



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

20 November 1991

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

PROPOSED VARIATION TO TERRITORY PLAN
Motion of Disallowance

MR JENSEN (10.30): Mr Speaker, I move:

That the proposed variation to the Territory Plan relating to Block 1, Section 12, Forrest (Canberra Bowling Club) be disallowed.

Last night when I spoke on this issue during debate on the report by the Planning Committee, I indicated that the Assembly should disallow this draft variation for two main reasons - namely, because the Government had made its decision before the committee had reported and because there is a distinct possibility that a compromise arrangement on the scale or type of development could be reached between the residents, the bowling club and the tennis club, much more in keeping with the planning principles that we believe should apply to that part of the ACT.

Mr Speaker, nothing that was said during the debate that went on last night has changed my mind, or the minds of my Rally colleagues. In fact, I believe that a couple of other issues should also be raised in the context of the debate this morning. I would like to comment on some of those a little further than I was able to last night. One, of course, is the nature of the development and its viability - something that my colleagues in the Planning Committee do not see as important. The issue of the degree of betterment charge to be paid is also very important, and I will get to that later. I hope that the Minister is able to provide some answers in that area.

As I said yesterday, it seems that the proposal for this redevelopment is not about the application of good planning principles, but it is about allowing a developer to alter a magnificent site that could be expanded and improved for sporting use, more in keeping with the current level of development in that part of Forrest, without the large number of townhouses proposed. There is just no equivalent townhouse development in that suburb. I would suggest, Mr Speaker, that the scale of that sort of development is not considered appropriate for that part of the suburb.

There is no doubt that townhouses are appropriate for Forrest, have been built in Forrest and will continue to be built in Forrest over a period of time. But I would suggest to you and the other members of this house, Mr Speaker, that groups of 26 townhouses are not appropriate for this area, particularly as they would encroach on what has the potential to become a rather excellent site for use by various community groups and organisations as well as the residents who live nearby.

In this case the bowling club has not gone to the planning and leasing authorities with what is in effect their concessional lease and said, "We have a problem. How much of the site can be redeveloped to comply with good planning principles of this area?". Nor have the planners done their homework and put their views to the community for consideration. Rather, the bowling club has received a visit from a developer, or series of developers, who have seen a perfect opportunity to turn some of this prime land into dollars and cents. The aim of their proposal, of course, is to maximise the yield that might be obtained from the site. We heard that originally it was proposed that there be 32 townhouses on the site. There would not be too much open space left after that sort of development. Quite frankly, as I read it, Mr Speaker, there is not much difference between 26 and 32 in the density of development on that site.

We heard during deliberations in the Planning Committee that some \$3.3m would be provided for a new bowling club on part of the site, plus an allowance for the club to pay the betterment charges. But I would have thought that, from a developer's point of view, that was a small price to pay. Based on the rough rule of thumb, of approximately \$150,000 for a block of land in that area for a townhouse site, a gross figure of about \$3.9m would have been achieved just on the sale of the land.

One really has to ask the question: Should an organisation that obtained a lease for nothing or, at best, for an insignificant rent be able to use this land for redevelopment in this way? You must remember, of course, that this is the second lease that the club has had. The first lease was a concessional lease. The second lease was a City Area Leases Ordinance lease, as it was then, with a very minor rental charge. I put it to you, Mr Speaker, and the members of the Assembly that the answer must be no. Even if one accepted that 26 townhouses would be appropriate, as I have already indicated, the suggestion of such large windfall profits, quite frankly, I find obscene.

On the issue of betterment, I would like the Minister to advise the Assembly which category his department sees the proposal fitting into. Let me refresh the Minister's memory on the betterment principles for such leases - and all leases, in fact - established during the term of the

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Alliance Government. On the information before me, and on my recollection of the schedule that was put out at the time - there were three tables in the schedule - betterment was charged in three categories.

The first was a full charge grant, that is, the grant of a lease based on full fees - in other words, no concessions whatsoever. The betterment charge ranged from 100 to 50 per cent, depending on the period since the grant of the lease. For less than five years, it was 100 per cent. For 20 years and over, it was 50 per cent. That was the proposal.

