the lease rather than owning the land. On page 5 of the Bill, at line 28, we have this definition:

... the owner or a joint owner of the person's principal place of residence; ...

Well, that is fine, but there is a distinction between that and the land. I do not think it is a serious enough matter in this case to propose an amendment, but I think it is something that we need to be aware of. We have to avoid a snowballing effect towards the freehold system, which would be a great disadvantage to this community rather than the great benefits that the majority of members of this house realise are provided by the leasehold system.

I think it is understood, in common terms, as a court would look at it, that owning a parcel of land means owning the lease, and therefore an amendment is not necessary here. However, the point does remain, and I think it is something that, in drafting, we do need to be careful of. Where this exists in a principal Act, we ought to be looking at varying it accordingly, so that that emphasis is retained and people in the ACT can recognise the great benefits of the leasehold system. The main point of the Bill is another benefit to the community and I congratulate Mr DUBY on bringing it to the Assembly.

2 May 1991

MR Kaine (Chief Minister) (11.19): Mr Speaker, I will speak briefly. There are one or two things that I think need to be observed. I notice that this Bill seems to have fairly universal support within the Assembly. It acknowledges the fact that pensioners should be entitled either to be able to have remission of their rates or to be able to defer them. It simplifies the process for them by saying that they need apply only once. That places the onus on them, of course, that if they cease to be eligible for any reason they have to advise the Commissioner for ACT Revenue so that the adjustment can be made.

One thing that the Bill does not say clearly, and nobody has commented on it, is the amount of the rebate. All it does is give a formula. The effect of that formula is that people are entitled to pay only half the rates. That essentially is what the Bill says. So, any entitled person gets a 50 per cent rebate if they live in the property for a full year. I think that is a very substantial remission and something of great value to pensioners who are often on fixed incomes. The increasing rates, along with other costs of living, are sometimes a heavy burden for them; but, of course, in the end, if they cannot even sustain that level of rates, there is provision for a deferment of the rates due.

I want to take up one point that Mrs Grassby made, Mr Speaker. The people from the ACT Council on the Ageing apparently made a point to her. I am rather surprised that they would even make it because the prescription is that if it is the person's principal place of residence they are entitled to the remission or the rebate. You can be in hospital or a nursing home for a substantial part of the year, but if the property remains your principal place of residence there is no question about the eligibility. In fact, a person can spend a considerable amount of the time in a weekender down the coast, but if their house is still their principal place of residence they are entitled to the rebate. So, I do not understand the concern that Mrs Grassby has expressed or why anybody would have any concern about that matter.

On the point raised by Mr Moore, this is a Bill that relates to rates and land rent relief. It has nothing to do with leasehold tenure or anything else. This is not the relevant time to be making a distinction between freehold and leasehold. That is dealt with in other places, in other Bills, where it is proper to make that distinction. I think that it is totally irrelevant in terms of whether a person is entitled to a rebate or a remission of their rates.

Mr Speaker, I believe that this is yet another step in this Government's program to make life easier for our senior citizens. It is not the only thing that we have done. It is one of a series of things that we are doing. I am pleased that it has the general support of the Assembly and I am sure that members will reflect that support when they vote on the Bill.

MR BERRY (11.22): I have just a few short comments to make. It is a good Bill and it is about helping those people who are in circumstances which we will all find ourselves in one day, I trust. There is one inadequacy, if I could call it that, in the Bill - "inequity", perhaps, is a better word - which I think has not been addressed and which needs to be on the record. It seems to me that the less well off, that is, somebody who has a property of low value, would not do as well out of the rebate system as somebody who has a property of very high rateable value. I would like to draw that to the attention of the Government and have it on the record that there is an inequity. Even though the Labor Party supports the overall thrust of the Bill, it would have preferred some sort of arrangement whereby those at the bottom of town were able to do as well as those at the top of town.

MR JENSEN (11.23): Mr Speaker, I am very pleased to rise today to comment briefly on this Bill. It continues and updates the provision of a rebate to those residents of Canberra, and their eligible dependants, who have served their country and are eligible for a pension under the Veterans' Entitlements Act 1986 of the Commonwealth, particularly those to whom section 27 of the Commonwealth Act applies - those in receipt of a pension by virtue of a war-caused injury or war-caused disease. The ACT Bill uses the same principles applied by the Commonwealth for identifying those service pensioners who are not eligible for a service pension by virtue of the means test applied by section 82 of the Commonwealth Veterans' Entitlements Act. Obviously any changes to that Act, by the way the legislation is written, as I understand it, will mean that that will be reflected in any changes to entitlement in the ACT.

Mr Speaker, also, as we are aware, there are often occasions when service men and women and their dependants are at odds with the administrators of the Commonwealth Veterans' Entitlements Act and their rulings in relation to eligibility for a pension. Because such rulings would have an effect on their ability to obtain a rebate under the Rates and Land Rent (Relief) Act, I think it is appropriate that I indicate publicly that I would be happy to make representations on behalf of those veterans and their dependants who feel that they have been disadvantaged because of the effect that it will have on their ability to receive rebates under the ACT legislation.

MR DUBY (Minister for Finance and Urban Services) (11.25), in reply: Mr Speaker, the Land Rent and Rates (Deferment and Remission) Act 1970 provides relief from the payment of land rent and rates. The Act includes provisions for a rates rebate scheme. The scheme entitles an eligible person to a 50 per cent rebate - a quite substantial

2 May 1991

rebate, as the Chief Minister pointed out - of his or her rates liability. This Bill amends that Act by providing improved services to those persons entitled to a rebate of rates. The Bill also introduces minor amendments to modify and enhance the Act.

The Bill proposes new arrangements which remove the need for entitled persons to reapply each year for a rebate, and in that regard this Bill, I think, is quite a social reform. It is anticipated that this change alone will reduce the number of annual rebate applications by approximately 3,500. This, Mr Speaker, is a considerable benefit to members of the community, particularly the aged, who no longer need to front repeatedly with evidence of eligibility. At the same time, Mr Speaker, the change will alleviate peak work loads in the Revenue Office and ACTEW, with savings expected from a reduction in associated administrative costs.

Mr Speaker, part-year rebates have also been proposed in the Bill, which is a new concept. This will enable a pensioner to claim a rebate of rates from the date he or she becomes an eligible person. This supersedes the current provisions in the principal Act which require a pensioner to be the owner and occupier of the subject property on 1 July of that particular year. I think this in itself is a substantial reform in the administration of these particular pieces of legislation. These amendments will ensure that all rebates are granted under the Rates and Land Rent (Relief) Act 1970 rather than some rebates, such as part-year rebates of rates, being granted under certain provisions in the Rates and Land Tax Act 1926 and the Electricity and Water Act 1988.

The specific provisions for part-year rebates in the amended Act will also enable a more accurate record of rates rebates to be maintained. The point is that a person will now be eligible for a rebate from the very day that they meet those eligibility criteria and will not have to wait. It will not even be done on a quarterly basis or anything like that. The specific provisions for part-year rebates in the amended Act, as I said, will enable a more accurate record of the total amount of rates rebate to be maintained and that will also assist us in determining the cost to the community of providing this service to the aged and infirm.

Mr Speaker, the Bill also has rebate termination provisions to protect the rates revenue base. A rebate will have effect for an indefinite period unless prescribed circumstances alter the eligibility criteria. These circumstances are where the pensioner is no longer an eligible person, or lessee, or where the property ceases to be the principal place of residence. A penalty will be imposed where a person fails to notify the commissioner of a change in circumstance on a deliberate basis. The Bill enables the commissioner, if he or she believes that

circumstances have changed, to remove the rebate privileges. Where this occurs, the rebate recipient has the right to appeal to the Administrative Appeals Tribunal.

Other minor amendments include, firstly, a change in title of the principal Act from the Land Rent and Rates (Deferment and Remission) Act 1970 to the Rates and Land Rent (Relief) Act 1970 to correctly identify, within the title, the broader range of assistance schemes; and, secondly, a new definition of "pensioner" to reflect updated references under the Social Security Act 1947 and the Veterans' Entitlements Act 1986.

Mr Speaker, the Standing Committee on Scrutiny of Bills and Subordinate Legislation has raised an issue on which I wish to comment. The committee is concerned that references in the Bill to the Commonwealth Social Security Act 1947 will shortly be out of date as the Social Security Act is currently before the Commonwealth Parliament and amended provisions are expected to commence on 1 July of this year. The proposals in the current Bill are to be in place by 30 June, of course, because we are now in the process of passing this legislation.

If, as a consequence of the amendments to the Social Security Act 1947, changes are required to the Rates and Land Rent (Relief) Act 1970 to reflect references appropriately, such changes will be made in a subsequent amendment to the Act. Until then, of course, the Interpretation Act 1967 will operate to construe the references in the Rates and Land Rent (Relief) Act as being references to the amended provisions of the Social Security Act.

I would like now, Mr Speaker, to comment on some of the points raised by members during the debate. The first point that I will comment upon is that raised by Mr Moore, who said that the Act actually refers to the owner of the land. I take Mr Moore's point, because we do have a leasehold system. What Mr Moore fails to understand is that the definition of the word "owner" is in the Land Rent and Rates (Deferment and Remission) Act and it refers to:

... in the case of a parcel of land held under a lease, the lessee of the parcel of land or, in a case where 2 or more persons are ...

It generally addresses the issue that he has raised. The definition of the word "owner" refers to a lessee rather than a freehold owner.

Mrs Grassby raised a number of points. She said that she was doing so on behalf of the ACT Council on the Ageing. I also am aware of those points raised by the Council on the Ageing and, in particular, I would like to comment on their objection that the Bill requires an application to be signed by the applicant. The question asked is whether the Bill covers a person who is incapable of signing an application and who has not given a power of attorney.

2 May 1991

The particular clause of the Bill, proposed section 21B(4), provides for an application for a rebate to be signed by the applicant, but it is not considered necessary to legislate to provide specifically for persons who, through some disability, age, dementia or whatever, are unable to sign documents. A person authorised by power of attorney to act on behalf of the applicant will be able to sign an application on behalf of the pensioner. It should be pointed out that the word "signature" has a legal definition. *Stroud's Judicial Dictionary of Words and Phrases* states that, in English law, a signature may be in initials only, by mark, rubber stamp, or proxy. In some contexts, it has been held enough to write a note on paper on which the party's name was printed. So, all in all, we were aware of that quite valid concern and, as far as we are concerned, that should not preclude anyone from being eligible to get this rebate.

Another question was whether consideration will be given to pensioners entering nursing homes or hostels which then become their principal place of residence. I think that is the point that the Chief Minister also referred to. The property for which people receive the rebate of rates must be their principal place of residence. I think personally that that is a quite fair requirement. Needless to say, it does not apply to persons who may be spending some extended time in a nursing home or a hospital, for clearly that would not be their principal place of residence. A person can have only one principal place of residence and where a pensioner enters a hostel or a nursing home on a permanent basis the rebate on their former home will cease.

I personally have no difficulty with that. The whole purpose of this rebate scheme is to subsidise persons who are living in that property. Clearly, if someone is in a nursing home or a hospital on a permanent basis, the property almost invariably will be let or will be occupied by another member of that person's family. In that case, the purpose of this rebate, I think, no longer exists.

A further question that Mrs Grassby raised was whether holders of the seniors card would be eligible for a rebate of rates in the future. Basically, the answer is that the seniors card is really irrelevant to the whole issue. To qualify as an eligible person for a rebate of rates an applicant is required to be means tested. Basically, this ensures that the person is in receipt of a pension or benefit prescribed under certain specific sections of the Social Security Act 1947 and the Veterans' Entitlements Act 1986.

Persons in receipt of a seniors card, which is means test free, are not automatically entitled to a rebate as the criterion for issuing that card rests only on the person being of the age of 60 or more. Frankly, some very wealthy people are in receipt of a seniors card for the simple reason that they have attained the age of 60 - something

which I hope to do one day. I do not think it would be socially equitable for persons who are in very fortuitous circumstances to be able to claim as a subsidy from the ACT taxpayer a rebate of one-half of the rates payable.

Therefore, there is no current intention whatsoever to extend a rebate of rates to all persons in receipt of a seniors card. I would imagine that most persons in receipt of a seniors card would be in receipt of a pension of some kind and, of those receiving a pension, most, I think, would be eligible to qualify for this rebate. Accordingly, that is a good thing.

I thank members for the support that they have given to this Bill. It is a very important Bill. It is something that this Government can be proud of in terms of increasing benefits to a disadvantaged group of members of our community. The proposed amendments provide improved services for ACT pensioners and will lead to increased efficiency in the Revenue Office, whilst reducing the administrative costs.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MR BERRY (11.37): I rise again to labour the basic point that I raised when I first spoke. It seems that Mr DUBY has not picked up that issue as well as I would have liked. The real issue is the regressive nature of the formula which has been used for the application of the benefit, if I can call it that. As I said earlier, the people at the bottom end of town do not do as well as they might under some other sort of proposition. I note, Mr Speaker, that the ACT Council of Social Service wrote to Mr DUBY on 27 February 1990 about the issue of concessions and some alternative proposals that might be considered by the Government in dealing with the provision of concessions to members of the community.

It seems that the Government has not taken much notice of the council's position on this matter, which it has set out very clearly in the letter to which I have referred. The system proposed by the council was that the amount of redistribution of income through the concessional system should be continued at the present expenditure levels, and that that ought to be indexed for inflation.

They make a number of points. One very important one is that concessions ought to be separated from services. They give an example of that: A reduced car registration is a concession, but the supply of a kidney dialysis machine is

2 May 1991

a service. There needs to be some sort of clear separation, in their submission, and I tend to agree with that. They also talk about the use of income and how that should be determined as a basis for calculating concessional entitlement.

Without going into the figures and calculations that they use, that seems to me to be an eminently sensible proposal because it ensures that the people at the bottom end of town get a reasonable benefit in the form of concessions, and people at the very top end of town do not get a concession or may not get a concession on something which they can afford to pay anyway.

The issue really is the introduction of formulas which are not regressive in the way they apply concessions to the community. I think there is one way of addressing the issue which could be looked at by the Government. I am disappointed that they have not looked at it as a result of the letter from the Council of Social Service, because it is a serious proposal. I suspect that they will be extremely disappointed that some of their submissions have not been considered, as they have not been reflected in the Bill that has been put forward by the Government.

A suggestion they offer is that the concession ought to be calculated at a given level - some hundreds of dollars - and ought to be indexed. It ought to be subject to a means test. Then the people in receipt of the concession can spend the concession how they like, which again seems to be a sensible suggestion. Perhaps they might like to spend it all on their rates; they might like to spend it on bus travel if they have not got a car; or they might like to use it to subsidise their car registration if they happen to have one, or their electricity account, or whatever. That seems to me to be a sensible suggestion too. I think the Government ought to look at an all-embracing proposal rather than one which goes to individual issues, as this one has done. The Government ought to guard against regressive concession proposals and ought to make sure that the people at the bottom end of town do as well as those at the top.

MR DUBY (Minister for Finance and Urban Services) (11.42): Mr Speaker, I am well aware of the correspondence that Mr Berry is referring to. He has addressed the issue of concessions on a broad base. There is no question that that is an issue that needs to be addressed and that we will be facing in the future. But the issue at hand here, Mr Speaker, is that of providing a rebate on rates.

Mr Berry: That is a concession, though.

MR DUBY: Yes. I think, to be honest, that the arguments that Mr Berry has raised are just a little bit woolly. What he is proposing is that there should be a means test imposed on that eligibility for a rates rebate - - -

Mr Berry: No, that is not what I proposed.

MR DUBY: Let me finish. To be eligible one has to pass an income based means test - in other words, be eligible under the Commonwealth Social Security Act. In terms of eligibility from the ACT's point of view, we have eliminated those persons on high income levels. In other words, they are already eligible under the Commonwealth Act. Mr Berry then wishes to go a step further and look at the value of what is probably the principal asset of most of these people, namely, their family home.

I understand exactly what Mr Berry is suggesting. He is suggesting, in effect, that there should be a cap put on values or something like that, a cap on the maximum rebate, and it has to be considered. He is saying that perhaps there should be more money, a larger percentage of rebate, going to those who presumably have low value properties. To pick a figure, say, 70 per cent rebate should go to those with a property value of less than a certain figure, and people who have high value properties might receive a 30 per cent rebate. I assume that that is the sort of thing Mr Berry is referring to. He certainly has not shaken his head or done anything like that; so I guess that is the type of proposal he is coming to.

What he is forgetting is that a vast number of people who are in receipt of a pensioner rebate are aged persons, and most of those aged persons live in the inner city area, in the old suburbs, which in many cases have high values. For us to be applying a disproportionate level of rebate to them compared with someone who is living in a low valued property would be iniquitous, in my view. That is my understanding of what Mr Berry said.

Perhaps I am mistaken, Mr Berry; but it appears to me that your argument is that those at the bottom end of town are getting exactly the same, a 50 per cent rebate, as those who are living at the top end of town, and therefore the people who have a higher valued property are getting a larger rebate. That seems to be the argument you are addressing. To me it is not a very sensible argument. To introduce something along those lines would disadvantage elderly people within our inner suburbs, our older suburbs, the value of whose properties is quite high compared with those who are living in newer suburbs in Belconnen, Woden and Tuggeranong. Whilst I agree with Mr Berry that the whole issue of rebates and concessions and things like that needs to be addressed, his proposal, I think, would not make sense.

MR BERRY (11.46) Mr Duby has got it slightly out of context, I think. I note that he does agree that the Government has not considered the overall question of a package of concessions which might apply. I think that is a very important point. It is the point that was raised by the Council of Social Service in their letter to which I referred, and that really ought to have been the starting

2 May 1991

point. It is not an issue of cutting back the benefit that people ought to receive, and that is not the only issue that ought to have been considered by the Government.

My major criticism is that the Government has not extended its valuation of concessions beyond this issue of a rebate on the rates. It has left out of the range of issues that should have been considered those other concessions that, quite rightly, have been suggested as necessary for further consideration and recalculation by the ACT Council of Social Service.

What I did express was a concern about the regressive nature of the sorts of formulas which are used in the Bill. I would like the Government to give some form of undertaking that the issue of concessions will be considered as a basket. Hopefully, we would end up getting a better deal for everybody, but a deal which is considered fair by those people at the bottom end of town.

It is true to say that the Government would guard, I think, against extremely wealthy people getting a full issue of concessions, if I can call it that. But I am not convinced that the Government is prepared to sit down now and consider its position on a basket of concessions. I am certainly not happy that the Government has consulted appropriately with the ACT Council of Social Service on the issue, because it does not seem to have incorporated any of the suggestions that have been put by the council on these matters.

MR DUBY (Minister for Finance and Urban Services) (11.49): Mr Speaker, I have no further comments. I have demonstrated that what Mr Berry originally proposed in this debate would be socially inequitable and would not be welcomed by a vast number of people who are currently eligible to receive a rental rebate. The fact is that it is equitable.

Mr Berry: I did not suggest it. You got it wrong again. Another furphy.

MR SPEAKER: Order! Mr Berry, I ask you to withdraw that.

Mr Berry: Well, Mr Speaker - - -

MR SPEAKER: Order! Mr Berry, please stand up.

Mr Berry: Mr Speaker, I would like to speak to that point of order because this is an issue that I consider extremely important. You will recall, Mr Speaker - - -

Mr Kaine: Mr Speaker, does he need leave to speak on this subject?

MR SPEAKER: He can comment on the point of order, Chief Minister; but please be brief, Mr Berry.

Mr Berry: Mr Speaker, I am afraid that it cannot be brief. It cannot be brief because it goes to the issue of what is parliamentary and what is not.

MR SPEAKER: Mr Berry, the point is that I gave a ruling on this yesterday and we believe within this chamber that if there is to be dissent from the Speaker's ruling you have to move a substantive motion.

Mr Berry: The custom in this Assembly is that people are entitled to respond to points of order.

MR SPEAKER: That is correct.

Mr Berry: I would like to respond.

MR SPEAKER: The point is, though, that yesterday I ruled on that point of order. The word "furphy" is interpreted as a lie, and therefore I would ask you to withdraw.

Mr Berry: Well, I will raise a point of order. I will raise the point of order that the word "furphy" is in order and I will seek to prove that.

MR SPEAKER: Order! There is no allowance within our standing orders for disagreement with the decision taken by the Speaker, except by substantive motion. Therefore, until you do so, I ask you to withdraw that word.

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

MR SPEAKER: One point of order at a time. Thank you, Mr Connolly.

Mr Connolly: Mr Speaker, one of the great heritages of Australians is the Australian language. The word "furphy" originates from the water-cart that you can see in the War Memorial. It grew out of the trenches of World War 1.

MR SPEAKER: Thank you for your observation.

Mr Connolly: It means a rumour. It is absurd, and brings this place into disrepute - - -

MR SPEAKER: Yes, I am sure it does.

Mr Connolly: If great Australian words are overruled.

MR SPEAKER: Mr Connolly, would you raise it as a substantive motion.

Mr Connolly: I would ask you to consider this very carefully.

Mr Jensen: Mr Speaker, he is speaking over you.

MR SPEAKER: Thank you. Mr Berry, would you withdraw the word.

2 May 1991

Mr Berry: Mr Speaker - - -

Mr Kaine: Do not take legal advice; just do as the Speaker asks you. If you want to take legal advice, go and do it outside.

MR SPEAKER: Mr Berry, for your information, you can seek leave to move a motion of dissent, or put it on the notice paper.

Mr Berry: Well, that is what we are about to do.

MR SPEAKER: All right. Well, please do it.

Consideration interrupted.

DISSENT FROM RULING

MR BERRY (11.54): I seek leave to move dissent from your ruling, Mr Speaker.

Leave granted.

Mr Duby: What has happened to my Bill? Hold on. You cannot do it now.

MR SPEAKER: This question supersedes the question on the Bill. When this is concluded we will go back to the Bill.

MR BERRY: Mr Speaker, - - -

Mr Kaine: We are going to waste another hour on useless debate while Mr Berry gets something off his chest.

MR BERRY: Well, you granted leave.

Mr Kaine: We did not. The only voices that gave you leave came from over there.

MR SPEAKER: Order! There was no voice in dissent; therefore, the Assembly gave permission for him to proceed.

Mr Duby: I said no. You must have heard me.

Mrs Grassby: You did not, Craig.

Mr Duby: Just as you did not hear him say "trotters in the trough".

Mrs Grassby: You did not. That is a furphy, Craig.

MR SPEAKER: Order! There was no dissenting voice.

MR BERRY: Mr Speaker, the reason I rise to challenge your ruling on this issue is that it brings this place into disrepute if - - -

Mr Jensen: I raise a point of order, Mr Speaker. I understand that Mr Berry is not speaking to a motion of dissent; he is seeking leave to move a motion of dissent.