The second table talks about concessionary grants. These are grants where the betterment charge ranged from 100 per cent to 80 per cent - that is, for a period since the last grant of less than 10 years, 100 per cent; for 20 years and over, up to 80 per cent. The third category is grants free of charge. The initial grant of the lease to the bowling club, as I understand it from evidence given to us, was effectively a grant free of charge. The betterment fee in this category ranged from 100 per cent to 90 per cent.

I would like the Minister to provide to the Assembly an assessment as to what formula is proposed to be used. I accept that at this stage the Government or the department is not in a position to determine the actual amount of money, because there is a valuation to be done and that can be done only when a proposal is put forward and a lease change is actually proposed. I do not expect a statement on betterment. What I do expect, however, is a clear statement on what formula is expected to be used once the lease variation is being prepared. On that basis I will await with interest the comments by the Minister.

Let me now turn to some of the reasons why we believe this development-driven planning proposal - and that is all it is - is not considered to be acceptable in this part of Forrest. We will talk firstly about the scheme itself. By its very nature, the draft variation put before the people and the Assembly was deficient in a number of areas. If we examine the sparse document that is the first draft proposal, we see that it has a heritage statement in it. That is very interesting. That heritage statement says, and I quote part of it:

The ACT Heritage Committee was consulted however, and noted that while the proposal would alter the heritage significance of the place in terms of the relational qualities of the place with surrounding residential areas the proposal would not diminish the associated values of the site.

That is interesting, because in fact the Heritage Committee, when it made its submission to the Planning Authority, had a completely different view. It recommended that what was proposed - that is, the demolition of the building - was not appropriate at this stage. On transport, we have the simple statement:

The site has access from National Circuit, Hobart Avenue and Dominion Circuit and existing roads have ample capacity to meet any increased redevelopment of the site.

Mr Speaker, I am a bit cynical, I am afraid, about some of the statements in these documents in relation to traffic issues and traffic management issues around the ACT. I believe that on a couple of occasions proper homework has not been done or, if it has been done, the result has not been available to the people to test it out. I think it is important that a little more than what I have quoted be included.

What is not included is a comment about the drainage problems that we all know exist in Forrest. The document just says:

Adequate public utility services adjoin the site.

There is no indication there that there have been and always will be, unless they are fixed, drainage problems in that area. In my mind, that is a deficient document. There was no requirement for models either. There is just a very brief figure 4 on page 10 of the document dealing with implementation principles. It is just a little diagram that shows where it is intended to site the clubhouse and an outline of where the townhouses might be. There is no real indication, I would suggest, as to what might be required. I believe, as do quite a lot of people in Canberra, that this sort of process needs a considerable overhaul. If we must look at development proposals for these sorts of variations, we must be given much more information on the scale of development proposed. That is not provided here.

As we heard yesterday, Mr Speaker, this sparse green document entitled "Interim Planning Act: Draft Variation to the Territory Plan" dated May 1991 and subtitled "Draft Variation for Public Comment" elicited some 104 comments. Only the variations to the various school sites have resulted in more comments on a draft planning variation. The significant thing here, of course, was the nature and content of these responses. Page 8 of the Planning Committee report quite clearly shows that, according to information obtained from the Planning Authority, 78 of the submissions were opposed to the redevelopment outright and 18 were opposed to aspects of the proposed development. Only eight submissions favoured the proposal as outlined. It then goes on to talk about three meetings with residents on the draft variation, and I will talk about that briefly later on.

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A number of concerns that were raised by the residents were examined. They included heritage significance, the location of the clubhouse on Dominion Circuit, hazards associated with access to the clubhouse, loss of mature trees, loss of community and recreational facility, and overall design and density of the redevelopment. About the only thing that the Planning Authority really did in response to those concerns was to relocate the clubhouse and to change the access to the site. It made some comments about services being required to be screened from public view, et cetera; but it is interesting that the Planning Authority, in its submission as we have quoted on page 9 of our report in paragraph 3.10, said:

On balance the ACT Planning Authority has determined that the redevelopment of the site is in the wider interest of the community.