MR SPEAKER: No. I believe that he is correct in the approach he is taking, Mr Jensen.

Mr Jensen: Well, on that basis, Mr Speaker, what motion is Mr Berry speaking to?

Mr Connolly: A motion of dissent from the Speaker's ruling.

MR SPEAKER: Order!

Mr Jensen: There is no written motion of dissent.

MR BERRY: I have not had a chance to speak yet.

Mr Kaine: He had better give it to us in writing if he is going to move a motion of dissent.

MR BERRY: I move:

That the ruling be dissented from.

MR SPEAKER: For clarification, Mr Berry has moved that there be dissent from my ruling on the use of the word "furphy". That is now open for debate.

MR BERRY: Mr Speaker, "furphy" was derived from a firm in Victoria, Furphy and Sons Pty Ltd.

Mr Moore: Spelt like Murphy, but with an "F".

MR BERRY: Yes, that is the one. They operated a foundry at Shepparton in Victoria and they manufactured water- carts, for those who do not know.

Mr Kaine: Are you giving us a history lesson?

MR BERRY: We have to give you lessons, you see. The name "Furphy" appeared on those carts. The word "furphy" has earned the reputation of meaning a rumour or an inaccurate report, an absurd story. It appeared in Gallipoli, where the furphy, or the water-cart, delivered water to the servicemen fighting there. It was a way of conveying information between one group of fighters and another on Gallipoli. It merely means that what has been said by one member or another in this place is a rumour. It is a rumour. It is certainly not unparliamentary, Mr Speaker. I think it is most inappropriate that you should declare it so. That is why I have moved dissent from your ruling.

2 May 1991

As far as I can make out, it does not seem that any other parliament in Australia would have made the decision to rule out the word "furphy" on the basis of its being unparliamentary. I think the citizens of the ACT would be puzzled if their Assembly had ruled out the use of this word in this place because of its unparliamentary nature, knowing well the history of the matter. Mr Speaker, my colleague Mr Connolly will follow up on this matter.

MR CONNOLLY (11.58): Mr Speaker, in this parliament we represent the Australian people. Although Australia is now a multicultural society, one of the great heritages of the Australian people is the Australian language. There are many people in this chamber who are good and graphic exponents of the Australian language, and I give Mr DUBY credit for being one of them. He can speak in the Australian vernacular very effectively. It is a very colourful vernacular. It is a very important part of our heritage, and the word "furphy" is a very important piece of Australian cultural vernacular.

As Mr Berry said, it originated as a slang term for gossip or rumour that derived from the fact that the water-carts used in World War I were produced by the firm of Furphy and Sons of Shepparton. The water-cart that went around to the troops was the place where troops sat or stood around and drank their cup of tea. Gossip and rumour would start at one water-cart. As the driver of the water-cart took the Furphy water-cart from one encampment to another, so the gossip and rumour would spread. Hence the term "a furphy".

I am sure that this fact of the origin of the Australian language is well known to members opposite. I am sure Mr Kaine would be aware of it. If you go into the Australian War Memorial, up at the end of Anzac Parade, in the Western Desert gallery there you can see, in full splendour, a furphy. You can see the Furphy foundry water-cart and you can read the explanation on the cart. One of the reasons it is there, apart from being a relic of World War I, is that it is symbolic of the water-cart that gave an important word to the Australian language.

Mr Speaker, if in this parliament we cannot use words that are generally accepted in the Australian vernacular, we will become a poorer parliament. We will become a place where vigorous debate cannot be tolerated. I am sure that there are no shrinking violets on the government front bench or back bench that, given the choice, would find particular exception to this use of the vernacular. It is hardly an offensive term. It is part of the rich cultural heritage of our country to use such terms. To rule that such a word cannot be used in the Assembly means that Australians who represent Australians cannot use the language that Australians take pride in.

It is, Mr Speaker, an overly sensitive ruling that - as Mr Berry said, and as I remarked on a point of order - will make this place a laughing-stock. The community may take exception to words such as "liar", to words that are offensive or are regarded as swear words; but such mild, inoffensive and culturally important terms as "a furphy" must take their place in this parliament. We cannot be seen to be shrinking violets.

I would urge members of the Government, who I know can hold and take their place in vigorous and robust debate, to join with the Opposition on this motion of dissent. It is not a general motion of lack of confidence. It is a specific motion on a specific ruling - a ruling that we are all too weak and fearful in this chamber to tolerate the word "furphy" and that the people of Canberra are so sensitive that they would be horrified by the use of such a word in their chamber. You cannot, surely, agree with such a proposition. Let us be sensible about this. Let us preserve the importance of vigorous and robust debate in the Australian vernacular, where necessary, and carry dissent from this absurd ruling.

MR DUBY (Minister for Finance and Urban Services) (12.02): Mr Speaker, in the adjournment debate yesterday I commented on what an eloquent speaker Mr Connolly has been, and is, and I can only once again comment and say that I am pleased to hear that off the cuff address today. It reinforces what an eloquent speaker he is. His arguments are unassailable. The word "furphy" in no way imputes that someone is a liar, or a backslider, or anything like that. I support the arguments of Mr Connolly.

MR COLLAERY (Deputy Chief Minister) (12.02): Mr Speaker, I have been looking through the experiences of other Speakers. Not all Speakers have had an easy passage in their parliamentary careers. Some, like Speaker Cope during the Whitlam era, had a particularly difficult time. Whatever our views about your rulings, Mr Speaker, no-one would disagree with the fact that you have a particularly difficult chamber to manage.

Mr Speaker, I think your ruling on "furphy" was probably prompted - if I may say so, with respect - by the circumstances of the chamber at the time and your desire to bring some order to debate. It is the view of this side of this house that Mr Berry is constantly disrupting the order of business of the Assembly. It is our view that he treats this chamber more like some sort of workers assembly than a parliamentary gathering. Whilst all of us can enjoy the vernacular and the tricks of the trade, the taxpayers out there expect us to get on with the business. I would say that, probably without exception, anyone sitting in the gallery now would expect us to be passing Bills and not pursuing this debate.

2 May 1991

Mr Speaker, on behalf of the Government, I need to inform you, with respect, that we cannot support your ruling on "furphy". We take the view that it has gone into the vernacular. It is less of an accusation now and more of a good-humoured reproof. When I say that in the vernacular it is a good-humoured reproof, the fact is that Mr Berry, when he uses it, gives it another tone. He certainly does. Mr Speaker, you can go over to the War Memorial and see that Furphy water-cart. What you do not see, of course, and Mr Berry misses it, is the donkey pulling it - and we have that here.

Mr Speaker, I sympathise with your noble attempts to contain Mr Berry on this floor; but I must advise you that you failed in this attempt because the language that Mr Berry has very shrewdly used is not what we should, in our view, on this side of the house, make unparliamentary. Nevertheless, Mr Speaker, there are ways of using words that in themselves are unparliamentary, and I believe that that is the manner in which you ruled against the use of the word. I am aware that under standing orders you cannot withdraw your standing order 57 ruling at this stage; but I would suggest, Mr Speaker, the point having been made to Mr Berry in this chamber, that that should suffice.

MR MOORE (12.05): Mr Speaker, just as there is tone in language, as Mr Collaery points out, so too is there a tone associated with grovelling, and that is what we have just seen from the Deputy Chief Minister to you. Quite clearly, Mr Speaker, the house is of the opinion that "furphy" is an acceptable term. That Mr Collaery puts the full blame on Mr Berry for its use in a different tone is absolute nonsense and certainly far from anything like the truth. It is itself a furphy.

It seems to me, Mr Speaker, that when Mr Collaery refers to the donkey pulling the cart he should look at himself and consider that perhaps it is an ass rather than a donkey, just as we look at it across this side of the house. He is the one, Mr Speaker, who time after time disrupts the workings of the house, as we saw this morning. On a number of occasions, Mr Speaker, you were making it quite clear that you had made a ruling; yet Mr Collaery persisted in jumping to his feet and trying to use his position to influence your decision. He acted in that way rather than the appropriate way adopted by Mr Berry of moving dissent. I must say that I am delighted to see that Mr Connolly's eloquent speech has been so influential in this chamber in ensuring that we can have at least some colour in the language and some colour in debate in this Assembly.

MR KAINE (Chief Minister) (12.07): Mr Speaker, I believe that the tone of the debate adds nothing to this Assembly. I move:

That the question be now put.

Question resolved in the affirmative.

MR SPEAKER: The question now is: That my ruling be dissented from.

Question resolved in the affirmative.

MR SPEAKER: I would like to thank the Assembly for its direction in this matter.

RATES AND LAND RENT (RELIEF) (AMENDMENT) BILL 1991
Detail Stage

Consideration resumed.

MR DUBY (Minister for Finance and Urban Services) (12.08): I will resume. I was in the process of demolishing this dingbat's argument. I think that has been effectively done. The proposals that he put would be socially inequitable. I welcome the support generally of other members of the house in the passing of this Bill, and I ask that the Bill be agreed to.

Bill as a whole agreed to.

Bill agreed to.

BUILDING (AMENDMENT) BILL 1991

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

That this Bill be agreed to in principle.

MRS GRASSBY (12.09): Mr Speaker, I rise in support of this Bill, and why would I not? After all, I went through some of the papers and found that it was exactly the same Bill that we were just about to put into the house before the coup. But I would like to point out that the person who first drew the attention of the party to this was Tony Robertson. At the time when legionnaires' disease was breaking out over Wollongong, it was brought to our attention that we should be doing something about it here in Canberra, because there are so many office buildings which rely on air-conditioners to take air into and out of the building. So I pay homage to one of my comrades, Mr Tony Robertson, for the fact that he brought this to our attention. As I say, it was our Bill, but I am glad to see that the Government now has brought it into the house.

The Bill gives the building controller the power to authorise inspections on buildings for legionella bacteria, and it is very important that this be done. As I said before, we live in a city where there is an enormous number of office workers working in buildings and, if the air-conditioners are not kept free of legionella bacteria, we

2 May 1991

could have quite a large number of people in the Canberra public hospitals - that is, of course, if they could get a bed in one - with legionnaires' disease.

Building owners will now have to have their air-conditioners and water systems comply with Australian Standard 3666, and they will need to be licensed. It means that buildings will be checked and the air-conditioners will be checked to make sure that the legionella bacteria are not in the air-conditioners. If the building is deemed to have an unacceptable level of legionnaires' disease, then the building controller can issue a shutdown notice and have the building evacuated. This is very important, as I have said, because, with the number of people working in buildings, we would not like to have an enormous outbreak of legionnaires' disease.

The building will be reopened only once the inspection has shown that the legionella levels are acceptable to people working in that building. Of course, if the building owner will not fix the problem, then the building controller can authorise the clean-up operation and will be able to bill the owner. This is also very important. The Bill, as I say, is exactly the same as the one which we were working towards in 1989. Therefore, of course, our side of the house has no objections.

I understand, however, that the Government does have an amendment to part of the Bill. I have read it, and we will be accepting that amendment, Mr Speaker. So, without saying anything more, there is no-one else on our side of the house who wishes to speak on this; we are quite happy with the Bill. As I said, this Bill is the Bill that we were going to put into the house in 1989. To Mr Tony Robertson, who brought it to my attention and to the party's attention, I say thank you.

MR HUMPHRIES (Minister for Health, Education and the Arts) (12.12): Mr Speaker, as Minister for Health, I am happy to rise in support of this Bill today. As Mrs Grassby indicated, the Bill seeks to enforce measures that will limit the potential for outbreaks of legionnaires' disease in the ACT. It is essential that we ensure that the protection of our community against this disease is stronger than it is at present. It is obvious that an outbreak of legionnaires' disease in a city where such a high percentage of the work force is employed in office based jobs, and where shoppers congregate in large numbers in our large shopping malls, would be a disaster.

Until now, the ACT has had no legislation which attempts to control or prevent outbreaks of legionnaires' disease or other allied diseases. While this situation continues, the potential for a major outbreak of legionnaires' disease does exist. The results of outbreaks of this disease are well known. A number of tragic events overseas and in this country, as close to this city as Wollongong, have given ample evidence of the dreadful outcomes which can

result from an outbreak. All sections of the community are vulnerable, although the figures do suggest that older male smokers have a higher mortality rate than other groups. I think that for this Territory to have no measure in place to prevent such an outbreak is totally unacceptable to the community, and I am sure to the Alliance Government. We have to take action to remedy this lack of protection for our community, and I am sure that our colleagues in the Opposition are as concerned about this as the Alliance Government is.

The legislation provides for the adoption and enforcement of standards based on Australian Standard 3666 - as Mrs Grassby indicated - relating to the location, design, installation and maintenance of air-conditioning plants, cooling towers and warm water systems in the ACT. What is more, the legislation will require a system of licensing for such equipment. Before a system licence is introduced, the regulatory authority, ACT Building Control, must be satisfied that the system will be operated in accordance with the standard. Even after the licence is issued, failure to operate the system in accordance with that standard will result in the suspension of the licence as well as significant penalties. The legislation has provision for the Minister to amend the application of the standard in the Territory through the ACT appendix of the building code of Australia. This will allow fine tuning of the standard's requirements to match the needs of the Territory as they evolve. It is appropriate that such amendments be achieved through instruments which will be disallowable by the Assembly. I am sure that Mr Connolly will be pleased to hear that.

The regulatory authority, ACT Building Control, has actively encouraged voluntary compliance with Australian Standard 3666 among building owners in the ACT. I suspect that there has been a reasonably high degree of compliance with that; but to date the standard has not been legally enforceable, and that, of course, is the point of this legislation. That makes the point, I think, that the ACT has not been without some protection in the interim between now and when this problem was first identified. There has been some level of compliance by building owners in the ACT, and I think the Government should acknowledge gratefully that that has occurred. This legislation is about making Australian Standard 3666 enforceable however, and about preventing conditions arising which could result in an outbreak of legionnaires' disease in this city.

This legislation is consistent with similar measures proposed in New South Wales and South Australia, for example. While, to date, the Wollongong City Council is the only jurisdiction in New South Wales to have enacted regulations to enforce compliance with the standard, the New South Wales State Government is on the verge of introducing legislation to control legionnaires' disease, and I think we all warmly welcome that. Mr Speaker, I believe that this Bill is an important initiative for our

2 May 1991

city. I believe that it puts in place reasonable measures to protect our community, particularly the elderly, against an outbreak of legionnaires' disease, and it will ensure not only that workers in the Territory are appropriately protected in the workplace but also that the environment and health of the ACT community, in general, are safeguarded.

Mrs Grassby has made reference to the amendments which the Government proposes to put and which have been circulated to the Opposition. I am pleased to see that they are to be supported.

Mrs Grassby: It is our Bill.

MR HUMPHRIES: Mrs Grassby asserts that this is her Bill. There is no real way of our checking that, because - - -

Mrs Grassby: We can show you; we have the whole copy of it upstairs.

MR HUMPHRIES: I would be very happy to see this evidence. It may be a jotting on a notepad in Mrs Grassby's office; I do not know.

Mrs Grassby: No, we have the Bill already drafted; I can show it to you.

MR HUMPHRIES: Mr Speaker, when we took office, there was no evidence, I do not think, of any legionnaires' Bill which was ready to go. We were shown all the Bills in progress when we took office, so I do not know what happened to it. It must have been withdrawn in some fashion.

Mr Speaker, I think this legislation is important. I am glad that my colleague Mr Duby has brought this important piece of legislation forward, as I believe that it is time that the ACT embarked on comprehensive protection for its citizens through the passage of this Bill.

MS MAHER (12.18): Mr Speaker, firstly, I would like to say that it is encouraging to see the Government taking the advice of the Scrutiny of Bills and Subordinate Legislation Committee, and making amendments that we have recommended. I take this opportunity to once again thank Professor Whalan for his support to that committee.

Mr Speaker, I rise to support the Building (Amendment) Bill 1991. I believe that this Bill is essential if we, the ACT Government, are to ensure the safety of the ACT community and visitors to Canberra. Canberra is a city where, because of the climate, people spend a large proportion of their time indoors - in offices, at shopping malls, in clubs, in theatres and in restaurants. The quality of air we breathe indoors is as important as the air we breathe outdoors. Until now the ACT has been lacking legislation to enforce the implementation of minimum standards of

design, installation, maintenance and cleaning of air-conditioning systems and warm water systems. The Building (Amendment) Bill 1991 seeks to rectify this situation.

Airborne transmission of legionella bacteria is preventable, given effective maintenance of potential sources of these bacteria. Fortunately for the ACT, many building owners and occupiers have been taking a responsible attitude towards the dangers of outbreaks of legionnaires' disease. The building owners have voluntarily complied with the requirements of Australian Standard 3666 and, in fact, many maintain their air-conditioning systems at standards higher than that required. I am sure that we all commend their attitude and sense of responsibility. However, recent investigations by the public and environmental health service have confirmed that there are some building owners in Canberra who are placing their employees and members of the public at risk, by ignoring the necessary cleaning requirements that will be required under this Act. Legionnaires' disease is a preventable disease, and, while there is no legislation to control outbreaks of legionnaires' disease, every one of us is at risk.

Today we have the opportunity to remedy this by implementing practical and effective legislation to control this potentially serious problem. Legionnaires' disease is not an issue that is new to the ACT. While we have not had outbreaks of the scale of those in Adelaide and Wollongong, for example, our record to date has not been perfect and the potential danger cannot be ignored. Measures to control it must be introduced. They must be Territory-wide and enforceable.

This Act will apply to virtually every building in the ACT, except single residency buildings. It will provide protection for all members of the community, for people at work and during their leisure hours, and for shoppers, tourists, the sick and the elderly. The Act will provide the legislative controls necessary to minimise the risk of spread of legionnaires' disease. It will be a necessary adjunct to the action plan released by the Minister for Health, Education and the Arts in 1990 for the control and investigation of legionnaires' disease. We, the Government, recognise the need for such legislation, as I am sure that our colleagues in opposition do. Mr Speaker, I believe that the ACT needs this legislation if we are to protect the health of our community and visitors. I commend the Bill to the Assembly.

MR DUBY (Minister for Finance and Urban Services) (12.22), in reply: I wish to thank all members for their contribution to the passage of this Bill. It is an overdue Bill - there is no question about that - and it is something that is of great importance to the public health of the citizens of the Territory. I have received a

2 May 1991

report, prepared by the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and I would, firstly, like to thank the committee for their comments on the draft Bill.

Mr Speaker, two issues were raised by the committee, and I would like to take this opportunity to address them. The first issue concerns the carrying of identity cards by building inspectors, and the second concerns the process of the review of shutdown decisions. Turning to the issue of identity cards, I agree with the committee that the legislation, as it now stands, does not make it clear that the new provisions require building inspectors to carry an identity card when inspecting for legionella bacteria. I would therefore like to table an amendment to the Bill, which, in its effect, reflects the committee's view. I believe that that has been given to members. This change will result in three minor amendments to the Bill, in existing section 9(a) and in proposed sections 9(b) and 9(c). In that regard, I am pleased to hear that the Opposition will be supporting those amendments.

The second issue raised by the committee, Mr Speaker, is the review of shutdown decisions by the building controller, where building owners believe that the decision is questionable. The Government has thought long and hard on this issue and it wishes to confirm the Bill's existing provisions concerning this matter; that is, when an emergency situation arises and a shutdown notice is given by the building controller, this decision on the shutdown of the building will stand.

Should a building owner wish to appeal against the decision - and, quite rightfully, they may wish to appeal - the shutdown notice will still remain in force until the outcome of the appeal is known. I think that is a fair and reasonable requirement on behalf of the building controller, given the potential hazards and the chaos that would follow as the result of an outbreak of legionella.

Mr Speaker, I thank the Assembly for its support for the Bill. I now present the explanatory memorandum to accompany the amendments I have just mentioned.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

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

Clauses 6 and 7, by leave, taken together.

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

Clause 6, Page 4, line 26, after paragraph 6(f) insert the following paragraph:

"(fa) by inserting after subsection (3) the following subsection:

'(3A) A building inspector shall not inspect a building under this section unless the building inspector carries an identity card which bears a photograph of the building inspector.';"

Clause 7, page 5, line 30, add at the end of proposed new section 9B the following subsections:

""(5) A building inspector shall not inspect a building under this section unless the building inspector carries an identity card which bears a photograph of the building inspector.

'(6) A building inspector who enters premises to perform an inspection under this section is not authorised to remain on the premises if, on request by the occupier of the premises or a person apparently in charge of the premises, the building inspector does not show his or her identity card."

Clause 7, page 6, line 13, insert after proposed new subsection 9C(2) the following subsections:

""(2A) A building inspector shall not inspect a building under this section unless the building inspector carries an identity card which bears a photograph of the building inspector.

'(2B) A building inspector who enters premises to perform an inspection under this section is not authorised to remain on the premises if, on request by the occupier of the premises or a person apparently in charge of the premises, the building inspector does not show his or her identity card."

Clauses, as amended, agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.26 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Casino Project

MS FOLLETT: My question is to the Chief Minister, and it relates to his statement yesterday about the casino project in the ACT. Mr Kaine, how will the Government ensure that an interim casino licensee will subsequently construct a permanent casino?

MR KAINE: It will ensure that very simply and very easily, Mr Speaker. What the Government is looking for, as part of any licence that will be issued for a casino, is a specific proposal for a long-term commitment to a significant construction program. Given that starting from the end of this year it will take between one and two years, on any reasonable basis, to get a construction project completed, we believe that it would be unwise to allow New South Wales and Victoria or anybody else to get the lead on us in terms of the casino market. So, what we would propose is that whoever is the successful tenderer for the specific contract of construction into which a long-term casino would be incorporated would be permitted, as part of the contract, to operate in some other premises on an interim basis.

I was interested to note that, according to ABC radio, that would be in an existing hotel. There is no such commitment on the Government's part. We would be interested in any reasonable proposition that a future potential contractor for such a project is likely to put forward; but it would certainly be a contractual obligation that an interim licence would be issued to the ultimate licensee, and very specific contractual conditions would apply to that.

MS FOLLETT: I have a supplementary question, Mr Speaker. Mr Kaine, given the timeframe that you are looking at - you said that it would take one to two years for an effective construction program; but you have also said that we would be going in advance of New South Wales or Victoria on the casino: How can you claim that you will not, in effect, be giving a casino licence to an existing property owner?

MR KAINE: Mr Speaker, the Government is not making any commitment as to who will get the licence. That will be a matter for decision by the people who will be evaluating any proposals put forward.

Ms Follett: They could not build a new one by the end of the year.

MR KAINE: I do not understand your question. There will be a process, similar to the one that you set in train, where proposals will be made. Those proposals will be evaluated, and out of the process will come a successful proposal which the Government will enter into a contract to

see set in place. As part of that contract, the Government will allow an interim licence to operate a casino at some agreed location and until such time as the permanent location is in place. It is quite clear that such a simple concept is beyond Mr Berry. He is shaking his head; he does not understand it. It is a very simple process.