Whose interest? Certainly not the interest of the wider community. Maybe it is in the interests of a group of developers and 150 club members, and maybe even the extra 150 or so members that the club expects to attract; but it is certainly not in the interests of the residents of Forrest or of the ACT taxpayer. As far as I can see, Mr Speaker, it is not within the wider interest of the community of the ACT to approve this particular proposal. That is one of the reasons why I believe that today this Assembly should reject the proposal, send it back to the drawing board and let something be developed more in keeping with the area.

Before I close let me talk briefly about the consultation process about which the authority makes much in its submission. It says that, as a result of public reaction to the draft variation to the Territory Plan, three meetings were held with residents' representatives. Mr Speaker, we discussed this at some length within the Planning Committee. It was quite clear that at those three meetings the residents involved did not see themselves as representatives of the community. Certainly, they raised a number of issues with the Planning Authority, but they went there to seek further information. Yesterday we heard some comment about matters related to the consultation process when representatives of the Planning Authority declined to attend a public meeting. They might have been concerned about the process by which that public meeting was arranged, but they even declined to call another one of their own.

It would appear to me, Mr Speaker, that the mind had been made up and that it was a fait accompli as far as people were concerned - let it roll, let it go through without any further hassles. I am afraid the issue will not go away. If this proposal goes ahead, I am sure that there will be continuing agitation in relation to the future development of this site. I think that is one of the problems that the people will have, if they get approval to do this. (*Extension of time granted*)

I believe that it is appropriate, Mr Speaker, for this Assembly today to send a message to the Government and say: "Sorry; it is not quite right. Let us go back and have another look at this problem. Let us see whether we can resolve the issue in the true nature of community consultation, so that all groups and elements affected by this proposal can achieve their aims, that is, so that the residents of the area can have a development that is more in keeping with the nature of the site; for the people from the bowling club - the 150 current members, and hopefully an expanded membership if they are able to make some changes to their site; and also for the members of the tennis club who, as we know, for some years have been seeking an extension of their site to provide facilities for some 700-odd members".

We need to send this back to the drawing board and have it reconsidered by the Government. As I said in my dissenting comments within the report, the Executive should:

- (1) revoke its approval of the Variation ...;
- (2) direct the Authority to reconsider the overall planning issues related to the site;
- (3) direct the Authority to conduct further consultation with the community on these planning issues;
- (4) initiate a study to include a full assessment of the costs and potential for the preservation of the heritage of the site and existing buildings ...

That, Mr Speaker, was one of the most blatant failures - or holes, if you like - in this whole process: The Heritage Committee indicated quite clearly that it saw some problems associated with this building, but there was no assessment by the Government or the Planning Authority of the ability to improve and preserve the heritage of the site and existing buildings. I think we need to ensure that any proposals for the redevelopment of the site are in accordance with an assessment of the planning and heritage issues related to the site and buildings, including, as I have already indicated, the potential for arrangements between the Canberra Bowling Club and the Forrest Tennis Club. This part of the ACT has for many years been seen as an area for recreation, and it should be retained that way.

As far as the bowling club's proposal is concerned - I want to close my remarks by talking about that very briefly; that is, the proposal to redevelop that site - from the plans that I have seen, it involves an indoor bowling green and an outdoor bowling green on concrete slabs. I made some inquiries in relation to this, to see where else in Australia these sorts of facilities have been constructed.

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In response to my inquiries, particularly of the New South Wales Bowling Association, I was told that the only site that has any sort of indoor facilities - I understand that there are some others, but I have not been able to verify that - is at the bowling club at Tweed Heads.

Mr Speaker, up there they have a bowling green with a synthetic surface covered by a roof. There is no requirement for the roof to be held up by anything that goes across the bowling green. The bowling green is completely open; there are no piers or pillars whatsoever. The proposal that we are talking about here is to have a car park underneath, forming the floor for the indoor bowling green, and then for the roof of the indoor bowling green to form the floor for the outdoor bowling green.