The Government's intention is quite clear cut. I can assure the Leader of the Opposition that the Government is quite capable of negotiating a contract for a long-term site for a casino with an interim arrangement for a casino to operate somewhere else, and that that casino will be in operation in order to capture our share of the market ahead of anything that New South Wales or Victoria might do.

School-based Management

MS MAHER: My question is to the Minister for Health, Education and the Arts. Minister, a timetable for the implementation of school-based management was outlined in an article in the *Canberra Times* on Saturday, 16 March. Is school-based management a priority of this Government, and how will the program be implemented?

MR HUMPHRIES: I thank Ms Maher for that question. In the context of micro-economic reform, school-based management is an important initiative of the ACT Government and, in particular, for my ministry.

Mr Wood: Further school-based management.

MR HUMPHRIES: Further school-based management - I would accept that. It is intended to further devolve resources to schools and colleges over the next three years, commencing in this coming financial year. In the 1991-92 financial year, devolution of significant non-salary budgets will occur in as many schools as possible. These non-salary budgets will include heating, minor new works, computer lines, lighting, minor maintenance, fire brigade, telephones, school security and pest control. Negotiations are continuing in relation to cleaning, grounds maintenance, furniture and community use of facilities. It is our intention to devolve these as much as possible in the future, although the exact amount cannot be determined at this stage.

Currently, some aspects of staffing are being devolved to schools. One example is school-based management of relief staffing. Negotiations are continuing with a view to broadening the delegation of staffing responsibilities to include supplementary resources as from 1992-93. This is a process which is difficult, Mr Speaker, which is why the Government is taking a longer rather than a shorter period of time over it. I am confident, however, that the enthusiasm of many schools to take up the opportunities of school-based management will see that the program overall is a success.

Public Hospital Beds

MR BERRY: My question is directed to the Minister for Health, and I hope that I can get a more convincing answer out of this Minister than the Chief Minister gave us on the casino issue. It is in relation to the number of hospital beds. This is his favourite topic, and we just want a straight answer in accordance with standing order 118; it would be nice for a change, at least. In this Assembly on Tuesday, 30 April, Mr Duby said - are you listening, Mr Duby?: "Under this Minister" - referring to you, Mr Humphries - "we now have more hospital beds in the ACT than we ever had when Mr Berry was Minister". Mr Humphries, can you tell us how many public hospital beds we have in the ACT at this very moment?

MR HUMPHRIES: Mr Speaker, I told Mr Berry only two days ago that I was taking his question on notice and that I would give him an answer on notice; and I will, when I have the information.

Board of Health

MRS NOLAN: Mr Speaker, my question is also to Mr Humphries, in his capacity as Minister for Health. Mr Humphries, can you advise the Assembly what other staffing arrangements are to be put in place in the Board of Health as a result of the recommendations of the Enfield report?

MR HUMPHRIES: Mr Speaker, yes, I can. As members are no doubt aware, the establishment of a position of chief finance officer was a recommendation of the Enfield report. As an interim arrangement, I am advised that the services of Mr Mike Woods have been obtained from ACT Treasury. He will commence duty as the acting chief finance officer from Monday, 6 May, which is next Monday. Mr Woods will be responsible to Mr John Turner, who is the acting chief executive for overall finance management, with a specific charter to take whatever action is necessary to address the financial management issues raised in the Enfield report.

In addition, the board will employ an officer to represent the board's overall interests in the hospital redevelopment project. Ms Annie Austin, who is on loan from the Victorian Public Service, will perform this role initially, reporting directly to Mr Turner. Ms Austin will also commence next Monday. She will assist with the response to the Enfield report. I should stress that these arrangements are temporary and are not intended in any way to pre-empt any organisational changes which might arise out of the Government's consideration of the Enfield report.

Ambient Lead Levels

MR CONNOLLY: My question is to the Chief Minister, in his environment Minister portfolio. Chief Minister, will the Government admit that its efforts to monitor the levels of lead pollution in Canberra's air have been seriously flawed to date?

MR KAINE: I do not know what Mr Connolly means by "seriously flawed". I do understand that there have been some errors as a result of the monitoring. I am not clear whether they were the result of a technical problem with the monitoring equipment, or whether it is a problem resulting from the analysis of those figures, or quite what the problem is. But, apparently, there has been a misinterpretation of the results. There is no doubt about that. It is a matter of public record.

The Government, however, is now making sure that the readings are properly taken and that the results are properly interpreted. All that means is that there has to be some caution exercised in using the figures from earlier readings. I do not quite know whether Mr Connolly is implying that somehow or other the Government is at fault because the equipment does not work correctly. I am not sure what the thrust of his question is, but I can assure Mr Connolly that the Government is serious about monitoring those levels. It has done everything that can reasonably be done to achieve it.

If there is some error in the readings of the monitoring equipment, I hardly think that Mr Connolly - or Mr Berry even, for that matter - could say that the Government is somehow at fault because the process has not produced the desired results. We are making sure that whatever happened in the past - even in the time when the Labor Government was in office - if the readings were incorrect, they will be correct in the future.

MR CONNOLLY: Mr Speaker, by way of a supplementary question, I will try to clarify the thrust of the question. Why is the Government now seeking to establish new and "proper facilities for the monitoring of Canberra's air lead levels"?

MR KAINE: Because the processes set in place by the previous Labor Government have proved to be defective, and we have only recently found out.

2 May 1991

Housing - Alleged Crisis

MR JENSEN: Mr Speaker, my question is to Mr Collaery, in his capacity as Minister for Housing. I direct the Minister's attention to suggestions in some quarters that there is a housing crisis. Firstly, Mr Collaery, is this correct? What is being done, particularly, to address the requirements with regard to student accommodation in the ACT?

MR COLLAERY: I thank Mr Jensen for the question. Mr Speaker, yes; the Real Estate Institute and the Housing Industry Association both acknowledged last week that the private rental housing market was very tight. The informed advice that we received from those organisations was that this is a precursor to an uplift in the housing market itself. Rental accommodation becomes tight when the market takes up, and, as a conveyancing solicitor over many years, I recognise those signs.

Mrs Grassby had to put out a press release and start a process in this town suggesting that we had a major crisis. I accept that we do have the homeless here. It is a matter that our Government has done much to tackle without criticism from Mr Burdekin or informed community agencies. Taking advantage of the Real Estate Institute's release, Mrs Grassby went on to make allegations that I had reduced the allocation of beds at Ainslie hostel. I tabled a letter yesterday that conclusively answers that, and I will not proceed, other than to say that that totally disproves her allegations.

But, moving to the other allegation, I want to say that during our time in government we have ensured a constant supply of rental housing accommodation. The available rental stock in this town of less than 300,000 people is 12,386 dwellings. That is a massive holding by any town of this size. And it is supplemented by a rent relief program which provides a subsidy for eligible tenants in private rental accommodation.

Mr Connolly: They need 24 hours' notice to answer questions here.

MR COLLAERY: And \$1.5m will be spent on this program this year. I heard Mr Connolly say that I needed 24 hours notice. If Mrs Grassby had not called a quorum - tactically - yesterday I could have answered this matter. She called a quorum, as we all saw, and my time expired.

Mr Kaine: She should have raced around and made sure that her mates were in the chamber, instead of out there.

MR COLLAERY: Yes. It was a great bit of public responsibility on Mrs Grassby's part! Secondly, those numbers waiting on the housing list have not altered significantly since the Labor Government was in power, that is, in November 1989. It was 3,261 registrants then, and now it is 3,483 in April 1991, whilst we have gone through another 18 months' torture under the macro-economic policies being applied from across the lake.

Although some students are housed under the community organisations rental housing assistance program, CORHAP, it is not our policy to provide large-scale accommodation for students, as this is primarily the responsibility of tertiary institutions. However, those in the know know that quite agreeable arrangements have been made between the University of Canberra and other institutions and the Housing Trust, particularly with regard to some of our stock which we have been unable to rent out to public tenants. Some of the problem-style houses that we have to deal with in due course, and some of the housing we have which is awaiting major renovation, is not at a standard that we would allow young kiddies into. We make those available to university students and the rest through an enlightened program of the Housing Trust.

Additionally, we are carefully monitoring the situation at Narellan House and having relevant discussions on that matter. I totally reject the opportunism of Mrs Grassby in talking up a crisis that really is a sign, firstly, of an improving housing market and, secondly, of an increasing challenge to this Government and all governments in this country facing exactly the same problems.

Civic Square Redevelopment Project

MRS GRASSBY: My question is to the Chief Minister. What has been the cost to the Canberra community, to date, of the decision to vacate the North Building prior to the confirming of whether or not you would be able to proceed with the section 19 redevelopment?

MR KAINE: That is a pretty broad question, and I obviously do not have the answer to it. In fact, I do not know whether there have been any costs at all, but I will take the question - - -

Members interjected.

MR KAINE: I was about to say - if the jackals opposite would let me continue to answer the question; it is like feeding time at the zoo as usual - that I will take the question on notice, and see whether there has been an effect.

Mr Berry: Do you know anything? You never know anything.

2 May 1991

MR KAINE: If I took what you know and multiplied it by two, it would still be a lot less than what I know.

MR SPEAKER: Order, Chief Minister!

MRS GRASSBY: I have a supplementary question. For how much longer will the Canberra community be forced to bear the cost of these empty buildings?

MR KAINE: Until the Government takes a decision to do otherwise.

Supplementary Commonwealth Funding

MR STEFANIAK: My question is to the Chief Minister. Is the Chief Minister aware that the Victorian Premier is seeking supplementary financing from the Commonwealth, and does the Chief Minister intend to request similar supplementary financing?

MR KAINE: That is a very interesting question. Yes, I am aware that Premier Kirner is approaching the Commonwealth for supplementary funding. It appears to be another case of a Labor State government that gets its finances into an appalling state, and then expects taxpayers throughout the rest of Australia - - -

Mr Connolly: A bit like New South Wales.

MR KAINE: Mr Greiner has not fronted up and asked the Prime Minister for any more money. What we are seeing is a procession of Labor leaders fronting up to the Commonwealth seeking more money. We saw Mr Field there a year or so ago and, of course, he was granted extra money. We now have Mrs Kirner fronting up, and I will be interested to see what the Prime Minister does when he is exhorting everybody to exercise financial restraint and to get on with micro-economic reform and get their houses in order.

The Labor Government in Victoria, of course, has created a situation down there that in any terms is quite horrendous. I would be interested to see Mr Berry, who is snickering and sneering over there, justify the position that the Labor Government in Victoria has got itself into. To front up and ask taxpayers throughout the rest of Australia to get them out of their jam, I think, is asking a bit too much. And what is coming out in Western Australia, of course, means that the Premier of Western Australia will be over here next, cap in hand, asking the taxpayers - - -

Mr Connolly: Do you want to tell us about Tasmania - bribery allegations?

MR KAINE: The Tasmanian Premier has been here already and he got \$40m. He received \$40m at a time when the Prime Minister and the Treasurer told us to go away. When we were asking for some support by way of transitional funding, we were told to go away.

The answer to the second part of the question, as to whether I am going to go to the Commonwealth cap in hand, is no. We have been exercising responsible financial management here. We will continue to do so. It is significant, however, that we asked the Commonwealth for about \$18m of our own money recently, and we were refused it. Mr Field was given \$40m. It will be interesting to see how much these irresponsible people over here support the Prime Minister giving to Mrs Kirner. I will be interested to see whether they have anything to say if the Commonwealth grants the Victorian Government more public money to get themselves out of their jam. I presume that they will think that is okay, which is typical of their approach to public funding.

That is exactly what you would have done, because your solution 18 months ago when you got into government was not to face up to the financial problems that were ahead of us, but to go and ask the Commonwealth for \$150m. You were playing the same game that Premier Field dealt with, and that Premier Kirner is now dealing with, and presumably next in line will be Premier Lawrence. I would submit that, if we ever get a Labor government in this town again, No. 4 asking for some more hand-outs will be Premier Follett or Premier Connolly, whichever one gets into the chair next time round.

No, Mr Stefaniak - through you, Mr Speaker - I will not be asking for a hand-out from the Commonwealth. I will be doing that which I have done for 18 months and which I will continue to do for at least another three years, and that is to implement proper financial management of our budget. I will be managing within the amount of money that we are legitimately entitled to from the Commonwealth. I will not be asking for any free hand-outs. I am not going to go on the mendicant lists like the Premier from Tasmania, the Premier from Victoria, and presumably, very shortly, the Premier from Western Australia.

School Fees

MR STEVENSON: My question is to Mr Gary Humphries, and it concerns education. It concerns the extra fees that are charged to the parents of children who attend government controlled schools, such fees being for extra materials that may be used in classes such as needlework, arts, home economics, computers and so on. What is the Government policy in charging these fees? Once a note is sent home with the child about the need for any such fees to be paid, what happens if the parent does not receive the note, forgets to send the money or does not have the money to send, or if for any other reason the fee is not paid? Is the child then prevented from taking part in that particular class, and, if so, by whose authority?

2 May 1991

MR HUMPHRIES: Mr Speaker, I thank Mr Stevenson for that question. My understanding is that fees charged by government schools in the ACT are voluntary fees. They are not fees which are levied compulsorily. Therefore, if a parent decides not to pay that fee, neither the school nor the Government has any capacity to exclude that parent's child from activities in the school.

Obviously, different schools have different levels of fees - some of them ask for more and some less - and obviously, also, schools put different emphases on the payment of those fees. I understand that, in fact, there are very widely differing levels of compliance with those collections of fees in the ACT. Some schools get virtually 100 per cent payment of those fees and - - -

Mr Wood: He was not really talking about the general fees, but specific fees for various projects.

MR HUMPHRIES: I think, Mr Wood, the same comment applies to both those things.

Mr Wood: The collection rate is rather different.

MR HUMPHRIES: I will come back to that in a minute. The fact is that some schools achieve 100 per cent collection rates and some schools get below 50 per cent. There is nothing much that the Government can do about that, unless it were to make the collection of fees compulsory, which I would suggest is incompatible with the notion of free, secular education. I am aware, of course, of particular excursions or activities which require particular amounts to be paid by students. My understanding is that in those cases the school principal has a discretion to waive a fee, and, in fact, does exercise that discretion in any given case if a parent approaches that principal.

If the parent does not respond, I suppose it is possible that a child might miss out. But, frankly, that is a matter that I suspect is very much in the hands of individual schools, rather than the Ministry for Education. I can assure Mr Stevenson that no child is disadvantaged under the arrangements which have been set out, unless as the result of some breakdown in communication between the parents and the school.

MR STEVENSON: Mr Speaker, I have a supplementary question. If I give the Minister details of where there must have been a breakdown of such communication, will he take the matter on notice and perhaps ensure that it does not happen again? A child has been disadvantaged because a fee has not been paid - not on an excursion, but in a class.

MR HUMPHRIES: I will certainly look into any particular case that Mr Stevenson has to bring to my attention, Mr Speaker.

Planning Legislation

MR MOORE: Mr Speaker, my question is to the Chief Minister. Mr Kaine, can you indicate what experience of the leasehold system the firm Dunhill, Madden and Butler have, and why was their report given to the combined environment and planning committee at a time when the committee would not have an opportunity to question the members of that firm?

MR KAINE: Mr Speaker, as I said in an answer to a question yesterday on the same matter, the Government was not involved in the selection of that firm. It was done through the normal administrative processes. I do not know what its qualifications are, but I am satisfied that our officials went about the matter responsibly and found a firm that was competent. If anybody has any evidence that that firm was not competent, I wish they would put it on the table instead of simply implying that they are not competent.

As to the time that it was placed before the committee, my understanding is that it was placed before the committee as soon as it was available to the Government, as all documentation relating to the planning process has been placed before that committee. None of it has been withheld. All comments from the community and from all quarters have been placed before that committee. I presume that Mr Moore is an attending member of the committee. If he is, I commend him for that. If he is not attending the committee, then I think he has abdicated his right to ask any questions about what goes on in it.

MR MOORE: I have a supplementary question, Mr Speaker. If you want to see my contribution to that committee, Chief Minister, you only have to read the report, and I presume from your answer that you have not.

Mr Kaine: Is that a question? If it is, I will comment on it, if you like.

MR MOORE: You will have the opportunity. The supplementary question that I want to ask is: If you claim, as you just have, that all information that the Government had was provided directly to the committee, how do you define "directly", considering that two weeks before you provided the consolidated Bill you were in this chamber waving it around and saying, "I will not give it to anybody"? Were you attempting to mislead this house?

MR KAINE: What I demonstrated in the Assembly, Mr Speaker, was that I had a first draft of a Bill. I gave the committee a copy of that draft when I believed that it was in a reasonable condition for distribution. If Mr Moore, or anybody else, thinks I am going to hand out half-baked copies of documents just to satisfy his ego, he has another think coming.

2 May 1991

Civic Square Redevelopment Project

MR WOOD: I direct a question to the Chief Minister, as Treasurer and Casino Supremo. Given the failure to proceed with the section 19 redevelopment, do you remain committed to developing an enhanced cultural precinct on section 19? In particular, what action are you going to take on the Playhouse, which you closed prematurely?

MR KAINE: Mr Speaker, what now happens with section 19 will depend on whether or not we still get a proposal to redevelop it. That is a matter for the private sector to determine; whether in their view section 19 is the place, and whether they believe it viable to redevelop it at the present time. We will not know that until the proposals are in. I know that as a result of the bids called for by your Government when you were in power, which obviously set unreasonable constraints on what was expected, it was a complete failure. We hope to do better this time round, and I think we will.

In terms of community facilities, I said in my statement to the house yesterday that we would commit ourselves to using the premium that is paid for the casino licence for the provision of community facilities. What that will provide and where they should be provided remain to be seen. Following our commitment to community consultation, once we know the amount of money available, we will be taking that matter up with the appropriate community groups to determine what kind of facility should be provided and where. It may not necessarily be on section 19 if it is the wish and desire of the community that something be provided somewhere else.

MR WOOD: I have a supplementary question relating to the second part of my question. Seeing that as part of the casino project the Playhouse was closed, what is the future of that?

MR KAINE: As I said, Mr Speaker, the future of section 19 remains to be determined. In anticipation of a successful outcome to the process set in place by the Labor Party, we vacated the North Building. It would have been essential that it be vacant if there had been a successful proposal. The Playhouse operation really was a part of the necessity to have the site ready for development had we got a successful outcome. Depending on what happens over the next three or four months, the Government will have to reassess. If there is not a proposal to redevelop section 19 - I am not going to anticipate the outcome as it may well still be a viable proposal; but in the event that it is not - then the Government will have to consider what other options are open to it in connection with not only the North Building and the Playhouse Theatre but the whole of section 19. I think you are asking a bit much, Mr Wood, to expect me to tell you what we might have to do in six months' time when we do not yet know the outcome - - -

Mr Berry: You are the Chief Minister.

MR KAINE: I am Chief Minister; but I am not clairvoyant, unlike Mr Berry, who seems to have a crystal ball that he gazes into and can tell us exactly what is going to happen in six months time. I do not have that facility. I will await the outcome of the due process that we have set in train. We will get a decision a lot quicker than Ms Follett and your crew would have done, and hopefully it will be a much more successful outcome.

When that outcome is known in connection with a project associated with the provision of a casino we will tell you what, if anything, needs to be done in connection with section 19. It is a rather odd question to ask since there is so much that has to be done before we can even know what the future of section 19 is. I am not clairvoyant, Mr Speaker, although sometimes I wish I were.

Prohibition Discos

DR KINLOCH: My question is to Mr Collaery in his role as Attorney-General. I refer to a heading in the *Canberra Times* today which says, "Why the move against prohibition discos?". Is there a move against so-called prohibition discos, and what is the background to any action regarding them?

Mr Berry: I bet he changes his policy now.

MR COLLAERY: It is a very apt question. Mr Berry thinks I have a policy on it; I do not. It is as simple as that. That is why I stood up. Mr Speaker, here is a classic case of a headline manufacturing its own message - "Why the move against prohibition discos?". Well, there is no move against prohibition discos. I think it is timely that I inform the house of the concerns that have been expressed to me by the Australian Federal Police and the background to this matter.

Firstly, in March the police indicated to me, and earlier they had indicated to the relevant authorities, that there were large numbers of young children, infants in law, roaming sections of Civic because there was overcrowding at these premises and they had not got in. They had been dropped off by their parents and there was overcrowding. At the same time our liquor inspectors were reporting an upsurge in the city area of incidents of detected under-age drinking.

Against that background and other inquiries which suggested that at one of the premises in question more than 650 children had attended one particular function, I asked the relevant authorities - police and liquor authorities - to give me more information. It is timely that the Government reaches a policy on the matter.

2 May 1991

I have referred the matter to the Ministerial Youth Advisory Committee for advice. That is an independent ministerial advisory committee from the youth sector. At the same time I am continuing to look at comparative attitudes interstate. In New South Wales, for instance, it appears to me that the regulations are somewhat tighter. Firstly and interestingly - I am sure my colleague Mr Humphries would be interested - all cigarette machines on the premises must be locked. Some of the comments made by parents on the radio have been to the effect that the only hazard they thought the children encountered was the thick smoke. Clearly, they are smoking on these premises, and that raises a number of other issues, when we are talking about 13- and 14-year-olds, that I am happy to transfer to my colleague Mr Humphries.

There are significant issues in that regard that I have also discussed with my colleague Mr Duby in the last few months, and they are to do with an ongoing program between the liquor authorities and the fire brigade to reach an occupancy loading formula so that we know where we are at and what the recognisable and acceptable person loading is in terms of fire hazards and the rest. During that exercise, as Mr Duby can tell me, we did find an institution in this city - I think it was an underground one - that was operating with no exit, other than the entrance. That is a matter for concern, and I believe that Mr Duby's authorities attended to it very promptly, as soon as they discovered it.

Members interjected.

MR COLLAERY: The opposition members laugh and smirk again; they find very little of seriousness in this chamber, Mr Speaker. A few opportunists have taken the chance to frighten the kids, as probable future voters, into thinking that I am banning these things.

The other issue that we need to face - and I will probably refer this to the Social Policy Committee, because my concerns arose out of proper recommendations from Mr Wood's committee - is that our current law says that a person under 18 shall not enter or remain on licensed premises unless in the care of a responsible adult. On some of the evenings our assessment is that being in the care of a responsible adult means that with 600 to 700 youngsters there are 9 or 10 employed adults. That is a very high ratio for any parent, let alone employee, and that seems to test the credible definition of the term "responsible adult". I have had my Law Office looking at that.

The issues are complex. I am looking forward to hearing whether the two main proprietors involved in this enterprise in the city - and I have not directed my comments to any prohibition discos held elsewhere - will

look at the prospect of pre-selling tickets and working out a way of letting parents know when the premises are full, with neon signs or something saying "full", so that they do not drop the 13-year-old daughter off when the place is full.

They are issues that I think we need to approach sensibly, without political point scoring. I am pleased to answer that letter, and I will certainly assure my neighbour Elly Cotsell that I am not going to ban her prohibition disco.

Energy Sources

MS FOLLETT: I address a question to the Minister for the environment. I ask: What specific actions has your Government taken to meet the target, which was outlined in the June 1990 environment paper, of meeting "a large proportion of the community's energy needs from renewable and non-polluting energy sources"?

MR KAINE: Mr Speaker, I will have to take that question on notice. I am not as close as Ms Follett would think she would be to every question that is being processed by the Government.

Hospital Staff - Accommodation

MR STEFANIAK: My question is directed to Mr Humphries in his capacity as Minister for Health. Can he assure the Assembly that a consultation process has been established with the Trades and Labour Council of the ACT on resident accommodation for the staff at Royal Canberra Hospital North and South?

MR HUMPHRIES: Mr Speaker, I thank Mr Stefaniak for that question. The current practice of providing live-in accommodation on request for staff on both the Royal Canberra Hospital campuses has been reviewed by the Board of Health. This revision was necessary to address the short- to medium-term location of services being transferred to the south campus as part of the redevelopment program.

Letters were sent to all Health Ministry, TLC and other relevant unions on 17 April, advising of the changed accommodation policy to be effective from 17 June. Letters were also sent to current live-in staff on 18 April, advising them of the revised accommodation arrangements under the new guidelines. The TLC was advised on 26 April that the proposed changes are suspended, and an offer was made to discuss the situation with relevant hospital and Board of Health representatives. That is where it currently stands, Mr Speaker. I look forward to advice from the board in due course on the situation in that regard.

2 May 1991

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

Hospital Services

MR HUMPHRIES: Mr Speaker, I want to answer a question which I took on notice in question time on 30 April. Mr Moore asked me about the number of level 4 nurses available in the ACT public hospital system.

The answer to Mr Moore's question is as follows: In Mr Berry's time there were 27 level 4 nurses. The nurses career structure review, which was conducted in 1990, recommended that the optimum number of level 4 nurses for the principal hospital was 11. The recommendations of the review have since been implemented, with a total of 11 level 4 positions being filled at both campuses of Royal Canberra Hospital in the following areas: One education, seven clinical and three management. Calvary Hospital has two level 4 positions, these being one in the management stream and one in the education stream.

So, Mr Speaker, in short, the answer is that the Government has achieved the considerably reduced number of level 4 nurses in the ACT public hospital system which we promised on taking office.

SMALL CLAIMS (AMENDMENT) BILL 1991

MR COLLAERY (Attorney-General) (3.08), by leave: Mr Speaker, I present the Small Claims (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

The Bill is to complete the Landlord and Tenant (Amendment) Bill 1991 and facilitates the payment of moneys in respect of bond disputes under a judgment or order of the Small Claims Court. In practice, the Bill will allow the court to make a direction to the Director of Rental Bonds on how bond moneys, in cases of dispute, may be paid to tenants and landlords in accordance with the judgment. Mr Speaker, this is a consequential amendment of a machinery nature. I present the explanatory memorandum, and commend the Bill to the house.

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

PERSONAL EXPLANATION

MR BERRY: I seek leave to make a personal statement.

MR SPEAKER: Do you claim to have been misrepresented?

MR BERRY: I have been misrepresented by comments by Mr Humphries.

MR SPEAKER: Please proceed.

MR BERRY: In question time, Mr Humphries said that I had asked a question about the number of beds in our hospital system. That was incorrect; Mr Moore asked the question. Of course Mr Humphries would be embarrassed by being found out again.

Mr Humphries: Mr Speaker, on a point of order: I think Mr Berry is clearly about to embark on a speech. He has explained who the person was who asked the question. I stand corrected. I bow down before Mr Berry for having made this egregious error; but I think Mr Berry has made his point and should not be allowed now to make a speech on the subject.

Mr Berry: That is all right. It is a matter of record that he has misled the Assembly, Mr Speaker. That satisfies me.

MR SPEAKER: I uphold your objection, Mr Humphries. Mr Berry, I would ask you to withdraw that comment about being misled.

Mr Berry: It is on the record. I am happy with that.

MR SPEAKER: I beg your pardon?

Mr Berry: I am happy with his response.

MR SPEAKER: Yes; but I ask you to withdraw the statement that you made, that he had misled the Assembly.

Mr Berry: I said that it is on the record, Mr Speaker, that the Minister misled the Assembly - no more than that.

Mr Humphries: Mr Speaker - - -

Mr Jensen: On a point of order, Mr Speaker - - -

MR SPEAKER: Mr Humphries was up first, I think, Mr Jensen.

Mr Humphries: No, Mr Jensen was.

MR SPEAKER: I call Mr Jensen.

2 May 1991

Mr Jensen: Mr Speaker, it would seem to me that Mr Berry is making an assessment or a statement that Mr Humphries has misled the Assembly. If he wishes to do that, he should provide an appropriate motion for this Assembly to debate; otherwise he should keep his trap shut.

MR SPEAKER: Or words to that effect, Mr Jensen.

Mr Humphries: On the same point of order, Mr Speaker. The claim that a Minister, in particular, has misled the Assembly is very serious.

Mr Berry: I did not have to make it. It is on the record.

Mr Humphries: He has made the claim. He has said that a Minister has misled the Assembly. There are occasions when one makes a statement about whatever it might be - level 4 nurses or schools closing or something of that kind - which is a statement of the Government, something serious and substantive, in which it could be said that the Minister ought to exercise due care in what he or she says. In this case I made a quite irrelevant statement about the source of a question in question time yesterday, apparently of absolutely no significance whatsoever.

For Mr Berry now to make in the Assembly the claim, which stands on the record, that I misled the Assembly is, I think, an abuse of that particular term. It is a gross distortion. To mislead is deliberate and culpable and cannot be compared with a mistake of this kind. I think Mr Berry should be asked to withdraw that statement.

Mr Berry: I think Mr Humphries has got it wrong. Mr Speaker, I have made the claim that it is on the record. That claim will be borne out by the record - no more than that.

Mr Kaine: On a point of order, Mr Speaker: That is not what Mr Berry said, and the record will show that it is not what he said.

Mr Berry: I said that it is on the record that Mr Humphries misled the place.

MR SPEAKER: Order! Mr Berry, you have not been given the call. Mr Berry, my interpretation of what is proceeding before us is that you intended to state that it was an inadvertent misleading, as agreed to by Mr Humphries. He admitted that he had made an error.

Mr Duby: He made an error; he did not mislead. There is a vast difference.

MR SPEAKER: That is right. I would ask you to withdraw the imputation that you have put before us.

Mr Berry: Mr Speaker, there is no imputation. It is a matter of fact that, in Mr Humphries' own words, he has shown that there has been a misleading of the Assembly, however serious it was or was not, and the record will show it. I do not have anything to withdraw. I have made no allegations.

MR SPEAKER: Mr Berry, I now direct you to withdraw, without any equivocation, the word "mislead" from your statement relating to Mr Humphries. I would just ask you to withdraw the word "mislead" because it has serious connotations which will be misread by others reading our *Hansard*.

Mr Berry: Mr Humphries has made a mistake.

MR SPEAKER: Please do not speak from your chair.

Mr Berry: I cannot withdraw what is on the record. It will show up on the record.

MR SPEAKER: I would ask you to withdraw your statement. The record stands, but what you are saying is implying - - -

Mr Berry: Mr Speaker, the record stands, and I withdraw - - -

Mr Humphries: Withdraw.

Mr Berry: Do you want to have a go?

MR SPEAKER: Please proceed, Mr Berry. You are not running the house.

Mr Berry: The record stands, Mr Speaker. I withdraw that which offends you.

Mr Kaine: Mr Speaker, that is a qualified withdrawal. Mr Berry has been pushing us to the limit, certainly all day today and positively for quite a long time, in terms of his intransigence and his refusal to accept your rulings. Mr Speaker, I think that Mr Berry is getting close to being suspended from this house. If he is not prepared to withdraw unequivocally, I am prepared to move his suspension from the house.

MR SPEAKER: Mr Berry, the feeling of the house is against you. I would again ask you to withdraw unequivocally.

Mr Berry: I said that I would withdraw that which offends the Chair, Mr Speaker. I can do no more than that.

MR SPEAKER: You can withdraw the implication that Mr Humphries misled the house. That is the point that I am trying to make.

Mr Berry: If that offends the Chair, it is withdrawn.

2 May 1991

MR SPEAKER: Despite my warning, the member is again disorderly.

Mr Berry: I have withdrawn the words that offend you. You are the one who is offended by the word "mislead", and I have said that I will withdraw it.

MR SPEAKER: Do you withdraw "mislead" unequivocally?

Mr Berry: Yes.

MR SPEAKER: Thank you.

Mr Connolly: He can do no more than that.

Mr Kaine: He certainly can. He can stop being argumentative.

Mr Connolly: Oh, come on! We have to stop being argumentative with you, do we?

Mr Moore: Says Trevor. If that is not the kettle calling the pot black - - -

Mr Kaine: Okay. He has had his last chance. Next time he goes - and you will be close behind if you keep it up.

Mr Berry: On a point of order, Mr Speaker. The Chief Minister has just said that next time I will go. I do not know what he is up to. It is some sort of crazy interjection that he is in charge of the place, and I think that is a reflection on the Chair.

Mr Kaine: Mr Speaker, I will speak to that point of order. I will make myself quite clear and unequivocal. As I said earlier, Mr Berry has been sailing close to the wind for a long time. He stretches the Assembly and the Speaker, I submit, to the absolute limit. I am merely saying that the next time he does it - I will be quite clear - I will move his suspension from the house, Mr Speaker, and that is quite unequivocal.

Mr Connolly: Does what? If he disagrees with you, you will throw him out?

Mr Kaine: The next time he enters into debate and questions the ruling from the Chair. That is what I mean, and I state quite unequivocally that the next time he does it I will move his suspension. Is that clear enough, Mr Connolly?

Mr Moore: On a point of order, Mr Speaker: I would like a clarification as to under which standing order the Chief Minister would attempt to move the suspension of a member from the house. My reading of the standing orders is that, under standing 202(e), following your naming of a member,

2 May 1991

the Chief Minister would do it; in which case, Mr Speaker, either he is going to do it in breach of standing orders or he is going to be directing the Speaker, which is not his function.

Mr Kaine: The Speaker went close to naming the member today. He has to do it only one more time, and zap.

MR SPEAKER: Thank you for your observation, Mr Moore. You are absolutely correct in your interpretation of the standing orders. Mr Berry, I do not uphold your point of order.

Mr Moore: Thank you, Mr Speaker. So it is an idle threat from the Chief Minister.

Mr Kaine: There is a process, and he will go.

Mr Connolly: On a point of order again: Mr Speaker, the Chief Minister is doing it again. He is seeking to dictate how you will exercise your discretion. As you said in answer to Mr Moore's point of order, Mr Moore is quite correct: No member can be suspended until you have exercised your discretion to name that member. The Chief Minister can huff and puff and try to blow the house down; but, unless you exercise your discretion, he cannot do it.

MR SPEAKER: Thank you, Mr Connolly. Yes, you are right.

Mr Connolly: So, can you direct him to cease making these bully boy threats?

MR SPEAKER: Mr Connolly, at times they seem to be warranted. I would just ask you all to settle down and let us get on with the business of the house.

Members interjected.

Mr Berry: I did not mislead anybody.

Mr Kaine: On a point of order, Mr Speaker: Mr Berry again said that he did not mislead anybody. He is alluding to his earlier statement that the Minister misled the house. I ask again that he withdraw it.

Mr Berry: I did not mislead anybody. You are touchy.

MR SPEAKER: Order! Again I was trying to get on with the business. I did not hear what Mr Berry said. What did you say, Mr Berry?

Mr Berry: I am sorry that I baited the Chief Minister, and I withdraw any imputation that might be drawn from what I said.

MR SPEAKER: Thank you.

2 May 1991

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Reference

MR DUBY (Minister for Finance and Urban Services) (3.20): Mr Speaker, pursuant to notice, I move:

That:

- (1) the proposed 1991-92 New Capital Works Program be referred to the Standing Committee on Planning, Development and Infrastructure for inquiry and report by 12 July 1991;
- (2) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing and circulation; and
- (3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

To ensure an even flow of works projects into the field, the Government has agreed that from 1 July 1991 those projects which are estimated to cost up to \$1m and which are included in the proposed program can proceed to construction as soon as design work is completed. This will provide the construction industry with a more even spread of work across the financial year. It is necessary for the capital works program to be referred to the Planning, Development and Infrastructure Standing Committee and for that committee to report to this Assembly by 12 July 1991 so that the program can be included in the budget session.

MR MOORE (3.21): Mr Speaker, I think it is appropriate to take a few moments here to comment on this motion. I think it is a standard motion for referring matters to a standing committee, and it is a very important part of the business of this Assembly.

What concerns me is the Chief Minister's attitude to this particular committee. He made that attitude very clear today in question time in referring to the combined Planning, Development and Infrastructure and Conservation, Heritage and Environment standing committees. The issue applies particularly to this planning committee. If we are really interested in the committee system of the Assembly coping with this task, and coping with it appropriately, it is time to resolve the problem of the committees. As far back as late last year the Chief Minister indicated in this house, by way of interjection, that he would be doing something about those committees and this problem. Inasmuch as that has not been done, it would be reasonable to say that the house may have been inadvertently misled. I emphasise the word "inadvertently", Mr Speaker.

It seems to me that the time has come for us to resolve this problem with the planning committee. This Assembly is being dragged further and further into disrepute by the lack of effort of the planning committee. It is because of not the particular people on it but the constraints under which they work. The simple way to resolve this problem is to look for a compromise, and that has been offered. It is quite clear to me that the Executive Deputy in charge of planning should not also chair that committee and should not also be on it. Mr Berry has offered the compromise which was the one in which I was interested in relation to the combined Planning, Development and Infrastructure and Conservation, Heritage and Environment committees. That was to allow Mr Jensen, if he wants to remain Executive Deputy, to sit on the committee but not to chair it. A logical way to look at it would be that he ought not even sit on it. The community sees it that way.

Mr Kaine: The community does not see it that way.

MR MOORE: It certainly does. We have also seen that written a number of times in articles in the *Canberra Times*, for example. It seems to me, Mr Speaker, that this deadlock that has gone on now for over six months is absolutely pathetic. The term that I hear with reference to this Assembly over this issue is that it is like little boys in the sandpit. That is one of the things that are bringing this Assembly further and further into disrepute.

It is time that this matter was resolved. If we need an independent arbitrator to help resolve this conflict, maybe we should look to the Conflict Resolution Service or attempt to do something about it. But at this stage we are getting nowhere. This very important matter that Mr Duby has moved for referral to the planning committee will go from the Government to the Government as things currently stand. It will be seen to be entirely inadequate in the same way as people who are concerned with the planning legislation feel that the combined Planning, Development and Infrastructure and Conservation, Heritage and Environment standing committees' report was entirely inadequate. That was best illustrated by the fact that every member wrote either an additional comment or a dissenting report.

Let us resolve the issue now. The simplest way is for Mr Jensen to have some guts and do one of two things: Stand down as Executive Deputy or stand down as chair of this committee. Personally, I do not mind which way he goes.

MR KAINÉ (Chief Minister) (3.26): Mr Deputy Speaker, Mr Moore is quite right: The matter should be resolved. He referred to children in sandpits and the like. The people in the sandpits are those on that side of the house. This Assembly elected members of the committee and that committee, in due process, elected its chairman. What happened? The people in the Opposition took their bats and balls and went home. Yet they have the effrontery to talk about a compromise.

2 May 1991

Mr Moore: You recognised a problem in December, for heaven's sake.

MR KAINÉ: There is no problem. The only problem is that members of the Opposition refuse to earn their money; they refuse to front up and do the business of this house, and they do it on spurious grounds. If Mr Moore can demonstrate that there is anything of an illegal or improper nature about the way members of this committee were elected by this house or the committee elected its chairman, let him put it on the table. There was nothing improper, illegal or out of order about the process. It is up to you lot to get your act together, do what you are paid to do, get on with the business of this Assembly and represent the constituency that you talk about, Mr Moore. You talk about representing your constituency, but you refuse to do it. When it comes to a matter such as this, which is one of major importance, you abstain. Then you come in here and complain that the game is crooked. The only reason the game is crooked is that you people will not participate. Get your act together, attend the committee meetings, do what you are paid for, represent your community, and then the game is over. Get yourself out of the sandpit; that is my advice. Do not throw stones at the members on this side of the house - - -

Mr Moore: You are pathetic. Stop misleading the house.

MR KAINÉ: They are doing their best in the interests of this community.

Mr Duby: On a point of order, Mr Deputy Speaker: I clearly heard Mr Moore - - -

Mr Moore: I unreservedly withdraw that, Mr Deputy Speaker.

MR DEPUTY SPEAKER: Thank you, Mr Moore.

MR CONNOLLY (3.28): Mr Deputy Speaker, when the Chief Minister got to his feet and said that Mr Moore was right, I hoped that we would get some sanity from the government benches, but unfortunately that was not the case. Mr Moore put very well the case against the Government on this issue, as he has done repeatedly in the past. The tragedy is that there is this unbending, blinkered approach from the government benches; they refuse to look at compromise and go along the sensible course.

We have said previously, and we will say it again to put it on the record so that there is no question about our motives here, that this is not a personal go at Mr Jensen. This is not suggesting that Mr Jensen is acting in any way improperly personally. It is a question of principle. The Chief Minister said in his tirade that, if the Opposition could point to anything illegal or improper in the workings of the committee, he would look at it. We have done that, in effect. In our dissent, which repeatedly appears, we

have pointed out that at law the operation of a body, such as this committee, with an Executive Deputy would be seen to involve bias. The rule against bias which applies to decision making bodies would lead to a conclusion that this committee is improperly constituted.

Mr Duby: You do not even know what an Executive Deputy does.

MR CONNOLLY: A court would never look into the internal operations of a parliament, quite properly; but the principle of law ought to be looked at. I am very, very disheartened that we have never heard a considered response on that point from government spokespersons. I suspect that we have not heard a considered response because they acknowledge that there could be no considered response.

Mr Deputy Speaker, the interjection that I heard from Mr Duby is that we do not even know what an Executive Deputy does. I do not know whether anyone knows what an Executive Deputy does, and that is the point. The public is being misled as to what Executive Deputies do and what the chairman of this committee does. The chairman has misled the public repeatedly but, most importantly, in his letter which was written on the letterhead of the Office of the Chief Minister to a constituent in Calwell. What Mr Jensen was doing for that constituent was admirable. He was acting as he should as a member; he was raising with the Government issues of concern to the constituency, trying to make a representation.

Mr Berry: Grandstanding a bit, too.

MR CONNOLLY: I will give Mr Jensen the benefit of acting as a local member should. Other members were also acting in that matter. There is no problem with the content of the letter. What was misleading, Mr Deputy Speaker, was that the letter was signed on the letterhead of the Office of the Chief Minister. That would give to the fair-minded member of the public who read that letter the misleading impression that Mr Jensen in some way had some executive responsibilities.

This whole question of the Executive Deputies is so confused in the public mind that we say that they cannot properly chair a committee while they wear their hat as Executive Deputy. It is an inherent contradiction. It is a clear contradiction to members of the public. The Executive Deputy in question does nothing to resolve that difficulty by misleading the public by writing a letter on an executive letterhead. The suggestion is that in some way he speaks with the authority of the Chief Minister.

Unless this issue is clarified, the committee system cannot work properly. That is something that we deeply regret because we would like to participate more fully in the committee system. The compromise solution, as Mr Moore suggests, is not that Executive Deputies be barred from

2 May 1991

taking part in the committees in which they are interested. It would obviously be illogical to do that because a person who is appointed Executive Deputy presumably is appointed to an area in which he or she has some personal interest and personal expertise, and that is the area in relation to which he or she presumably would like to serve on a committee.

So Mr Jensen, with his personal interest and background in planning, wants to serve on the planning committee, and no doubt be sought and was pleased with his appointment as Executive Deputy. I have no problem with that. The problem is when he chairs that committee which is supposed to be looking into the actions of the Executive, when he wears the hat of an Executive Deputy which, regardless of what they may say in this chamber as to the relationship between the Executive Deputy and the Executive Government, is being held out to the community as being somehow part of the Executive Government.

That letter on the Chief Minister's letterhead, Mr Jensen, is damning to your case. It establishes in the public mind that you are holding yourself out as being somehow connected to the Executive Government. If that is the case, you cannot, in all conscience, serve as chairman of that committee. We have referred previously to the ABC's reported comments when Julie Derrett indicated that you were unable to give an interview because the matter on which you would be commenting, as the Government's spokesperson on planning, may come before your committee. Again that demonstrates the contradiction.

Quite often we hear on radio or television - but radio more often - reports in which Mr Jensen speaks for the Government on planning matters. I have no difficulty with Mr Jensen speaking for the Government on planning matters; but it is when he is heard in the community as government spokesperson on planning, as Executive Deputy, and then chairs the committee that this inherent contradiction occurs.

Mr Deputy Speaker, as you are aware, I make the same argument in relation to your chairing of the Legal Affairs Committee. That has led me, with regret, to not be able to participate in the work of that committee. It has the same inherent contradiction. I would urge government members, in their private forum of the joint party room, to please try to come to a sensible solution on this. It is regrettable that we are getting into the trenches on this and continually exchanging shots. When the Chief Minister began his remarks by saying that Mr Moore was right, I hoped that we were going to hear some change in attitude; but, alas, it was just another shot across the bow and exchange of grapeshot at 10 paces.

Mr Deputy Speaker, we would be a much better Assembly if this sensible change in arrangements took place and Executive Deputies ceased to chair the committees in relation to which they have executive responsibility. They could still make a significant contribution, but there would not be this position in which the chair of the planning committee writes to members of the public as Executive Deputy for planning and on letterhead of the Office of the Chief Minister, thus implying clearly some connection with the Executive Government. That impression is misleading, but it is still there.

On the question of bias, the point is not so much the strict legal reality as to whether there is a conflict; it is whether there is an appearance of conflict. I have not heard any argument from the Government that there is no appearance of conflict. I hope that we can eventually resolve this problem.

MR HUMPHRIES (Minister for Health, Education and the Arts) (3.35): Mr Deputy Speaker, I have heard these arguments put several times now by those opposite, and I cannot agree with the points that have been made. I have heard them time and again. I simply cannot see the basis for that claim.

Mr Connolly: You are putting a loyal party case.