It is very interesting that at Tweed Heads they required some 640 cubic metres or 1,510 tonnes of concrete to construct that floor to very strict tolerances. What we are talking about here is the requirement to construct both of those. The committee was presented with a small diagram that is headed "Forrest Bowling Club Indoor Green Plan" which provides for seven greens. The area for the greens is 42.2 metres square, by the look of it, give or take half a metre or so, and they have a row of columns up the middle and some columns up the other end. I believe that engineers will tell us that there are some difficulties in providing that sort of facility to hold up that sort of concrete - not once, but twice. That is what is concerning us and the community in relation to the ability of this proposal to be put into place.

All we are doing here today, Mr Speaker, is proposing and approving carte blanche a proposal for a variation to this part of Forrest without, I would suggest, any real and proper assessment of the viability of that project. As far as the bowling club is concerned, we are really talking about only an extra 150 members, on their own figures, being encouraged to come into the organisation as a result of having this indoor green that they say is so much needed. Many are concerned that there will be problems associated with that part of the project which will result in some difficulties.

It would seem to me and others that the whole aim of this exercise is to put a large number of townhouses on a very interesting block of land, without giving any real consideration to the planning principles that should apply. On that basis, Mr Speaker, I believe, as do my colleagues, and I hope other members of this Assembly, that we should reject this proposal that is put before us, send it back to the drawing board, and say, "Nice try, but have another look at it", and see whether we can come up with a proposal that is more in keeping with the area and the requirements of the community.

MR KAINE (Leader of the Opposition) (10.53): Let me make it clear that I am not here as an apologist for the Government; I am sure the Minister can defend himself on this issue. So, I do not intend to defend the Government in terms of the decision that it has made. I have a great deal of sympathy with some of the views that were put forward by Mr Jensen. We have here a question of competing interests. There are all kinds of groups of people who believe that they have an interest, direct or indirect, in what happens to the piece of ground that is currently occupied by the Forrest bowling club. Some of those interests are relatively strong and some are relatively weak; but in today's world people believe, reasonably, that they have a right to express a view and that that view should be heard. That was why the Planning Committee took on the task of having another look at this thing in the first place.

As I pointed out yesterday, the Planning Committee has no statutory role to play in this process. Indeed, given the tone of some of the letters that I have received in the last few days, I suspect that I, as a member of this committee, would have been well advised not to step into the arena at all, to let the Government's position stand and let Mr Jensen and the Minister argue it out. I do not believe that that was reasonable. I believed that there were views that had not been fully expressed, that had not been fully heard, and that the Planning Committee should provide a forum in which those views could be presented. The question is: What happens after that process has taken place? On the evidence that was presented to me at the committee hearing, I do not believe that the Government has done anything improper; I think it has acted in accordance with the law.

So, it becomes a question now not of whether it is legal but of whether there are other factors that should impinge on the planning process. Some of us agree that there are, and, after months of development, we put before the Assembly a new planning Bill that would change the process. Sadly, that change has not yet occurred, and it cannot occur until the new planning Bill is debated and accepted by this Assembly and passed into law by the Chief Minister. That could be done fairly quickly; but it depends on how long this body wants to take to debate it and on when the Government, in the final analysis, wants to put that new law into effect. There is a cost associated with that, and the Government has to make a budgetary provision, perhaps up to three-quarters of a million dollars in the remainder of this fiscal year, to put that law into effect. So, there are other considerations.

I do not believe that any argument has been put forward that approval of the redevelopment of the Forrest bowling green is improper or wrong. Nobody has said that, and nobody has said that this redevelopment proposal in principle should not proceed. Not even the strongest opponents, who oppose it on the grounds of a heritage

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interest or the density of the proposed residential development, have said that this redevelopment should not take place, irrevocably, immutably, positively. So, there is an acceptance that the lessees of the Forrest bowling club have a right to propose a redevelopment of the piece of ground over which they have a lease.

Dr Kinloch: I said yesterday that it was wrong.