MR HUMPHRIES: There is no ideological proposition that we are enforcing here, which we have to see through to the end. There is no burning desire to see this particular position put forward, except that we want the committees to operate as they see fit and as best suits those committees.

I have to say that I cannot see the argument that there is some lack of public confidence in the operation of those committees because Executive Deputies happen to chair them, or are members of them. Let us face facts: If the Labor Party ceased to make this an issue in this place, the issue would be totally and absolutely dead in the community. Nobody else is concerned about Executive Deputies chairing committees of the Assembly. Having said that, I am sure that they will find somebody who will say so. But the fact is, Mr Deputy Speaker, that if you went to the marketplace of this city and said to 100 people, "What do you think about Executive Deputies chairing committees of the Assembly?", they would go "Huh?". They would not be interested. People simply are not concerned about it.

If that is the case, if there is nobody with concerns about this matter, where do we get the argument that we need to be changing? On what basis do we need to start to change? Perhaps some courts of law would be interested in this and would step in and say, "No, it is improper for Executive Deputies to be chairing those committees for the reason that there is some suspicion attaching to the reports of those committees by reason of the chairmanship of those committees".

2 May 1991

I think Mr Connolly knows full well that that argument is totally irrelevant, that no court of law would pursue it. He has already told us that he is going to take the matter of school closures to the Supreme Court. Why does he not take the matter of Executive Deputies chairing committees to the Supreme Court? I look forward to hearing why he will not do that. Obviously he has no plans to do so.

Mr Connolly: You were not listening, Minister.

MR HUMPHRIES: I was listening, Mr Connolly, and I heard no claim by you that you are going to take the matter to the Supreme Court. I cannot understand why you would not do that if you feel strongly enough about this issue with respect to school closures. You do not feel strongly enough to bring the issue to a head with respect to Executive Deputies chairing committees. As I said, having Executive Deputies chair those committees does not affect their operation. If it suits the committees - they have voted on these matters - they ought to proceed.

It is a matter of regret to me that those opposite are not prepared to pull their weight with respect to those committees. The result will be that those committees will have to report in the absence of opposition comments. It will mean that opposition members will then have to bring their comments and objections onto the floor of this Assembly and debate them here. I am not impressed with that, and I certainly will not be wanting to give the Opposition extra time to make voluminous points that it might have otherwise made on the floor of the committees. That certainly will not be acceptable.

But let us examine this argument that there is some intimate connection between Executive Deputies and the operation of the Executive which makes Executive Deputies unsuitable to chair committees of the Assembly. Let us compare that situation with that of Mr Wood who chaired a number of committees during the period of the Follett Government. Mr Wood was the Secretary of Cabinet, a very grand title. Presumably it meant that he managed to sit in on Cabinet meetings. He was sitting in on Cabinet meetings, presumably with some right to make a comment or express a view in the course of those Cabinet meetings, being involved in the Executive in a way in which no Executive Deputy in this Government has ever been involved. No Executive Deputy has even attended a Cabinet meeting in the period of this Government. They say that Executive Deputies of our Government cannot chair committees; yet, during the Follett Government, Mr Wood could chair committees. I cannot see the difference between those two cases, Mr Connolly. If you would like to explain the difference to me, I would be very happy to take it on board.

Mr Berry: Take your blinker off and you will be able to see. Open your other eye.

MR HUMPHRIES: Mr Berry can get as agitated as he wants. There is no difference between those two cases. I think it is very clear, particularly to members of this Assembly and also obviously to those in the community who observe this debate, I should think with considerable uninterest, that there is absolutely no water to this argument.

I understand that Senator McMullan, who acts as Parliamentary Secretary to the Treasurer - something akin, I would have thought, to Executive Deputy - - -

Mr Kaine: Only more so.

MR HUMPHRIES: Only more so. I understand that he is holding an inquiry into ACT finances. Have you made your objections to that proposition to the Prime Minister or Mrs Kelly? Apparently not. Apparently it does not make any difference as far as the Federal Government is concerned, yet it does as far as the ACT Government is concerned. You are hypocrites. When you get down to the business of being consistent I will listen to what you have to say, but not before.

MR WOOD (3.41): This was one debate that I was determined not to enter. I recall that we have had it on a number of occasions. I claim credit for speaking first in this debate on the day this discredited Government was sworn in, or very shortly thereafter, when it became clear that the notion of Executive Deputies was not going to sit easily with the way that this chamber and its committees were run.

Mr Humphries has made some specific comments about my position as Cabinet Secretary - certainly an exalted title. My job was, I suppose, to double-check the Cabinet minutes which were prepared, as you would know, by an officer. As I sat in Cabinet, I used to peruse those minutes and formally sign them.

Mr Kaine: Were you involved in the debate, Bill? Did you participate in the debate? Did you participate in the debate in the Cabinet room?

MR WOOD: Yes, indeed. The difficulty goes back to the political problem at the time this Government was formed when, because of sudden changes - I may be wrong and he may correct me - the decision of Mr DUBY to join the Government threw things into a state of confusion, and certain people who were on promises had to be found jobs; so, as I understand it, the notion of Executive Deputy was born.

Mr Humphries: You are fishing in the dark here, Bill.

MR WOOD: There may be another reason for it, and you may provide it. But the notion of Executive Deputies has changed a little. We now have two Executive Deputies, whereas at the outset of this Government we had four.

2 May 1991

Mrs Nolan: Three.

MR WOOD: Three; I beg your pardon. There were five backbenchers. We are down to almost half. It is clear that the system of Executive Deputies is not working well. There has been no great attraction for some people to be an Executive Deputy because their position is confused. Certainly, at the outset, the situation was made absolutely clear in the title of Executive Deputy and in the early statements that it was to be a grandiose job and that they would be doing all sorts of executive things. Under questioning, at the time that we commenced the argument, that was somewhat modified.

But the situation remains that Mr Jensen, who is the person under discussion at the moment, has a role that is probably the most significant of those of the Executive Deputies in that, as I understand the way the system operates, he gets more work from Mr Kaine than the other Executive Deputies get from their respective Ministers.

Mr Duby: Do not be so sure.

MR WOOD: You might tell us, when you speak, what you allocate to your Executive Deputy, if you have any such person any more. Mr Jensen certainly has a very significant role in the planning process; nobody will say that he has not. If Mr Jensen is not the clear conduit between Mr Kaine and the bureaucracy, he had better stand up and tell us; that is clearly the case. Mr Jensen is carrying a great deal of the Government's work to the bureaucracy and back again. He is intimately involved in what goes on, and I give him credit because he knows that legislation and that area quite well.

Mr Humphries: He has taken an interest in it; that is why.

MR WOOD: Exactly. But he is clearly the instrument of government policy. With these extensive planning Bills coming forward, Mr Jensen, who has been closely involved in the way they have been prepared, is now chairing the committee that seeks a wider view.

Mr Jensen: Read my report.

MR WOOD: I did read your report, Mr Jensen; I gave you the credit by doing that. It simply cannot be sustained that Mr Jensen is so far removed from the office of the Minister for planning that he can also carry out that job as chair of the planning committee. When this parliament began, just on two years ago, there was a proposal in the machinations that I would chair the planning committee. As it turned out, that did not transpire and I found myself very happily as chair of another committee. It would have been quite possible, if I had been chair of that planning committee, to have been so closely interwoven with what was happening that it may have made my position untenable as a member of the Government.

But the lines are clear and distinct. Mr Jensen, who is to speak shortly, I expect, may tell us about all those messages that he carries backwards and forwards between his Chief Minister and the department or the Law Office or wherever consultation is done. In the first debate I said that the answer was simply a shuffling of chairs. The point was made today that Mr Jensen and Mr Stefaniak should swap committees. It would be as simple as that, and we would have no objection at all to that. I understand that the proposition has been put. I do not know why it has not been accepted - perhaps out of perversity that they will not accommodate suggestions from elsewhere - but that would be a very simple solution. We would have confidence in those chairpersons who are not so intimately involved with what is happening with that planning legislation. That is clearly the way it should have gone.

I recognise now that the intensity of the debate is such that the Government will find it very, very difficult to accede to that very sensible proposal. That is regrettable. I think you gain in stature only when you acknowledge that the path that you are on is not the best and you accommodate some change. That is the way this Government should go. While these Executive Deputies are not successful in the way they are operating, they preclude any deputy from serving on a related committee.

MR JENSEN (3.48): Mr Deputy Speaker, in rising to comment on the remarks that have been made by those opposite today, I wish to take Mr Moore back to a period in excess of two years ago when he was still in the Residents Rally and we were developing policies in relation to the role that we saw for a changing Assembly, a new style of operation for assemblies because of this new opportunity that had been offered to us by the latest, and probably the last, legislative body to be formed in the Australian political sphere.

At that time the suggestion was that a Brisbane City Council style of committee system and operation might be the way to go for the ACT. Members opposite and other members of the Assembly may recall that recently that issue has once again been raised in the media for discussion.

Also you may recall that, while we were waiting for the votes to be counted prior to the commencement of the Assembly, there was a suggestion, which was supported by the Residents Rally and also by Mr Kaine as the leader of the Liberal Party, that one of the options that we might consider, because there was not a clear majority within the Assembly, was the possibility that there would be a representative from each of the major groups participating in the executive role of government. But we all know, Mr Deputy Speaker, that that did not really get off the ground because the Labor Party, in its commitment to its nature of operations, its total control of the Executive, was not prepared to adopt that role.

2 May 1991

My understanding of the Brisbane City Council model is that a member of the council who has a form of "executive responsibility" for certain matters is responsible for chairing the council committee that looks at those issues. The planning committee is chaired by the member within the council who has responsibility for that council operation. We must remember, Mr Deputy Speaker, that, unlike all State parliaments within Australia, this parliament has total control and responsibility for planning matters. In all other jurisdictions in Australia, planning matters fall within the ambit and the responsibility of local government. They operate, admittedly, within a broad guideline that is established by State planning legislation. However, the actual mechanics and operation of the city plans, for example, are conducted by the various councils.

Mr Moore: Within the constraints of the State parliament.

MR JENSEN: That is what I just said, Mr Moore, if you were listening - within the constraints of the State parliament. We have seen recently, in the documents that are circulated containing cuttings from newspapers, that there is a proposal for a new system of planning within the city of Adelaide. It is proposed that there will be a requirement for some amendments to State legislation to allow the city of Adelaide to operate in a much more combined way, in much the same way as will be established in the ACT by the planning legislation.

So, Mr Deputy Speaker, a member of the Brisbane City Council who has direct responsibility for a particular matter, be it planning or transport or finance, chairs that committee in which all the other members of the council participate. That is probably as close to an executive committee system as you could get, because the member who chairs such a committee has a greater responsibility from an executive and a delegated point of view than I have ever had and will ever have.

When this matter was first brought up, Mr Wood thought that, as an Executive Deputy, I would have some form of delegated power, some form of executive responsibility. Mr Deputy Speaker, when the Chief Minister tabled in this Assembly the document that identified the roles and the way that the Executive Deputy system was to operate in the ACT, it was very clear that no executive responsibility or delegated powers were provided to those Executive Deputies.

That was also in relation to the issue of my participation in discussions with members of the community. Mr Deputy Speaker, when I have one of the many meetings that I have with members of the ACT community who come to me with an issue, I make arrangements for representatives of the department to participate in the discussions. One of the first things that I do is to put very clearly on the record who is responsible for what. Mr Wood was asking for this information, and I will provide it to him now.

During those discussions, almost the first words that I say are, "Now let us get one thing straight: I have no executive responsibility. I and the members of the department are here to listen to what your concerns are, and then they will be passed on to the Chief Minister so that he can make his executive decision, his responsible decision". So, there is never any doubt, Mr Deputy Speaker, in the minds of those people who come to see me in my capacity assisting the Chief Minister in those areas that I will keep him informed as to what is going on. That is how the system operates and how it has always operated. I believe that that is quite appropriate, and it provides a clear opportunity for the community of the ACT to get their issues and concerns put directly to government.

Let us turn to another issue that Mr Moore raised.

Mr Moore: Let us do the letterhead first.

MR JENSEN: The letterhead that is used is that of the Office of the Chief Minister or, in the case of Mr DUBY, for whom I also act in my capacity of Executive Deputy, it comes from that office. But that does not necessarily mean that I am actually operating directly with authority. I am passing the information on to a particular person who writes and seeks a response. That person gets a response in that way.

Let us go back to the suggestion that somehow or other I am a government pawn when I operate on committees. Mr Wood knows full well that that is not the case. I always operate very independently on committees, as can be seen by this committee report. You will also recall that at one stage Mr Humphries sought from the Standing Committee on Planning, Development and Infrastructure some information - an off the cuff or informal comment from the committee in relation to Stage '88. Mr Deputy Speaker, I personally was not prepared to do that because I did not believe that it was appropriate. It was agreed by the members of the committee at the time, and a formal inquiry was initiated by the committee because of that. As we all know, the recommendation of that committee was entirely different from what the Government wanted and expected.

That is one prime example of the fact that I am prepared to express my point of view, as I did in this document - Mr Moore will acknowledge that - and the point of view of my group, the Residents Rally, which was at variance with some of the suggestions and policy in the legislation. So, Mr Deputy Speaker, to suggest that I slavishly followed the legislation that was put before us and did not consider it from my point of view is, quite frankly, a nonsense. I will continue to operate in an independent way within the committees, as the members will no doubt find out over the rest of the period of this Assembly. So, on that basis, I totally reject the suggestion of bias - - -

2 May 1991

Mr Moore: Nobody suggested that.

MR JENSEN: Or inability to operate independently in the committee. There can be no reason why I should not continue my operation, if you clearly acknowledge that I am not operating with any bias as a member of the Executive, which clearly I am not.

MR BERRY (3.59): Dealing with what Mr Jensen has said, firstly, I think that what he said reaches new heights of contempt for true comparisons, particularly when he referred to the Brisbane City Council. The Brisbane City Council is nothing like what occurs in the ACT. There are no Ministers in the Brisbane City Council, and of course it does not have Executive Deputies, as we have in the ACT, with strong links to the Executive.

Mr Jensen: They have executive committees, though.

MR BERRY: Mr Jensen interjects that they have executive committees. There is no way that you can compare the Brisbane City Council with the Government of the Australian Capital Territory. Again Mr Jensen has missed the point completely. The point is the public perception of bias in the chairs of committees - a bias towards the government position. This is clearly closely linked to the Executive.

Mr Jensen: It is only flagged by your beat-ups.

MR BERRY: No, they are closely linked, and it has been agreed by many. He has missed the point completely. He agrees that there are issues of conflict of interest which should be avoided when one is involved, as a member of this Assembly, in the workings of the Assembly. He would not get himself involved in discussion of the rezoning of schools because, he said, there might be a conflict of interest because it could come before his committee. I have to say that there are big gaps between the occasions when Mr Jensen gets it right, but on that occasion he got it right.

Members interjected.

MR DEPUTY SPEAKER: Order, members! Let us keep the chatter down to a fairly dull roar. Mr Berry, continue.

MR BERRY: He got it right that time, but that is the only time he got it right. He has not got it right in the debate here today. I think he knows, in his conscience, that there is a clear conflict of interest between his position of Executive Deputy and that of chairperson of a committee.

Another completely disappointing contribution to the debate here today was that which came from Mr Humphries. I say that in the knowledge that Mr Humphries is trained in the law, and he refuses to accept that very, very strong history of case law about bias - - -

Mr Humphries: How would you know? What history? Name a case.

MR BERRY: I do not have it in front of me. I am not going to argue, but I have mentioned it in this place.

Mr Humphries: No, you cannot. You do not know, do you? He should not be telling me what is going on, should he?

MR BERRY: I think the term is Master of the Rolls, is it not? Lord Denning?

Mr Humphries: Lord Denning - yes, that is right - Master of the Rolls.

MR BERRY: Lord Denning made a particular point about the issue of bias and conflict of interest in a case which came before him. He said that an ordinary person in the street - or words along these lines - has to be convinced that there is no conflict of interest, that there is no bias. Justice has to be seen to be done. In this case, it is clearly not being seen to be done. Mr Humphries' legal training would tell him that what he just told us in the Assembly was wrong. I heard an interjection during the course of that debate that Mr Humphries was toeing the loyal party line. Yes, he was, but he did not do it very well.

I am glad that Mr Kaine has come back into the chamber, because there are a couple of things that I want to say about his contribution to the debate. Mr Kaine quite angrily said that the committee system or the committees were crooked.

Mr Kaine: I did not say that. I beg your pardon. You are misquoting again.

MR BERRY: He used the word "crooked", and the record will show that. He said that it was crooked because of the non-participation of members on this side of the house. I agree with his description that the committee system is crooked, but not for the same reasons. It is crooked because the Government has ensured that there is a conflict of interest clearly shown in the selection of Executive Deputies to chair those committees. That is the reason it is crooked, not for any other reason.

I for one - and my Labor colleagues and Mr Moore join me in this - will not participate in a farce. It is an absolute waste of time. We can serve our constituents in a much better way than by participating in those sorts of farcical arrangements, and that will continue. There is nothing productive in participating in farcical arrangements which have been cobbled together in the interests of holding government members together.

2 May 1991

Government Ministers are prepared to be involved in the farcical arrangements of the Alliance Government; that is up to them. They can do it, but I will not participate in a farce. I think it is very clear from what has been said in this debate that it is a farcical situation that has been cobbled together by the Government. The Labor Party - I am sure that Mr Moore is of the same mind as the evidence in front of us suggests that that is so, because of his strong involvement in the committee process - is keen to be involved in the committee process, but we will not be involved in the farces which have been cobbled together by the Alliance Government.

Mr Jensen: Show me where I have been biased, Wayne. You have not shown me one case.

MR BERRY: It is a farce.

Mr Humphries: But a well-paying farce.

MR BERRY: It is a well-paid farce because Norm is paid well to be the chairperson of the committee; I understand that. I have to tolerate Mr Jensen on the Administration and Procedures Committee, and I am prepared to do that; but I am not prepared to work with him in the farcical situation which has been cobbled together by the Government in respect of the committee about which we are talking.

Mr Duby: How would you know? You have never attended a meeting.

MR BERRY: Mr Duby says, "He has never attended a meeting". Once again, Mr Duby gets it wrong.

Mr Duby: I am sorry; you have been to one meeting. Then you showed up and said, "I am not coming any more".

MR BERRY: I made it clear to the committee that there would be no participation by me in any farce. That is what upsets the Government: It has locked itself into a farcical situation. It is embarrassed, and it ought to be. That is why the Chief Minister was so angry during his contribution to this debate. I go back to his words; his words were that the committee system was crooked. I agree with him; but it is on the Government's head, not on ours.

DR KINLOCH (4.07): I am disturbed at some of the words that are being thrown around here. Our committee system is being described as crooked, a farce, farcical and unproductive. I do not recognise what it is that is being discussed here. I honour Mrs Grassby for her excellent work on committees, which we have shared, and also Mr Wood who has been an excellent chairman of some committees. I have been on committees with Mr Jensen, and I assure members on the other side, this side and in the middle that he has acted independently in all the committees in which we have been mutually involved. You have only to read the reports for which he has been responsible to see that.

I would like us to draw this kind of talk to a close. This must be the fourth or fifth time we have dealt with this. Can I please ask that our committee system be properly honoured by all members present, including members of the Labor Party, who seem reluctant to take part. Truly, it would have been so helpful if Mr Berry and Mr Moore had been there for the joint meeting. You have only to discuss with the four of us what took place in producing that report to realise that there was no single line, that we were arguing our own cases independently. We had some fairly severe arguments, and you can see that in the report. Similarly, from any other committee on which I have been it seems very obvious that the committee system allows a degree of independence that is very hard to find in any other part of the Assembly.

MR DUBY (Minister for Finance and Urban Services) (4.09), in reply: I am so pleased that the rest of the members of this Assembly support my motion of referral of the 1991-92 capital works program to the Standing Committee on Planning, Development and Infrastructure. During the debate I have not heard one speaker oppose that motion.

We have heard a lot of superfluous matters, however, and when I say "superfluous" I mean superfluous. They really had no bearing whatsoever on the motion that I presented to this Assembly. But there were a few things that were said during the debate which I think need to be addressed. The question that was put very well by Mr Humphries concerned the situation that occurred, under the Labor Government, with Mr Wood. We heard the story, which is quite remarkable when you think about it, that Mr Wood, who was the government chair of some committees, attended Cabinet meetings and also contributed to Cabinet discussions.

Mr Moore: He was never the public face of both.

Mr Berry: He was never the public face of both.

MR DUBY: I hear voices from the other side of the house, saying that he never represented himself as the public face of the Government on an issue. That is a very interesting statement. Can we get that one again - Mr Wood never represented himself as the public face of the Government? That is very interesting. Did Bill Wood sign letters on behalf of the then Chief Minister?

Mrs Grassby: No, never.

Ms Follett: He certainly did not.

MR DUBY: That is not our belief. Did Bill Wood represent the Chief Minister on occasions? We, at the time in opposition, did not see anything remarkably incorrect in those attitudes; but they certainly make some of the arguments that we are hearing from that side today, and have heard in the past, appear, as I said, superfluous.

2 May 1991

The simple fact is that members of committees are supposed to be, in my view, there to represent members of the Assembly, to represent the interests of their constituents in matters that concern them.

To complain, for example, that you, Mr Deputy Speaker, as Executive Deputy for police, justice and sport, and also a trained solicitor, should not be a member of a committee called the Legal Affairs Committee is, to me, quite ludicrous.

Mr Connolly: He can be a member, but not chair. Try to pay attention.

MR DUBY: This argument that restrictions should be placed on the voting system within the committee as to who should be the chair and who should not is clearly farcical. To claim that Mr Jensen, who has a strong interest in matters concerning planning, development and infrastructure, should not be a member of that committee is clearly ludicrous.

As Mr Kaine so ably put it, it was this Assembly that appointed those members to the various committees. For those members of the Opposition to say that this Assembly has no right to do such a thing is clearly ludicrous, and for them then to try to impose on the committee membership their own views as to who should be the chair and who should not is again clearly ludicrous.

I am surprised and I do not understand why, for example, Mr Berry has no objections whatsoever to being a member of the Administration and Procedures Committee which is chaired by the Speaker and which looks into all the matters pertaining to the standing orders and the management of this house.

Ms Follett: Read your standing orders.

MR DUBY: The standing orders can be changed. I have never heard anyone put a motion that that should not be the case.

Ms Follett: Do you want to make him an Executive Deputy? Are you going to stand down?

MR DUBY: What I am suggesting is that, if the Speaker can act as chairman and be quite independent of the matters that are before the committee, it is exactly the same situation as applies to anyone else. The argument is still the same. According to your line of argument, the Speaker should not be the chair of the Administration and Procedures Committee because the things that he looks at in that committee are matters over which he has control. He does have control over various issues. He is the person who interprets the standing orders under which we operate; yet you allow him to chair a committee which looks into standing orders. It does not make sense.

It just goes to show you how weak your arguments are, and I think it just demonstrates that this is nothing more than an excuse to get out of work, because, as people in the community definitely know, this is a very lazy Opposition. They are a sloppy and lazybones type of persons because they refuse to do their work; that is what it boils down to. You have painted yourselves into a corner, and you are not going to get out of it. It is a very sad state of affairs that this is allowed to continue.

Members interjected.

MR DEPUTY SPEAKER: Order, members! There are about five people talking, as well as Mr Duby. Keep it down.

MR DUBY: The day will come when you will rue the stand that you have taken on this matter.

Question resolved in the affirmative.

PERSONAL EXPLANATION

MR MOORE: Mr Deputy Speaker, I wish to make a statement under standing order 46.

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

MR MOORE: I do, indeed.

MR DEPUTY SPEAKER: Proceed, Mr Moore.

MR MOORE: The Chief Minister in his speech talked, in a collective way, about members who were not participating in these committees as not doing any work, not earning the money which they were paid and not representing their constituents. This was reiterated by Mr Duby. It was a clear misrepresentation, Mr Deputy Speaker.

If the Chief Minister bothered to read, for example, the joint report on the planning legislation of the Standing Committee on Planning, Development and Infrastructure and the Standing Committee on Conservation, Heritage and the Environment, he would realise that the combined statements by the Labor Party and me are a little over half the size of the full report. The full report was prepared with the assistance of the secretariat, whereas we had to prepare our statements ourselves - and, by the way, our statements are far better than the report anyway. This indicates how seriously we take the work of the committees, even though we take this stance. What I was seeking to do in this debate was to see whether we could get some consensus to look for and find a compromise. We have not found a compromise yet, but it is a compromise that we are looking for.

2 May 1991

CHAIRING OF COMMITTEES

MR CONNOLLY: I seek leave to move a motion calling on Mr Humphries to retract his misleading assertion that Senator McMullan has chaired a parliamentary committee while serving as Parliamentary Secretary. The practice of the house is that the allegation of misleading must be dealt with by a substantive motion, and I seek leave to move that substantive motion.

Mr Moore: Yes, leave is granted.

Mr Collaery: He has not put the motion yet.

MR CONNOLLY: I have the motion ready to put. I seek leave to put it.

MR DEPUTY SPEAKER: Is leave granted?

Mr Collaery: Wait a moment. Where is the motion?

MR CONNOLLY: I have to get leave first. I said that I sought leave to move a motion calling on Mr Humphries to retract his misleading assertion that Senator McMullan has chaired a parliamentary committee while serving as Parliamentary Secretary. I then said that, as the Speaker has ruled that it is the practice of the house that an allegation of misleading must be dealt with by a substantive motion, I have a substantive motion which I have sought leave to move.

Leave not granted.

Proposed Suspension of Standing and Temporary Orders

MR CONNOLLY (4.18): I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Connolly moving "That the Assembly calls on Mr Humphries to retract his misleading assertion that Senator McMullan has chaired a Parliamentary Committee while serving as Parliamentary Secretary."

MR KAINE (Chief Minister) (4.19): I move:

That the question be now put.

He has moved a motion, and I have moved that the question be put. It is perfectly legitimate; let us deal with the matter.

Mr Connolly: You should give your Minister the opportunity to clarify the record and retract the statement, which I am sure he will do; he is an honourable man. He has admitted that he was wrong before. No doubt he will again.

Mr Kaine: I am sure that, if he is wrong, as an honourable man he will make a statement himself.

Mr Moore: Let us hear what the truth is instead of having lies put around the place.

Mr Kaine: If he is wrong he will make a statement of his own volition. He does not need a motion of this house to make him do it. And we are wasting valuable time when we should be dealing with government business.

Mr Connolly: In the debate on Executive Deputies - and I will not traverse that debate - - -

Mr Kaine: Mr Deputy Speaker, I moved that the question be put, on the motion to suspend standing orders. It is not a matter for debating - - -

MR DEPUTY SPEAKER: I think, Chief Minister, I have to say first, "The question is that the motion be agreed to". Then, if you move that motion, that effectively closes the debate.

Mr Kaine: Exactly. I want the motion put. That is why I moved it.

Mr Connolly: You are cutting me off halfway through sentence one, are you?

MR DEPUTY SPEAKER: That is what he is doing, Mr Connolly. I have taken advice on that from the Clerk and accordingly the motion - - -

Mr Kaine: You do not need advice. I am entitled to move it and I have done so.

Mr Collaery: If it will assist the house, my colleague Mr Humphries will make a short personal statement. If Mr Connolly could simply seek leave to make a short personal statement himself, Mr Humphries has undertaken to correct the record if Mr Connolly has the evidence.

Ms Follett: On a point of order: The previous ruling has been that we proceed on these matters by a substantive motion, and that is the only reason that Mr Connolly has proceeded in that way.

MR DEPUTY SPEAKER: Yes, I appreciate that. I am also advised that what the Chief Minister has done is to cut off the debate. What we now have to do is put the question forthwith.

2 May 1991

Mr Moore: On the point of order, Mr Deputy Speaker: It seems to me that, if these matters cannot be dealt with substantively, as the Speaker has indicated, we are going to go back to the position we were in before, where accusations about misleading are going to continue to fly. We will then be given no choice - - -

MR DEPUTY SPEAKER: Order! The question is: That the question be now put.

Question resolved in the affirmative.

Original question put:

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

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.

Statement by Member

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

Leave granted.

Mr Berry: And about time, too.

MR HUMPHRIES: Mr Speaker, I have not had the chance to make a statement before now; there has not been an opportunity to do so. Mr Connolly assures me - and he is an honourable man, so I take him at his word - that I did say that Senator McMullan was a chair of a parliamentary committee while he was Parliamentary Secretary to the Treasurer. He also assures me that that is not the case.

On the basis of those two things being true, I withdraw that statement, and I indicate that I will always withdraw a statement by me which is shown to be untrue. That has always been the policy I have adopted in this house, and I hope that everybody else who is in the same position does so as well.

ADJOURNMENT

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

That the Assembly do now adjourn.

Australian Labor Party

MR WOOD (4.29): Mr Speaker, I want to respond to some remarks that Mr Collaery made last night concerning the Labor Party in which he was prepared to - - -

Mr Collaery: They were not unkind.

MR WOOD: I did not say that they were. They were remarks in which he was prepared to mention my name. He ran the line that I have heard in this Assembly before - and I have heard it many, many times in other places - of, "Look back to the good old Chifley Labor Party, the good old days". Those were the days, so to speak. He was ruing the fact that, apart from me, he says - condemning me in some way - the Labor Party today is not of the Chifley mould. It is an old tactic, I might say. It was a popular one in the Queensland Parliament - to condemn the present Labor Party on the ground that it did not match up to the party in former times.

We are all very proud to be identified with Mr Chifley and the party he ran at the time. What was the party that Mr Chifley led like? Mr Chifley was, in terms that I would want to define more fully but do not have the time now, a good old socialist. He was a man who believed in working for the ordinary citizen. One of his great intentions was to provide large-scale public works, as a result of the distress he saw at the time of the Great Depression. So, he provided large-scale public works, the most notable of which was the Snowy Mountains scheme - a scheme that was widely condemned at the time as being impractical and expensive and not at all the role of government. He incurred a great deal of wrath in the community about that.

He was a man who believed in public enterprises. He is on record often as saying that where there was a public utility that was not being run in the interests of the community at large the government ought to nationalise it. That is the man he was. Of course, he set out to do that in the case of the banks. That is almost my first memory of political campaigning - in 1949 when there was a virulent attack on the Labor Party and its proposal to nationalise the banks.

Mr Humphries: Deservedly so.

2 May 1991

MR WOOD: That is the point I am making; that the situation has not changed today. Labor leaders are condemned at the time; it is only in retrospect that it can be seen how wise and sensible they were. Mr Chifley was reviled in 1949 by large sections of the community because of his proposal to nationalise the banks; and we are very often reviled today because of our policies, and it is only in retrospect that many people will concede that they are indeed sensible.

Mr Chifley was a person who was very sympathetic to the social service needs of the community. He was one who intervened in society to see that those people who were not as well-off as they perhaps should have been were assisted by government. Again, I recall in that 1949 election campaign how complaints came into our letterbox - which was the way that such material was disseminated - about the way that Chifley was going to hand out money all over the countryside.

There is a great deal that I could say about Chifley. All of us on this side of the house - my Labor colleagues certainly - hold him in great respect. But I will conclude, for Mr Collaery's sake, with one quotation, because over and over again in this house he has shown that he has never understood how the Labor Party operates - bearing in mind his own political experiences. These words were said at the 1945 conference of the Labor Party:

Solidarity is a very hackneyed word, but a very great word in the cause for which we are fighting. I believe I speak with some knowledge when I say that the party I have the honour to lead on your behalf in the Federal Parliament has been a remarkably solid party. We have differences. That is quite all right. We do not want a mutual admiration society.

Maybe you will understand that one day.

Oxygen Supplies : Acting Director of Pathology

MR BERRY (4.34): I rise to speak briefly on a sobering matter, but one which has to be brought to the attention of this Assembly. I refer to Mr Humphries' performance in health. Two and a half months ago Mrs Jenny Sieler wrote to the Minister and complained that her husband was dying of cancer and did not have long to live. She was asking the Minister to provide oxygen so that her husband could keep working instead of going into hospital.

Mr Humphries: That is not true. It is untrue, Wayne, and you know it.

MR BERRY: She writes:

Despite the progress of his disease, and consequently his gradual deterioration, he continues to work as a technical officer in the CSIRO Division of Forestry ...

Is that untrue, Mr Humphries?

Mr Humphries: No.

MR BERRY: No, that is true.

Mr Humphries: That is not what you said that was untrue.

MR BERRY: Is the fact that he was dying untrue?

Mr Humphries: No.

MR BERRY: No, it is true. She writes further:

... because he works, under existing schemes we are not entitled to any assistance to pay for oxygen. We pay for it ourselves.

The cruel twist, of course, is that the Government has been unwilling to provide that free oxygen to this dying man who would, of course, if he were in the hospital system, receive it. But because he is having a bit of a go - and he is in his twilight time - he is not able to get it, and his family, of course, suffer as a result.

It is serious enough that the Government has not provided that oxygen. It made the decision on 1 May that there will be no oxygen provided, because this person is not a resident who has a specialist referral and who holds a health care entitlement card; and the next reason is that he is not terminally ill and has not been registered on the palliative care program, which is usually in the final stages of life. This guy is going to die and the Minister quite cruelly, in my view, has refused the application for assistance.

But what is worse about this, and what is totally unforgivable, is the fact that, knowing full well that this family was in deep trouble, the Minister has taken 2 months to give them an answer. That is absolutely outrageous and over the top. There is no excuse for that - absolutely no excuse. There can be no excuse. He is to be condemned for that.

The next issue I would like to raise in the couple of minutes I have left concerns the pathology department in the public hospital system. I was going to raise this question at question time, but the Chief Minister cut question time off. The question I was going to ask was:

2 May 1991

Is the Minister aware that the acting director of pathology spends three afternoons per week working for a private pathology company in competition with the Board of Health's pathology department? Is he aware? Well, he might find out after this debate. How will the Minister resolve this conflict of interest? I hope that the Government expresses more interest in resolving conflict of interest on this issue than it has done with its committee system. Will the Minister instruct the acting director of pathology to desist from discouraging work in his pathology department, the result of which would lead to increased work in private pathology in the ACT? I think those questions are worthy of an answer to this Assembly, and I am very pleased to place them on the public record.

Oxygen Supplies

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.38): Mr Speaker, Mr Berry again has descended to the very low depths that we know only he in this place is capable of descending to. Mr Berry has again raised a particular person's medical problems as a means by which to extract some political points in this place.

Ms Follett: As a desperation measure.

MR HUMPHRIES: It is not a desperation measure; he raised it some weeks ago in the same context.

Mr Berry: Two-and-a-half months ago it was raised.

MR SPEAKER: Order!

MR HUMPHRIES: Mr Speaker, if I do not get enough time to finish my comments, I will ask for an extension of time; so members opposite should just be warned.

Mr Connolly: You do not get extensions of time on the adjournment.

MR HUMPHRIES: We will see about that. Mr Speaker, the fact is that Mr Berry did raise this matter some time ago. It is not 2 months since the Government first responded to it.

Mr Berry: But this is where the letter - 2 months - - -

MR HUMPHRIES: No, I spoke to you and your offsider in my office some weeks ago. I have since written to you and I also spoke to you in the house at the beginning of this sitting fortnight, as I recall, on that subject. So, Mr Berry has not had no response in 2 months. That is untrue. The issue is not whether Mr Sieler receives oxygen so that he can continue working. Mr Sieler works to be paid money. Mr Sieler receives money for his work and, out of that money, Mr Sieler has paid for oxygen.

The issue that Mr Berry is raising with me is whether people who are dying - for whatever reason - but are well enough to continue to work while they are in that position, deserve some sort of government concession. You might as well ask Mr Duby whether people who are dying of cancer should be able to travel on the buses for free. Ask Mr Kaine whether people who are dying of cancer should be able to get free applications for building permits. Ask Mr Collaery whether services offered by the Public Trustee should be free to people who are dying of cancer.

The issue is not whether Mr Sieler would have had oxygen. Mr Sieler could afford oxygen because he was working; he had the income to buy his oxygen. There was no question that Mr Sieler could not afford to obtain oxygen. If there was any question about that, obviously the Government would have been in a position of reconsidering his application. What I was asked to do was to give Mr Sieler the concession of free oxygen on the basis that he was dying of cancer.

Mr Moore: "We are managing financially but only just".

MR SPEAKER: Order!

MR HUMPHRIES: I sympathise deeply with his position. I understand how painful it must be to be in that position. But it does not justify having free oxygen on that basis, because there are so many other people in this Territory who are in similar positions to Mr Sieler's, or worse, who ought to come first - if there is a revision of the circumstances whereby people are offered free oxygen in this Territory. For example, we have seen situations where there are people who have to stay at home and who cannot work. Those people should get access to oxygen before Mr Sieler does, because Mr Sieler is out working; he is in the work force.

I am sorry, Mr Speaker; I see no reason at all to change my response on that basis. Mr Berry can raise all the emotive issues he wants to. He will not get any change of heart on that basis, simply because he raises it in this place. The reason it took 2 months to respond to that issue is that I was trying desperately throughout that time to find some basis of distinguishing Mr Sieler's position from that of the other 60 to 70 people who would also be eligible for free oxygen and who happen to be in the work force at the present time.

If I were to agree to the principle that people in the work force who can afford to pay for oxygen themselves should get it free, I would be up for a blow-out of anything up to \$100,000 in the budget for domiciliary oxygen. Do not shake your head, Ms Follett; it is true.

Ms Follett: It says \$72,000 in your letter.

2 May 1991

MR HUMPHRIES: Well, up to \$100,000 is an unconservative estimate - between \$72,000 and \$100,000 if there had been some abandonment of that restriction on domiciliary oxygen. I cannot find an extra \$100,000 to give money to people who are out in the work force to pay for domiciliary oxygen. That is the fact of the matter.

Another point I would make is: What concessions did Mr Berry make, as Minister for Health, to people who were in the work force and who required domiciliary oxygen? None at all. The position of this Government is no different from the position of Mr Berry when he was in government. That shows what a hypocrite Mr Berry is - the hypocrite who has come into this place several times today already and flaunted his ignorance of what goes on in the area of health in particular.

I have searched, in those 2 months, for some basis to distinguish Mr Sieler's case from those of others. I could not find such a distinction, and I therefore had to reluctantly agree that he should not have any change in his circumstances.

White Collar Crime

MR STEVENSON (4.43): I also take the opportunity to make this an extended question time. I would have liked to ask Mr DUBY a question relating to a matter similar to one I asked the Attorney-General about on Tuesday last concerning the liquidation of companies involved in the pornography industry in Canberra. The question is: Will he investigate who owned or had financial interests in the businesses that were liquidated with a view to determining whether there is any evidence of syndicated evasion of liabilities taking place? Also, will he tell the house what specific taxes and charges were received from each of these businesses prior to their liquidations; what levies were outstanding, and what steps were taken to recover any taxes or charges that were outstanding; and what specific audit methods were put in place to ensure that their revenue was in accordance with the volume of cassette sales?

Question resolved in the affirmative.

Assembly adjourned at 4.45 pm until Tuesday, 28 May 1991, at 2.30 pm

2 May 1991

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2 May 1991

ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY QUESTION

Question No 297

ACTAID Pty Ltd

MR WOOD - Asked the Chief Minister upon notice on 22 November 1990

1. What formal or informal agreements exist between TAFE and ACTAID?
2. What is the legal standing of a private company within TAFE?
3. What agreements have been reached for the use of one bodys facilities by the other?
4. Do any agreements maintain the established rights of existing and new staff; what, if any, variations have been made?

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

1. The relationship between the Institute and its wholly owned private company ACTAID derives from three key sources:

the Ministerial approval in December 1988 to the formation of the Company, was the subject of a Statement by the Commonwealth Minister, Mr C Holding MHO, then responsible for ACT TAFE in the Commonwealth Parliament in April 1989 (see Attachment 1). This statement is the principle source of the functions of ACTAID in pursuance of the Institutes more comprehensive education and training objectives. ,

the Memorandum and Articles of Association for ACTAID as registered by the ACT Corporate Affairs Commissioner.

the role of ACTAID as financial manager of the Institutes commercial activities, has been elaborated in the Institutes Commercial Activities Policy Statement of December 1990, as agreed with the Board of ACTAID.

There is a variety of other correspondence between the Institute and ACTAID covering various other issues including Institute holdings of ACTAID shares, appointment of the ACTAID auditor consistent with the wishes of the ACT Auditor General and ACTAID payments to the Institute for accommodation and other services provided.

While these arrangements have been working smoothly, the Institute has recently commissioned a consultancy review of the Institute - ACTAID relationship in the light of the ACT Governments policy on Territory Owned Corporations issued in late 1990 and policy development in other Australian Governments on government owned companies. The consequential report will be available to OPSM for information.

1963

2. ACIAID was established pursuant to section 7 (1) (j) of the ACT Institute of TAFE Act, with the approval of the responsible Minister in December 1988. ACIAID Pty Ltd is wholly owned proprietary company incorporated under the Companies Act 1981.

3. In its development phase ACTAID was provided with office and other support services by the Institute, but this ceased last year. ACTAID Pty Ltd now pays the ACT Institute of TAFE for facilities and specific services used in ACTAID courses, projects and other operational activities, on a full cost recovery basis.

4. ACTAID staff comprising the General Manager, Project Manager and the Secretary are employed by the company. Casual, part-time and consultant staff are employed by the company as required. ACTAID does not currently employ any Institute staff on a full-time basis. However, where Institute staff are

seconded to ACTAID by the Institute their terms and conditions of service are not changed and the Institute is reimbursed the costs involved.

1964

2 May 1991

A SEAT BY THE HON CT..cDE HOLDING, IMP, MINISTER FORT t SE ARTS
AND TERRITORIES ON THE FORM A1 ION OF A COMDA.NY BY THE ACT

INSTITUTE OF TAFE TO SECTION 8(3) OF TIME ACT INSTITUTE E
OF TECHNICAL AND FURTHER EDUCATION ORDINANCE 1987

(N0.7 1 OF 1987)

On 22 December 1988 I approved the establishment within the ACT Institute of Technical and Further Education of a private company to conduct a range of entrepreneurial activities which are designed to generate funds for the Institute as wed as make TAFE services more widely available to the ACT community.

Under the ACT Institute of Technical and Further Education Ordinance 1987 (No. 71 of 1987), where the Institute forms a company, the Minister is required to prepare a statement setting out particulars of and reasons for its formation. This statement is to be laid before each House of Parliament within 15 sitting days of that House after the formation of the company takes place.

The company was originally incorporated on Z? November 1988 under the interim. name of BAN Pty Ltd. On 10 February 1989 the name of the company was changed to ACTAID Pty Ltd, assuming the name of the independent Trust which. has supported ACT TAFE for several years. This has the agreement of the trustees who have agreed that the new company take over the ongoing operations of the Trust.

The establishment of the company is consistent with the powers of the Institute as sioecTied in Section 7 (1)(j) of the ACT Institute of T Technical and Further Education Ordinance 198?. The Institute has a controlling interest in the company.

The formation of this private company will enable the Institute to pursue more effectively its objectives of being responsive to community needs while concurrently becoming more financially independent. ACTAID Pty Ltd will assist towards-achieving these objectives by

- responding responding to atypical and/or one-off demands
- conducting projects requiring financial. human. or physical resources not provided within the Institutes portfolio
 - separating mainstream activities from those involving special elements of risk, research. competition or accountability
 - operating as the Institutes agent in marketing, and in joint ventures with other companies
 - managing individual projects involving staff and/or students of the Institute
 - providing specialised services interstate or overseas.

I have are angel for the incoming ACT Assembly to be informed about this development in the structure and operations of the ACT Institute of T_== .