MR KAINE: You are a latecomer to this argument, Dr Kinloch; you came into it only yesterday. I am talking about the people in the community who have a real interest, not just a political one. Where do we go from here? I do not believe that I have heard anything which would force me to take the view that I should be so far off course, as Mr Jensen suggests, that the Government should be told that its decision is wrong and that it should be withdrawn. I did hear evidence, however, to suggest that some people's interests were not properly taken into account or that they believe that to be so and that, if they believe it to be so, the Government has a responsibility to reconsider some aspects of this proposal.

I will not reject the Government's approval of the redevelopment; I think it has a right to make that decision, and it has done so. But there are two aspects to which the Government must now give very careful consideration. The first is the heritage interest in this location. I pointed out yesterday that no evidence was presented which suggested that the Government had even looked at the feasibility of restoring at least the building to its original condition and retaining it as a matter of heritage interest. Further than that, one of the greens is a matter of heritage interest also. It is not just the clubhouse; it is the clubhouse and the original green. What that does to the redevelopment proposal is a matter for consideration.

Even though I signalled that I will support the variation proposal - I think the Government has the right to take that decision, and they have done it properly - as the thing develops, the Government has to go back and have a look at this heritage interest and see whether or not it is physically feasible to restore that building and, secondly, whether it is financially feasible to do it. As the detail of the development is progressed, part of the approval process is to see whether this can be done. Then the club and its developer have to look at whether they still consider it viable to put their proposal into effect, given the constraint that the Government may impose.

Today, we are not approving a proposal that there will be a large building there, a bowling green some place else, and 26 townhouses. We are approving in principle a redevelopment. No firm proposal was put to the committee that says, "This is what we intend to do".

Mr Collaery: Why give a blank cheque?

MR KAINE: I am not getting into a debate with you, Mr Collaery; you will get your chance to talk afterwards. I am putting my view, and I think I am entitled to express it. I think I am expressing it in a very responsible and sensible way. I am talking about the competing interests that the Government has to take into account. Do not arbitrarily reject the rights and responsibilities of some people in favour of the rights of others. Look at the rights and responsibilities of all the players and come to a view that accommodates them all. I believe that it can be done.

I am impressed by the argument about the heritage aspects. There are clearly heritage aspects there, and a study needs to be done to determine whether they can be retained; it has not been done. I accept that argument that has been put forward. The Government has a responsibility to look at that before it proceeds to the design and siting stage of this proposal, to determine whether it is feasible and whether it can be built into the proposal in some way. It may even require some financing from government to ensure that that can occur, because I think it may well be unreasonable to say to the club, "This is going to have a price tag of \$5m, and you, the club, will pick up the tab, whatever the price tag is".

The second aspect of this which troubled people quite clearly, and they have a right to be troubled by it, is the density of the residential element that is proposed - 26 townhouses. I do not know whether this proposal is economically viable with nine townhouses or 10 townhouses or 50 townhouses. I am not qualified or competent to make a judgment; no evidence was presented to the committee which would help me make up my mind on that matter.

But it is a matter for the Government, as the detailed development proposal emerges, and design and siting becomes a consideration, to make a judgment as to whether 26 is a reasonable number of residential units to put on that block. A lot of people have a view that it is too much; a lot of people have the view that it will destroy the neighbourhood, and they may well be right; I cannot judge. But the Government has a responsibility, as it progresses this development through to the final approval stage, to take those two matters very carefully and very sensitively into consideration, and to recognise the fact that there are strong public views on these issues and that they should not and cannot be set aside.

There were other matters of concern - environmental concerns; the fact that there will be a licensed club there that could generate a lot more business than it does at the moment; that there will be an increase in traffic; that there will be an increase in noise level perhaps, but I do not know. With a club of 150 members, I cannot see the noise level increasing drastically, although I concede that it might. It is a legitimate concern. One that kept

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coming up was the inadequacy of the existing stormwater drainage system. I am not sure why that was brought up in the context of this development, because if it is inadequate now it should be fixed now, irrespective of whether this development goes ahead or not. They were legitimate concerns that people brought forward.

So, my purpose today is simply to say to the Government: I see no reason to ask you to withdraw your approval of the development in principle; but from here on, as the development proceeds, you must take these matters of public concern into account and you must accommodate the wishes of large sections of the community if it is physically and financially feasible to do so. I do not think those people in the community can ask for more than a sensitive, careful and honest consideration of their views and concerns. If the Government does that, I will be satisfied.