1965

MINISTER FOR HOUSING AND COMMUNITY SERVICES

ACT LEGISLATIVE ASSEMBLY QUESTION ON NOTICE

Question No. 330

Community Development Fund Funding

MS FOLLETT - to ask the Minister for Housing and Community Services - For each separate funding category of the Community Development Fund CDF administered within the Ministers portfolio, what was

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

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

MR COLLAERY - the answer is as follows:

Community Development Fund - Funding - 1989-90

Name of Organisation Purpose of Funding Approved
Project

Amount
\$000

Belconnen Netball Sports Development 23.5
Association
ACT Drag Racers Sports Development 10
ACT Indoor Soccer Sports Development 2.4
ACT Archery Sports Development 1.95
ACT Volleyball Sports Development 5.5
ACT Womens Hockey Sports Development 2.75
ACT Gymnastics Sports Development 5.5
ACT Boxing Sports Development 0.5
ACT Wheelchair Sports Sports Development 2.75
ACT Softball Sports Development 2:75
ACT Hockey Sports Development 4
ACT Indoor Soccer Sports Development 2.75
ACT Tenpin Bowling Sports Development 4
ACT Table Tennis Sports Development 2
ACT Squash Rackets Sports Development 5.5
ACT Cricket Association Sports Development 5.5
ACT Touch Association Sports Development 5.5
ACT Netball Association Sports Development 5.5

1966

2 May 1991

ACT Basketball Sports Development 5.5
ACT Tennis Sports Development . 5.5
ACT Rugby Union Sports Development 5.25
Aust Sports Trainers .Sports Development 1.05
ACT Soccer Fed Sports Development 4.75
ACT Australian Sports Development 5.5
Football League
ACT Rugby League Sports Development 5.25
ACT Sports House Sports Development 1 3
ACT Archery Sports Development 0.4
Tuggeranong Netball Sports Development 10
Weston Creek Tennis Sports Development 7.5
South Canberra Netball Sports Development 4 5
Canberra Clay Target Sports Development 4 5
ACT Junior Rugby Union Sports Development 1
Canberra Road Racing Sports Development . 0.3
ACT Sport & Rev Fishing Sports Development 0.3
ACT Gymnastics Sports Development 0.6
ACT Gymnastics Sports Development 0.4
ACT Athletics Assoc Sports Development 1.2
ACT Little Athletics Sports Development 0.2
ACT Canoe Club Sports Development 0.5
ACT Canoe Club Sports Development 1.2
ACT Parachute Sports Development 0.5
ACT Sailboard Sports Development 0.5
Tugg Valley Rugby Union Sports Development 16.5
ACT Archery Sports Development 0.6
ACT Rugby Union Sports Development 3
ACT Fly Fishers Sports Development 0.2
Kippax Swimming Sports Development 1.5
Club
ACT Judo Fed Sports Development 1
ACT Bocce Fed Sports Development 0.6
ACT Modern Pentathlon Sports Development 0.6
Sport & Rev for people Sports Development 1.6
With Disabilities
ACT Taekwon Do Sports Development 0.7
Melba Tennis Club Sports Development 2 0
ACT Softball Sports Development 0.6
ACT Indoor Soccer Sports Development 0.6
ACT Softball Sports Development 0.6
Sport and Rev for People Sports Development 0.5
With Disabilities
Ginnindera Little Sports Development 2
Athletics
ACT Rodeo Assoc Sports Development 0.5

1967

Masters Hockey Sports Development 1
ACT Darts Sports Development 0.6
ACT Athletics Sports Development 1.6
ACT Archery Sports Development 0.6
Woden Little Athletics Sports Development 0.4
Canberra Cycling Club Sports Development 1.8
Capp Terr Amateur Sports Development 7.95
ACT Rugby League Sports Development 5.25
ACT Bicycle Motocross Sports Development 1.1
Belconnen Sharks Sports Development 0.9
Tugg Valley Cricket Club Sports Development 2
Ginnindera Little Athletics Sports Development 0.9
ACT Softball Sports Development 21.8 6
Canberra & District Sports Development 3 0
Racing Broadcasting
ACT Remaining Sports Development 1
ACT Orienteering Sports Development 7.05
ACT Weightlifting Sports Development 3.04
ACT Rowing Sports Development 3.75
Motor Cycle Club Sports Development 3
ACT Tenpin Bowl Sports Development 5.25
ACT Gymnastics Sports Development 29.5
ACT Womens Hockey Sports Development 16.5
ACT Athletics Sports Development 8.62
ACT Ice Skating Sports Development 3.45
ACT Netball Assoc Sports Development 3 3 .5
ACT Parachute Sports Development 2.2
Can Riding Club Sports Development 2
ACT Minor Rugby League Sports Development 2.4
Am Sports Trainers Sports Development 1
ACT Modern Pentathlon Sports Development 3.3
Canberra City Gymnastics Sports Development 2.4
ACT Volleyball Sports Development 23.725
ACT Soccer Fed Sports Development 29.9
Sporting Shooters Sports Development 5
ACT Bowls Assoc Sports Development 1.5
ACT Hockey Cent Sports Development 3 0
ACT Womens Cricket Sports Development 2.8
ACT Cricket Assoc Sports Development 25.5
ACT Mirror Class Sports Development 1.5
ACT Rugby Union Sports Development 2 2
ACT Badminton Sports Development 6.75
ACT Basketball Sports Development 29.5
ACT Rugby_Union Sports Development 27.1
ACT Taekwon Do Sports Development 1.5
Aussi Masters Swimming Sports Development 0.725

1968

2 May 1991

ACT Amateur Boxing Sports Development 0.5
ACT Indoor Cricket Sports Development 2
Western Dist Hockey Sports Development 0.5
ACT Hockey . Sports Development 2 9
ACT Wheelchair Sports Sports Development 2.65
Sporting Shooter Pistol Club Sports Development 9
Campbell Tennis Sports Development 12.815
Aust Society of Du Jostens Sports Development 1.3
ACT Touch Assoc Sports Development 2 5
ACT Pistol Assoc Sports Development 4.2
ACT Bocce Fed Sports Development 3
ACT Water Ski Sports Development 9.85
ACT Underwater Fed Sports Development 5.75
ACT Little Athletics Sports Development 10.964
ACT Calisthenics Sports Development 2.15
ACT Mon Dist Golf Sports Development 3.99
ACT Australian Football Sports Development 27.8
League
ACT Baseball Sports Development 1 5
ACT Darts Sports Development 3.4
Can Cycling Club Sports Development 5.5
Can Rifle Club Sports Development 0.635
ACT Tennis Assoc Sports Development 86.75
ACT Judo Fed Sports Development 6.3
ACT Dist A Water Polo Sports Development 7.55
Melba Tennis Sports Development 17.5
ACT Ice Hockey Sports Development 5.9
Federal District Womens Sports Development 1.3
Bowling
ACT Squash Rackets Sports Development 27.75
Can Aust Day Sports Sports Development 6 0
ACT Academy of Sports Sports Development 3 5
ACT Ski Assoc Sports Development 3.25
Can Gliding Club Sports Development 13.5
ACT Ski Assoc Sports Development 9
Assay Sports Sports Development 0.5
ACT Rugby Union Sports Development 1.2
ACT Wheelchair Sports Sports Development 3.6
ACT Gymnastics Sports Development 0.6
ACT Wheelchair Sports Sports Development 5
ACT Academy of Sport Sports Development 2
Aust Blind Sport Sports Development 0.8
ACT Ice Hockey Sports Development 2.5
ACT Ice Hockey Sports Development 0.3
ACT Judo Fed Sports Development 0.5
ACT Hockey Assoc Sports Development 1

1969

ACT Tennis Assoc Sports Development 0.2
ACT Womens Cricket Sports Development 1
ACT Cricket Assoc Sports Development 1
Aust Triathlon , Sports Development 0.2
Can Cycling Club Sports Development 0.25
ACT Rowing Assoc Sports Development 2
Pegasus Recreation Development 0.32
Southside Community Recreation Development 5
Centre
Richardson Community Recreation Development 1.335
House
ACCEPTER Recreation Development 1.5
Sport & Rev For People Recreation Development 17.825
with Disabilities
Royal Aust Inst Recreation Development 1
ACT TAFE Recreation Development 0.968

Tugg Valley Senior Citizens Recreation Development 1.56

Kids Companions Recreation Development 0.6
Can Organic Growers Recreation Development 3
Canberra Ornithological Recreation Development 1
Judo Fed Recreation Development 0.39
Share n Craft Recreation Development 0.3
Northside Community Recreation Development 13.75
Centre
Dickson Neighbourhood Recreation Development 1.1
Centre
Brindabella Community Recreation Development 2
Arts
Kambah Pony Recreation Development 1
Richardson Community Recreation Development 6.2
House
Sport & Red For People Recreation Development 9.05
With Disabilities
ACCEPTER Recreation Development 6
Aero Historical Recreation Development 1
Girl Guides Recreation Development 1
Pegasus Recreation Development 1.45
ACT Duke of Edinburghs Recreation Development 3
Award
TS Can Naval Reserve Recreation Development 2
Southpaw Stroke Recreation Development 0.37
Pedal Power Recreation Development 4.1
Woden Senior Citizens Recreation Development 0.2
Tang Soo.Tao Recreation Development 1
Southside Community Recreation Development 2.5
Centre
1970

2 May 1991

Can Organic Growers Recreation Development 2.65
Isabella Plains Recreation Development 0.225
Neighbourhood Centre
Melba Neighbourhood Recreation Development 0.5
Centre
Chisholm Community Recreation Development 0.2
Centre
ACT Square Dance Society Recreation Development 3
ACT Companion Dog Club Recreation Development 2
Sport & Rev For People Recreation Development 11.25
With Disabilities
Northside Community Recreation Development 20.25
Centre
Southside Community Recreation Development 7.5
Centre
ACT Academy of Sport Academy Program 106.9
ACT Touch BLISS 16.6 6 7
ACT Tennis BLISS 1.25
ACT Netball Capital Program 1200
Abortion Counselling Community Support 37.776
ACT Cancer Society Community Support 25.58
A=SS Community Support 151.434
ACT Hospice Society Community Support 18.8
Alcohol and Drug Community Support 3 3 .13 8
Dependence Inc
Alcohol And Drug Community Support 238.22
Foundation
Belconnen Community . Community Support 83.025
Service
Business and Professional Community Support 0.5
Womens Club
Canberra Civil Community Support 7.9
Rehabilitation
CARE Inc Community Support 172.557
Drug Referral and Community Support 100.1
Info Centre
GROW Canberra Community Support 7.4
Lifeline Community Support 93.943
Lone Fathers Association Community Support 1.5
Medea Community Support 111.323
Mental Health Association Community Support 27.503

Multiple Schlerosis Society Community Support 21.06

Northside Community Community Support 31.809
Service
.Psychiatric Rehabilitation Community Support 36.05
Service
1971

Richmond Fellowship Community Support 36.56
Salvation Army Community Support 146.5
Smith Family Community Support 107.77
Society of St Vincent, Community Support 92.763
de Paul
Southside Community Community Support 55.354
Service
Tuggeranong Community Community Support 77.536
Service
Weston Creek Community Community Support 47.153
Service
Woden Community Service Community Support 7.152
Community Development 29.444
ACT Council on the Aging Community Development 9.106
ACT Repetitive Strain Community Development 17.8
Injury Support Group
Arthritis Foundation Community Development 10.52
Causeway Residents Community Development 2
Committee
Citizens Advice Bureau Community Development 97.953
Community Radio 2XX Community Development 62.788
Chisholm Community Community Development 2
Centre Association
Dickson Neighbourhood , Community Development 0.84
Centre
Epilepsy Association Community Development 2.76

Gilmore Community House Community Development 4
Kaleen Community Community Development 21.06
Association
Majura Womens Community Development 4.468
Community Group
Monaro Folk Music Society Community Development 3
National Heart Foundation Community Development 13.75
Richardson Community Community Development 18.26
House Management
Royal Life Saving Society Community Development 4 0
SPCA Community Development 78.975
SE NSW ACT Hydatid Community Development 1 6
Control Campaign
Weston Creek Community Community Development 27.68
Association
ACT Child Carers Assoc Family Services 3
ACT Playgroups Family Services 16.512
Association
Barnardos Australia Family Services 12.372

1972

2 May 1991

Belconnen Community Family Services 49.056
Service
Camp Pelican Family Services 1.61
Canberra One Parent Family Services 33.962
Family Support
Catholic Social Services Family Services 104.377
Childbirth Education Family Services 5.265
Association
Family Planning Association Family Services 83.6
Canberra Marriage Family Services 11.94
Counselling Service
Melba Neighbourhood Family Services 101.714
Centre
North Belconnen Family Services 7.5
Association
Nursing Mothers Assoc Family Services 2.5
OConnor Family Centre Family Services 35.435
Parent Support Service Family services 63.625
Pregnancy Support Service Family Services 14
Salvation Army Family Services 50.084
Smith Family Family Services 71.725
St Vincent de Paul Family Services 11.591
Southside Community Family Services 42.95
Service
Sudden Infant Death Family Services 2
Association
The Foundry Association Family Services 5.87
Treehouse Child Care Family Services 4.224
Centre
Tuggeranong Community Family Services 50.557
Service
Weston Creek Community Family Services 10.817
Service
Woden Community Service Family Services 32.426
YMCA Family Services 4.645
ACT Council On the Aging Community Access - Aged 61.075
Belconnen Senior Citizens Community Access - Aged 1.250
Canberra Pensioners Social Community Access - Aged 0.8
& Recreation Club
Canberra Senior Citizens Community Access - Aged 2.5
Narrabundah Senior Community Access - Aged 0.3
Citizens
Woden Senior Citizens Community Access - Aged 1.25
AMD ACT Community Access - Disabled 3

.ACT Council on Intellectual Community Access - Disabled 2.1
Disabilities

1973

ACT Society of the Community Access - Disabled 7.155
Physically Handicapped
Aust Deafness Council (ACT) Community Access - Disabled 5.565

Blind Society (ACT) Community Access - Disabled 8
Canberra Parents and . Community Access - Disabled 2.73
Citizens Association for Deaf Children
Citizen Advocacy ACT Community Access - Disabled 22.113
Disabled Adult Residential Community Access - Disabled 47
Establishment (DARE)
Genesaret Local Committee Community Access - Disabled 7.135
of LArche
Guide Dog Association ACT Community Access - Disabled 8
Komarri Community Access - 295.975
Disabled
Noahs Ark Centre Community Access - Disabled 12.32
Radio 1 Print Handicapped Community Access - Disabled 13.4
SPEED ACT Inc Community Access - Disabled 16.1
Technical Aid to the Community Access - Disabled 3.5
Disabled ACT
Woden Community Service Community Access - Disabled 21.95
YMCA Community Access - Disabled 29.056
Ethnic Communities Community Access - Ethnic 41.225
Council .
Indo-China Refugees Community Access - Ethnic 7.5
Association
Migrant Resource Centre Community Access - Ethnic 36.55
ACT Workers with Youth Community Access - Youth 82.722
Network
ACT Youth Accomodation Community Access - Youth 48.89
Group
Australian Red Cross ACT Community Access - Youth 80
Canberra Police and Citizens Community Access - Youth 40
Youth Club
Caroline Chisholm Youth Community Access - Youth 25.557
& Community Club
Duke of Edinburgh Awards Community Access - Youth 36.287
Girl Guides ACT Community Access - Youth 14.216
Lifeline Community Access - Youth 21.5
Melba Neighbourhood Community Access - Youth 4.017
Centre
Northside Community Community Access - Youth 3.917
Service
Scout Association ACT Community Access - Youth 24.579
Shortcuts Information Community Access - Youth 81.074
and Referral . Centre

1974

2 May 1991

IMPACT Grants Youth Services 36
Belconnen Youth Centre Youth Services 126.292
Civic Youth Centre Youth Services 99.948
Tuggeranong Youth Centre Youth Services 103.842
Weston Creek Youth Youth Services 37.758
Worker
Woden Youth Centre Youth Services 116.016
Northside Community Childrens Services 215.116
Service

Woden Community Service Childrens Services 148.032

Tuggeranong Community Childrens Services 365.228
Service
Manuka Occasional Child Childrens Services 126.084
Care
arm Community Welfare 680.6
Marymead Community Welfare 1350.9
Galilee Community Welfare 105.5
Richmond Fellowship Community Welfare 429.3
Open Family Foundation Community Welfare 10
ACT Taxi Scheme for Taxi Scheme 2 2 6
People with Disabilities

1975

Community Development Fund - Funding - 1990-91

Name of Organisation Purpose of Funding Approved
Project
Amount
\$000

ACT Sports House Sports Development 25
 Sth Carib Gymnastics Sports Development 60
 /Tugs Judo
 The Pines Tennis Sports Development 2.5
 ACT Indoor Soccer Sports Development 12
 Canberra Yacht Club Sports Development 2.4
 ACT Dist Archery Sports Development 0.5
 ACT Athletics Assoc Sports Development 1
 Burley Griffin Amateur Sports Development 1.7
 Swimming
 Cap Term Amar Swimming Sports Development 7.2
 Club
 Tugs Baseball Sports Development 4
 Ramblers Basketball Club Sports Development 1
 ACT Sports House Sports Development 25
 ACT Athletics Sports Development 1
 Carib Sailboard Sports Development 0.5
 Modern Pentathlon Sports Development 1.5
 ACT Womens Hockey Sports Development 1
 ACT Transplant Olympic Sports Development 0.5
 Association
 ACT Amateur Swimming Sports Development 0.5
 Association
 ACT Water Ski Assoc Sports Development 1.0
 Ainslie Tennis Sports Development 0.396
 ACT Baseball Sports Development 0.45
 ACT Pistol Club Sports Development 0.5
 ACT Tennis Association Sports Development 0.2
 ACT Athletics Sports Development 0.5
 ACT Softball Sports Development 0.9
 ACT Soccer Federation Sports Development 6
 D Rosier Sports Development 0.242
 ACT Tennis BLISS 1.219
 ACT Netball BLISS 7.313
 ACT Tennis Association BLISS 0.625
 ACT Touch BLISS 0.834
 The Hockey Centre BLISS 21.875
 The Hockey Centre BLISS 93.75

1976

2 May 1991

ACT Academy of Sport Recreation Development 5

ACT Academy of Sport Academy Program 181.5

ACTCOSS Community Support 192.285

Belconnen Community Community Support 156.35
Service

Canberra Civil Rehab Community Support 8.293

CARE Inc Community Support 193.706

Lifeline Community Support 106.103

Lone Fathers Association Community Support 1.594

Multiple Schlerosis Society Community Support 23.786

Northside Community Community Support 100.398
Service

Salvation Army Community Support 165.463

Smith Family Community Support 148.817

Society St Vincent de Paul Community Support 124.292

Southside Community Community Support 90.081
Service

Tuggeranong Community Community Support _ 130.338
Service

Weston Creek Community Community Support 85.24
Service

Woden Community Service Community Support 62.078

ACT Council of Cultural Community Development 33.255
Societies

ACT Council on the Aging Community Development 10.285

ACT Repetitive Strain Community Development 20.104
Injury Support Group

Arthritis Foundation . Community Development 11.882

Citizens Advice Bureau Community Development 129.758

Community Radio 2XX Community Development 70.916

Chisholm Community Community Development 2.191
Centre Association

Dickson Neighbourhood Community Development 0.547
Centre

Epilepsy Association Community Development 4.681

Gilmore Communitiy House Community Development 6.785

Isabella Plains Community Development 4.055

Neighbourhood Centre

Kaleen Community Assoc Community Development 19.563

Majura Womens Community Development 5.046

Community Group

Richardson Community Community Development 22.408

House Management

Royal Life Saving Society Community Development 32.056
(ACT)

SPCA Community Development 89.091

1977

Weston Creek Community Community Development 26.541
Association
ACT Child Carers Assoc Family Services 3.494
ACT Playgroups Assoc Family Services 18.649
Barnardos Australia Family Services 16.164
Belconnen Community Family Services 55.406
Service
Camp Pelican Family Services 1.875
Canberra One Parent Family Services 55.608
Family Support
Catholic Social Services Family Services 126.837
Canberra Marriage Family Services 28.542
Counselling
Melba Neighborhood Family Services 119.418
Centre
North Belconnen Assoc Family Services 8.471
OConnor Family Centre Family Services 59.308
Parent Support Service Family Services 87.467
Parents Without Partners Family Services 4.686
Salvation Army Family Services 56.566
Smith Family Family Services 53.91
Southside Community Family Services 75.073
Service
The Foundry Association Family Services 8.765
Treehouse Child Care Family Services 5.467
Tuggeranong Community Family Services 37.836
Service
Tuggeranong Community Family Services 0.664
Council
Weston Creek Community Family Services 8.5
Service

Woden Community Service Family Services 36.623
YMCA Family. Services 5.246
ACT Council On The Ageing Community Access-Aged 68.981
Belconnen Senior Citizens Community Access-Aged 1.369
Canberra Pensioners Social Community Access-Aged 1.644
& Recreation Club
Canberra Senior Citizens Community Access-Aged 2.912
Woden Senior Citizens Community Access-Aged 1.412
ACRID ACT Community Access-Disabled 8.415
ACT Council on Intellectual Community Access-Disabled 2.446
Disabilities

ACT Society of the Community Access-Disabled 8.081
Physically Handicapped
Blind Society (ACT) Community Access-Disabled 9.036

1978

2 May 1991

Parents & Citizens Assoc Community Access-Disabled 3.083
for Deaf Children
Citizen Advocacy ACT Community Access-Disabled 24.975
Disabled Adult Residential Community Access-Disabled 53.084
Establishment
Education Program for the , Community Access-Disabled 7.979
Chronically Ill
Family Planning Association Community Access-Disabled 33.844
Genesaret Local Committee Community Access-Disabled 8.059
Of LArche
Guide Dog Association ACT Community Access-Disabled 9.036
Headway Community Access-Disabled 4.144
Hear-a-Book Community Access-Disabled 1.859
Komarri Community Access-Disabled 334.257
Noahs Ark Centre Community Access-Disabled 13.915
Radio 1 Print Handicapped Community Access-Disabled 20.225
SPEED ACT Inc Community Access-Disabled 18.184
Technical Aid to the Community Access-Disabled 3.592
Disabled ACT
Welfare Rights and Legal Community Access-Disabled 87.968
Centre
Woden Community Service Community Access-Disabled 24.971
YMCA Community Access-Disabled 32.406
Ethnic Communities Council Community Access-Ethnic 46.561
Migrant Resource Centre Community Access-Ethnic 41.825
ACT Workers with Youth Community Access-Youth 101.148
Network
ACT Youth Accomodation Community Access-Youth 55.218
Group
Aust Red Cross ACT Community Access-Youth 127.543
Canberra Police & Citizens Community Access-Youth 42.5
Youth Club
Duke of Edinburgh Awards Community Access-Youth 40.984
Girl Guides ACT Community Access-Youth 15.105
Jobless Action Community Access-Youth 68.221
Lifeline Community Access-Youth 32.107
Northside Community Community Access-Youth 40.375
Service
Scout Association ACT Community Access-Youth 26.115
Shortcuts Information & Community Access-Youth 106.878
Referral Centre
Youth Adventure Holidays Community Access-Youth 2.395
Northside Community Childrens Services 228.56
Service
Woden Community Service Childrens Services 15.7.284

1979

Tuggeranong Community Childrens Services 388.054
Service
Manuka Occasional Childrens Services 133.964
Childcare Centre Assoc
Belconnen Community , Childrens Services 151.415
Service
North Belconnen Childrens Services 94.567
Community Centre Assoc
IMPACT Grants Youth Services 38.4
Belconnen Youth Centre Youth Services 134.184
Civic , Youth Centre Youth Services 106.174
Tuggeranong Youth Centre Youth Services 110.33
Weston Creek Youth Youth Services 40.12
Worker
Woden Youth Centre Youth Services 123.266
Barnardos Community Welfare 3 84
Marymead Community Welfare 402.9
Galilee Community Welfare 42.2
Richmond Fellowship Community Welfare 277
Open Family Foundation Community Welfare 59.9

1980

2 May 1991

MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Question No. 361

Radio 2XX - Funding

Mr Connolly - asked the Minister for Housing and Community Services

- (1) How much recurrent funding has 2XX received from the ACT Government, or ACT Administration, since its inception in 1976. (Funding provided for each year from 1976 to 1990.)
- (2) How much funding for capital purposes has 2XX received over the same period.
- (3) Under which program has this funding been provided.
- (4) Has the provision of such funding been linked with any formal agreement with 2XX to provide a specific service or range of services.
- (5) Is the provision of such funding based on the recipient meeting certain criteria such as public access, freedom of expression and/or satisfactory servicing of user groups.
- (6) If so, what mechanism is in place to monitor the degree of compliance.
- (7) Is this funding based on the recommendation of a Committee/ Council.
- (8) What is the name of this Committee/Council; who are its current members and for what reasons were those persons appointed.

1981

Mr Collaery - the answer to the Members question is as follows:

(1) Records prior to 1979 are not available. Recurrent funding from the financial year 1979-80 are as follows;

1979-80 \$9 000
1980-81 \$7 000
1981-82 \$13 000
1982-83 \$17 000
1983-84 \$17 000
1984-85 \$26 000
1985-86 \$50 000
1986-87 \$56 200
1987-88 \$59 628
1988-89 \$62 788
1989-90. \$66 744
1990-91 \$68 830

(2) Radio 2XX received a capital and equipment grant of \$5 000 in the 1980-81 financial year.

For the financial years 1979-80 and 1980-81 funding was provided under the community category of the Community Grants Fund. From the financial year 1981-82 to the financial year 1986-87 funding was provided under the Youth and Community category of the ACT Community Development Fund. From the financial year 1987-88 to the financial year 1989-90 funding was provided under the Community Services and Health Grants Program of the ACT Community Development Fund. In 1990-91 funding is provided by the Community Services Grants Program.

(4) The funding received by 2XX is provided for general operations and no formal agreement exists tying the grant to the provision of specific services.

(5) See response to part (4).

(6) See response to part (4).

(7) For the financial years 1979-83 recommendations for funding were made by the ACT House of Assembly. From 1983 to 1986 recommendations for funding were made by the Youth and Community Advisory Committee. From 1986 to 1989 recommendations for funding were made by the Community Services and Health Grants Program Advisory Committee.

(8) The Community Services and Health Grants Advisory Committee was disbanded in late 1988. The operation of the Community Services Grants Program is currently being reviewed and at the present time there is no Committee/Council that makes

1982

2 May 1991

recommendations on funding. However, nominations have recently been sought for a new Ministerial Advisory Committee. The role of the committee will be to advise the Minister and recommend on funding priorities within the program.

1983

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 363

Treasurers Advance - Expenditure Statement

MS FOLLETT: To ask the Treasurer - On what occasions, for what purposes, and in what amounts has he authorised expenditure from the Treasurers Advance in the 1990-91 financial year.

MR KAINÉ: The answer to the members question is as follows:

AUTHORISED ON AMOUNT f\$) PURPOSE

- 9.07.90 200,000 This represents an advance to the Commonwealth Department of Finance to meet the cost of ACT Government salary and other associated payments outside normal paydays eg advance pays, termination payments. It is expected that this advance will be returned prior to 30 June 1991.
- 16.07.90 700 Act of Grace payment in refund of stamp duty consequent to the transfer of ownership of vehicles following a marriage breakdown. The maintenance agreement had not been registered at the time the stamp duty was paid.
- 25.07.90 1,200 Act of Grace payment to a tenant of a Commissioner for Housing house for damage sustained to personal property as a result of burst water piping.
- 21.09.90 6,100,000 * This represents a payment to the Commonwealth of the ACTs capacity to meet notional territorial historical debt by 25 September 1990.
- 17.10.90 400,000 * Advance payment to gain a discount of \$50,000 associated with computing services until June 1991.
- 23.10.90 952,500 * For payments of Grants to the Public Sector associated with Comcare premiums, school bus and welfare concession programs.

2 May 1991

AUTHORISED ON AMOUNT (\$) PURPOSE

- 26.10.90 1,200,000 * For expenditure on salaries and the second quarterly payments of grants due for payment during October 1990.
- 1.11.90 624,300 * For payment of interest following a successful federal court action in a stamp duties case.
- 8.11.90 272,000 * For payment of salaries
- 8.11.90 187,200 * For payment of salaries.
- 8.11.90 352,000 * For payment of salaries and accommodation expenses.
- 15.11.90 1,900,000 * For payment due to the NSW Department of Corrective Services for maintenance of ACT prisoners in the 1989/90 financial year.
- 16.11.90 350,000 * For payment of wages, salaries, maintenance and other operating costs.
- 16.11.90 1,320,000 * For payment of Grants to the Public Sector associated with the Hospital Services.
- 16.11.90 200,000 * For payment of Grants to the Public Sector associated with Public and Community Health Services
- 21.11.90 379,000 * For payment of salaries.
- 21.11.90 34,000 * For payment of salaries.
- 21.11.90 140,000 * For payment of salaries.
- 21.11.90 440,000 * For payment of salaries.
- 21.11.90 263,000 * For payment of salaries.

1985

AUTHORISED ON AMOUNT (\$) PURPOSE

- 21.11.90 1,250,000 * For payment of Grants to the Public Sector associated with the Public Transport Program.
- 20.12.90 190,000 An Act of Grace Payment to Seasons Restaurant concerning compensation for vacation of premises.
- 8.01.91 15,000 For \$1 for \$1 matching payment for additional funding for the Housing Development Program received from the Commonwealth.
- 8.01.91 100,000 Refurbishment of the turnstile area at Bruce Outdoor Stadium.
- 19.02.91 1,000,000 To provide for a variation in the funds made available to establish a Tourism Trust Account. The funds have since been paid back to the Treasurers Advance.
- 25.03.91 47,800 To effect Act of Grace payments to two officers, following a decision of Cabinet on 10 December 1990, to amend the Fire Brigade (Administration) Act 1974. The aim of the amendment was to enable payment of the Commonwealth age 60 cessation benefit for ACT Fire Brigade members who elect to remain in the Commonwealth Superannuation Scheme
- 25.03.91 160 To effect an Act of Grace payment on the basis of incorrect advice given by the Motor Vehicle Registry. This advice concerned the liability for stamp duty on the transfer of part share of a vehicle following a marriage breakdown.

NB: Items marked with an asterisk denote authorisations effected during the Supply Period pending passing of the Appropriation Bill for 1990/91. These amounts have since been recovered and are no longer a charge on the Treasurers Advance.

Accordingly, amounts authorised for expenditure as at 25 March 1991 total \$554,860.

1986

2 May 1991

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No 365

Appropriation Act - Expenditure Statement

MS FOLLETT - Asked the Treasurer upon notice on 12 March 1991:

What is the expenditure to date for each line item in Part II of the Schedule to the Appropriation Act 1990=91.

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

The member is advised that a Statement of Financial Transactions is published at the conclusion of each quarter of a financial year. This Statement sets out the receipts and expenditures of the Territory Public Account and associated financing transactions.

1987

Table included in the printed Hansard.

2 May 1991

Table included in the printed Hansard.

Table included in the printed Hansard.

2 May 1991

Table included in the printed Hansard.

Table included in the printed Hansard.

2 May 1991

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2 May 1991

Table included in the printed Hansard.

Table included in the printed Hansard.

2 May 1991

Table included in the printed Hansard.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No. 386

Gaming and Liquor Authority - Leases

Mr MOORE - Asked the Chief Minister upon notice on 16 April 1991:

- (1) How many leases have been issued through the Gaming and Liquor Authority (GALA) on a "concessional" basis over the past ten years?
- (2) To which organisations were those leases granted?
- (3) For what purposes were those leases granted?
- (4) Where are those leases situated?
- (5) What were the concessional arrangements for those leases? _
- (6) What basis or principle was employed for granting those "concessional" leases under GALA instead of the Leases (Special Purposes) Act 1925?

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

No leases have been issued "through the Gaming and Liquor Authority over the past 10 years. If the question seeks details of leases issued to the Gaming and Liquor Authority I provide the following information:

- (1-6) Four leases were granted by the Commonwealth of Australia to the AUSTRALIAN CAPITAL TERRITORY GAMING AND LIQUOR AUTHORITY, a Body Corporate constituted under the Australian Capital Territory Gaming and Liquor Authority Act 1981, during the past ten years for the purpose of conducting an office or agency of the Authority as authorised under its Act.

The principle employed at the time the leases were granted was the same as applied to the grant to business or commercial leases with the possible exception of the grants being made by direct sale which was necessary having regard to the extremely limited use to which the leased land could be put and that no other lessee could hold such a lease.

The Authority was offered the option in each case to pay the market value or market rent as assessed by the Commonwealths valuation advisors, as was the case with business or commercial lessees at those times.

1998

2 May 1991

In view of the fact that the ;rants were dealt with in the same manner as other business and commercial leases, it was appropriate that the leases were issued under the City Area Leases Act 1936.

The leases in question involve the following land -

Block 29 Section 346 Kambah;

Block 39 Section 539 Chisholm;

Block 33 Section 132 Wanniasa; and

Block 11 Section 88 Kaleen.

1999

ATTORNEY-GENERAL

LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0.388

**Belconnen Remand Centre -
Activities Workshop**

Mr Berry - to ask the Attorney-General:

As the provision of secure facilities for psychiatrically ill remanded at Belconnen Remand Centre has meant the closure of the Activities Centre; how does the Government justify the abandonment of this rehabilitative facility.

Mr Collaery - the answer to the Members question is as follows:

The Activities Workshop was closed in August 1989 following an Occupational Health and Safety report which found that continued use of the area for activities would be detrimental to the health of officers and detainees because of a lack of dust extraction equipment. Attention has therefore been given to augmenting the activities available to detainees within the confines and physical resource constraints of the Centre. Arrangements have been made to pursue alternative pastimes in other parts of the Centre.

In addition to the alternative pastimes such as wood -trning, other opportunities for educational and recreational activities have been introduced, for example drug and alcohol information nights and a step aerobics program. Literacy and numeracy programs conducted by a TAFE. tutor have been available for some time.

The provision of separate facilities for psychiatrically ill remanded at Belconnen Remand Centre will result in changed uses for the Activities Workshop area. Equipment purchased for use in the Activities Workshop will soon be deployed to the new corrections facility to be opened shortly in Belconnen.

2000

2 May 1991

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 390

Curtin Primary -School - Footpath Access

Mr Wood - asked the Minister for Finance and Urban Services:

- (1) Will the Government be providing footpath access to Curtin School for Lyons students; if so:
 - (a) where will they be;
 - (b) what will they cost; and
 - (c) where will the money come from

Mr DUBY - the answer to the Members question is as follows:

- (1) Yes, the Government has provided footpath access to Curtin Primary School for Lyons students. The footpaths were in place for the beginning of Term 2 on 8 April 1991.
 - (a) Footpaths have been installed on Scottsdale Street and Anne Place in Lyons, and a footpath now crosses the reserve near Anne Place to connect with existing footpaths on Wilson Street in Curtin. In addition, footpaths have been constructed on Mattawan Street to connect with footpaths on Theodore Street in Lyons.
 - (b) The cost of these footpaths was \$48,080.
 - (c) This amount has come out of the Transport and Engineering Capital Works Program.

2001

**MINISTER FOR FINANCE AND URBAN SERVICES LEGISLATIVE ASSEMBLY
QUESTION**

Question No. 392

Walking Tracks

MR MOORE: To ask the Minister for Finance and Urban Services - -

- (1) Can the Minister tell when the walking track on Mount Ainslie was completed and surfaced.
- (2) Has the track been allowed to deteriorate or is there a particular program of maintenance.
- (3) If there is a program of maintenance, how is that program set out and is the track perceived to have a limited life. _.
- (4) What is the general policy of the Department with reference to maintenance and the maintenance program of such things as walking tracks and paths throughout Canberra.

Mr Duby - the answer to the Members question is as follows:

- (1) It is assumed that the track in question is the track that leads from the back of the War Memorial to the summit. Major renovations, including sealing, were completed on the trail in 1982.
- (2) The Mount Ainslie track has not been allowed to deteriorate. The track is on Canberra Nature Parks maintenance program and is due for major upgrading next year. Over the past 9 years this trail has been subject to general maintenance works on two to three occasions.
- (3) As stated above, the Mount Ainslie trail is on a general maintenance program, and is regarded as a permanent trail.
- (4) The departments general policy for maintenance is to maintain trails for low key recreational use. Trails are maintained so that they are safe for public use and are aesthetically pleasing within a nature park. To minimise maintenance requirements soil conservation practices are used when constructing and maintaining trails. Trail alignment, gradient, surface treatment and drainage requirements follow soil conservation guidelines. A program of trail maintenance exists as part of the general maintenance program of all visitor facilities within Canberra Nature Park.

2 May 1991

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY ANSWER**

**Question No 393
Cooperative Research Centres**

MR WOOD - Asked the Chief Minister upon notice on 16 April 1991:

- (1) Was a commitment made by the Government to provide some support for Cooperative Research Centres, a Commonwealth initiative, should any be established in the ACT; if so, what was the nature of the Governments offer.
- (2) Is the Government aware that two of these centres are to be established in the ACT.
- (3) Will any ACT Government support be forthcoming.

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

- (1) Yes. The ACT Government recognises the importance of the Cooperative Research Centres to the ACT, and has committed up to \$500 000 in cash and kind in the 1990/91 financial year. This is to support research centres established in the ACT in the first round of the Cooperative Research Centres Program, and demonstrates the ACTs commitment to this initiative, which requires cooperation between Commonwealth and State Governments, tertiary institutions and the private sector.
- (2) Yes. They are the Centre for Plant Science, which will exploit the new developments of biology to design and engineer plants for future agricultural, industrial and environmental needs; and the Centre for Robust and Adaptive Systems, which will develop signal processing and feedback control systems for industrial applications. Both have the Australian National University and CSIRO as the major ACT partners.
- (3) Yes. Discussions are currently taking place with the successful Centres as to how the available funds can best be applied.

2003

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No 394

Newspaper and Magazine Titles

MR CONNOLLY - Asked the Chief Minister upon notice on 16 April 1991:

- (1) Does the Chief Minister ensure that newspapers and magazines circulating in the Territory*comply with the Printing and Newspapers Act 1961.
- (2) Is the Chief Minister aware that the title "Raiders Country" now used by a magazine circulating in the Territory is registered by another organisation.
- (3) Will the Chief Minister act to ensure that the requirements of the Printing and Newspapers Act 1961 are complied with and prevent the use of a registered name by other publishers.

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

- (1) My Department responds to any breaches of the Printing and Newspapers Act 1961 brought to its attention.
- (2) Yes.
- (3) Action is being taken to ensure compliance with the requirements of the Act.

2004

2 May 1991

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Question No. 396

House Owner-builders

Mr Connolly - asked the Minister for Finance and Urban Services:

- (1) Under what circumstances is a person with an owner/builder licence allowed to build houses for resale.
- (2) How many houses is a person with an owner/builder licence entitled to build at any one time.

Mr Duby - the answer to the Members question is as follows:

- (1) Any homeowner can be granted an owner/builder permit to build a house for their own family or to alter their own home, provided that they have appropriate building skills and experience.

There are no restrictions imposed on the sale of the house. However, an owner may only obtain one other permit for construction of another house within five years. This arrangement discourages owner builders from building houses for resale.

- (2) Owner builders may be granted only one permit to erect a family home at any one time.

2005

ATTORNEY-GENERAL

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 400

Belconnen Remand Centre - Services

Mr Berry - To ask the Attorney-General:

- (1) What services are currently available at the Belconnen Remand Centre.
- (2) How many visits, both contact and non-contact, remandees allowed per week.

Mr Collaery - the answer to the Members question is as follows:

- (1) A variety of services is currently available at the Belconnen Remand Centre and moves are underway to further improve the number and quality of services for remandees.

Remandees have access to a full range of medical services. There is an official medical consultant who examines all detainees on admission and as required thereafter and one clinical and two psychiatric nurses are employed at the Centre. Remandees have access to public and private dental care and to all other medical services (including hospitalisation) as required.

Other services currently available include access to Official Visitors, answerable directly to me, who visit the Remand Centre at least once a week, and community based corrections staff for referrals and information. Remandees have access to ministers of religion upon request.

Over the last six weeks information sessions have been conducted by representatives from local drug and alcohol services. The AIDS Action Council also holds regular information sessions. Weekly tutoring in literacy and numeracy is available to all detainees. The Remand Centre has a small library, and detainees are free to engage in study by correspondence.

2006

2 May 1991

Recently step-aerobics has been introduced on a twice weekly basis, and is attended by both remanded and staff. Other recreation facilities include televisions, in-house videos and radios in all detainees cells, a pool table and weights. An Activities Officer is to be appointed shortly for a one month trial period.

(2) There is no limit on the number of visits remanded may have. Visiting hours are between 9 and 11 am and 1.10 and 4.30 pm daily. The norm is for remanded to have supervised contact visits. Non-contact visits are used for a minority of cases when the Superintendent considers they are necessary for the good order of the Remand Centre or where special conditions apply to the Fernandes (such as initially for those on charges against the person).

All remanded have access to unlimited legal visits and there is no restriction on phone calls relating to welfare or legal matters. Remanded may also make a reasonable number of personal phone calls each day.

2007

ATTORNEY-GENERAL

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 401

Belconnen Remand Centre - Statistics

Mr Berry - To ask the Attorney-General:

- 1) What are the figures for the number of male and female remanded currently at Belconnen Remand Centre.
- (2) What is the mean, median and longest period of remand.
- (3) What is the breakdown of the type of offence for which remanded are being held and the rate of acquittals over the last year.

Mr Collaery - The answer to the Members question is:

- (1) As at 23 April 1991 there were 29 male and one female detainees in custody at the Belconnen Remand Centre.
- (2) Of the remanded in custody on 23 April 1991, the mean remand period was 68 days, the median remand period was 42 days, and the longest serving Fernandes had been in custody for 361 days.
- (3) Of the 30 remanded in custody on 23 April 1991, five have charges for offences against the person, two for robbery, thirteen for property offences, seven for drug offences, two for traffic offences and one for being an illegal entrant.

The last year for which data on outcomes of remand are currently available is 1988-89. Of the 318 remand periods in 1988-89, one percent was terminated by an acquittal.

2008

2 May 1991

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO. 405

National Housing strategy

Mrs Grassby asked the Minister for Housing and Community Services:

- 1) Is he aware of the "Framework for Reform" issues paper recently released by the National Housing Strategy.
- 2) Has the ACT Housing Trust entered into any consultation or dialogue with the National Housing Strategy.
- 3) If so, what specific areas have been discussed or examined.

Mr Collaery, the answer to the Members question is as follows:

- 1) Yes
- 2) Yes
- 3) The ACT Housing Trust, as have all state housing authorities, has provided input into developing the National Housing Strategys workplan. It has also provided information to the Strategy on a number of projects and provided comment on draft issues papers.

To date, the Housing Trust has provided input into the following projects:

"Particular Housing Needs of Women and Children"

"The Role of State Housing Authorities in the Year 2000"

"Aboriginal and Torres Strait Islander Housing"

"Supply Side of the Private Rental Market"

"Community Housing, Financing and Management"

"The Affordability of Australian Housing"

"Demographic, Economic and Social Environment for Housing"

"Finance of Australian Housing"

2009

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 406

Housing Trust - Annual Reports

Mrs Grassby - asked the Minister for Housing and Community Services:

(1) Why was the 1989/90 Annual Report of the ACT Housing Trust not released by the first day of sitting for. 1991.

(2) Will you ensure that -future Housing Trust Annual Reports will be released during the Autumn sitting period of the ACT Legislative Assembly immediately following the financial year which the Annual Report covers.

Mr Collaery - the answer to the Members question is as follows:

(1) The Department of Justice and Community Services 1989/90 Annual Report was tabled in the Assembly on 12 December 1990. This Report incorporates the Annual Report of the ACT Housing Trust. The timing for the tabling of this Report is in line with guidelines set down by the Chief Ministers Department.

(2) Yes.

2010

2 May 1991

**MINISTER FOR FINANCE AND URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO. 408

Paper Chase - Advertising

Mrs Grassby - asked the Minister for Finance and Urban Services:

- (1) How much money is spent on advertising paper and cardboard recycling pickups in the media.
- (2) Is this amount justifiable.

Mr DUBY - the answer to the Members question is as follows:

- (1) A total of \$4,349.97 has been spent on these advertisements in 1990-91.

Paper Chase reminders which appear daily in the Canberra Times and are advertised nightly on television are provided free of charge as a community service.

- (2) Yes.

A new paper collection contract was signed on 1 March 1991. While the cost of preparing and distributing Paper Chase calendars is at the expense of the contractor the new contract was not finalised until just before this date. Therefore it was impossible for the contractor to print and distribute Paper Chase calendars before the start of the new contract.

Consequently to advise the public of collection days advertisements were run in local papers for several weeks to advise residents of when collections would be undertaken. This was a commitment made to the paper company by my Department.

The Paper Chase calendars have now been printed and delivered therefore all interim arrangements have now ceased.

2011

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 412

Road Works Expenditure

Mrs Grassy - asked the Minister for Finance and Urban Services:

Up until 31 March 1991, how much has the Department of Urban Services spent on road works of any description during this financial year.

Mr Duby - the answer to the Members question is as follows:

Up until 31 March 1991 the Department of Urban Services has spent \$38,998,550 on road works of any description; comprising of \$25,201,000 for capital works and \$13,797,550 for repairs, operations and maintenance.

2012

2 May 1991

**MINISTER FOR FINANCE AND URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION NO. 417**

Tuggeranong Health Centre - Building Alterations

Mr Berry - asked the Minister for Health, Education and the Arts on 30 April 1991 -

(1) When were the faults in the stairs at the Tuggeranong Health Centre first discovered.

What provisions of the building manual or other relevant code were not complied with as far as the alleged faults were concerned.

Have the alleged faults with the staircase been the subject of a report by an engineer and if so, will the report be tabled.

(4) When was the contract for alterations to the staircase let; and when did work start and finish:

(5) How much did the alterations cost..

Mr Duby.- the answer to the Members question is as follows:

It is appropriate that I respond to this question as the subject properly belongs to my portfolio rather than that of the Minister for Health, Education and the Arts.

(1) 26 July 1990.

(2) Building Manual part 24.27, Clause (5a) (a) which relates to the space between horizontal handrails.

(3) There has been no need to have a report prepared as the noncompliance was in fact identified by ACT Public Works prior to the building being completed. The modified design was prepared by the consulting architects and the builder made the necessary arrangements.

(4) The contract for the alterations was included in a package of additional work requested by the Ministry for Health, Education and the Arts. The contract was let on 15 March 1991 with the work commencing in late March and being completed on 17 April 1991.

(5) The cost of the alterations was \$13,750 and the issue of liability for this sum will be pursued with the design consultant involved.

2013