But I put the Minister on notice that I will certainly be watching how this project develops from this point on, to ensure that those interests are properly taken into account, that there is further consultation on these issues - and it is not too late for that - and that when there is a final physical redevelopment of that site the genuine concerns of all of the elements of the community have been taken into account and they are reflected in the end product.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (11.04): Mr Speaker, let me handle, firstly, the two major issues that have thus far been raised. I will take up Mr Kaine's point about the heritage implications of the proposed changes on the site. Mr Kaine's approach, I think, is one that we could all say is reasonable. We always regard heritage matters in the ACT most seriously, and this one is no less serious than any other. In the earlier stages I think there was probably some confusion or misunderstanding about the way that the heritage comments were made. Initially, when the proposal was being promoted before the variation went out, in the formal approach the Heritage Committee raised no objection to the proposal. Subsequently, when the variation was released, the Heritage Committee did comment that demolition is not appropriate. I think that tells us that we need to be a little more careful in our processes, to start with.

Subsequently, when the planners considered the matter, it was decided that the state of the building posed great difficulties for refurbishment and remodelling and, in the end, though that may have been able to be done, would not have provided the sort of club that one expects these days. Mr Kaine, I will take note of what you say, and I will ask for further consideration of the heritage value of the building. I will ask whether it may be possible to do some work to maintain that building, on that site or elsewhere,

whether it can be incorporated into the new proposals, and just what might be done with it. We will give you an assurance that there will be some further review of the use of that building and the practicality of maintaining it.

Mr Jensen raised the question of betterment and sought an answer from me, which I will give him, though there is yet some definition to be established. Under the formula that was established when Mr Jensen was part of the Alliance Government, the betterment charge in this case will be either 50 per cent or 80 per cent, and that depends on the interpretation that we give to the time when the application was lodged. If we deem that the application was lodged before 20 February, the betterment charge will be 50 per cent; if we deem it to be after 20 February, the betterment charge will be 80 per cent. I understand that 20 February is the date on which you brought in the new formula for betterment. At 20 February there were negotiations about changes, I am informed, between the club and the planners; but there may have been no formal application.

Mr Collaery: We wanted a formal application. That was the cut-off.

MR WOOD: That was the cut-off? So, it depends now on how the Government interprets when an application was made. That was your interpretation. We will look at the matter, and we will make our interpretation of that cut-off point. It is obviously a very critical matter because the amount of betterment will be quite substantial. Mr Jensen, that is the answer at this stage. We have not yet determined, as we look at the documentation, just when that application was made.

As to the proposal that clubs should never change, over quite a long period a number of our clubs have changed, and they have changed in a variety of ways - not necessarily the same way as this one, because this is a new proposal that is unique. Do not forget that this is a growing city. This is a city that is in no sense static, and change, I am afraid to tell people, is inevitable. We do permit clubs to change the nature of what they do, to change their leases and to undergo rebuilding and development in new ways that will be to the advantage of the club and the community. In this Assembly you will soon be considering a proposal by the Southern Cross Club for very significant change in the Phillip area. I am sure that we do not automatically rule out change around clubs, unless of course it is change around clubs in particular areas, and I will come back to that one shortly.

The proposal itself, I think - and I am sure that the Assembly members will agree - is an innovative one and, with that, a sound one. If we could isolate the proposal from any suburb, from any parcel of land, we would say that this is good. I, for one, believe that indoor bowls - synthetic lawn bowls, I expect it would be - would be a

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very sensible proposition and one that would be well supported in Canberra's climate. The construction of townhouses is very popular in Canberra today; nobody denies that. From memory, I think they have something like 40 per cent of the market now. It is an area of high demand. So, the proposal, to convert an outdoor rink into an indoor one and to build townhouses, is sensible. Of course, we have to ensure that it is soundly planned, and I have no doubt that that will be the case. Plans were amended - not to Mr Jensen's satisfaction - as a result of the process of consultation. He was not satisfied that they were amended enough, although, I suppose, if you are against a proposal nothing would be enough.

The Chief Minister has stated emphatically, and I will state it again today, Mr Collaery, that this is not going to be a convention centre. We will see to it that in no way can it be thus used. Certainly, it will be a social centre, and it can be legitimately used for that purpose. The suggestion that somehow the bowling green could be changed to seat a large number of people may be true. The possibility is there, but we will remove that possibility in the requirements that we place on the club.

On its own, let me repeat, separated from any other community consideration, this is a sound proposal; I do not think anybody will contest that. It has been made clear that due process has been followed. It was out in the public arena; it was amply debated. The Assembly's committee looked at that process and determined that all proper actions were followed; there was no problem with those. So, in the consideration everything was done properly. In the end, it comes back to a simple matter of judgment. I think all members will agree that the essence of this argument is: Is this proposal suitable for that suburb of Forrest, and perhaps that particular part of that suburb? Does this proposal belong in Forrest? Would we be having the same argument if the proposal were for Kambah, or my suburb of O'Connor, or Mr Moore's suburb of Reid?

Mr Moore: You bet you would.

MR WOOD: Mr Moore said that we would. This raises a most interesting question which relates to many of our arguments on planning changes, and that is location. I maintain that I would put nothing into the suburb of Forrest that I would not put into the suburb of O'Connor or, to put it the other way round, if it is good enough for O'Connor it is good enough for Forrest. (*Extension of time granted*) Our suburbs in Canberra have generally been designed, and in recent years have always been designed, to cover all spectrums of society. There have been some exceptions to that, but in general Canberra is planned as an egalitarian society. I have never heard any argument about that, except maybe when residents of Reid get a little stirry about some matters, or residents of Forrest in this case.

That is the essence of the argument: Is this suitable for Forrest? My argument is that it is suitable for any suburban part of Canberra. The proposal matches up in all respects; it is suitable for Canberra, and it is also suitable for Forrest.

MR MOORE (11.16): One cannot help wondering what has changed in relation to the former Labor Opposition since they have come into government.

Mr Duby: It is called accepting responsibility.

MR MOORE: It is called being a chameleon. The precedent for this particular sort of development has been set in Braddon. There was a proposal for a similar style of development on the Northbourne Oval on which a club had been given a lease for a particular purpose, a sporting purpose, because it was suitable for the community as a whole; it was in the community interest.

The competing interests that Trevor Kaine talks about are, as he sees it, the interests of the members of the club compared with the interests of a few members of the local community. This has been reiterated by his colleague Bill Wood. So, Trevor Kaine and Bill Wood are working together to present this particular development as though the competing interests are those of a single club competing with those of a few local residents. This was reiterated again and again by Mr Wood in the last few minutes. That is not what the argument is about at all, as far as I am concerned.

Let us go back to the principles upon which our leasehold system operates. No doubt, members have heard me speak on this issue on many occasions in this chamber. The simple principle is this: Should those people who were given the land to use in a particular way now be allowed to make a huge windfall profit by using the land in an entirely different way, from which the community sees little or no interest? What exacerbates this particular problem even more is that in this situation the land was provided for sporting purposes to suit the community as a whole and there is a sporting body next door that has given a clear indication that it could use the land if the bowling club no longer wants or needs it or if they cannot sustain it.

The truth of the matter is that the bowling club can no longer sustain or use that land which they were given to use as a bowling club. They cannot do it because they do not have the interest of the members to provide the financial support. Yet next door there are 700 or so members of a tennis club, who can and do provide the sort of support that has improved their facilities significantly over the last little while and who have a specific interest in the land.

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What is the motivation to redevelop this site in Forrest to include 26 prestigious townhouses, at a cost of some \$3.3m? If we were to sell those townhouses, of two storeys plus the basement, what would we get? If they were three-bedroom units in Argyle Square, you would be looking at \$200,000-plus. Let us be conservative and say that if they were in Argyle Square in Reid they would bring in \$200,000. So, 26 at \$200,000 is \$5.2m. On a \$3.3m development, there would be roughly \$2m profit. But it is not in Reid; it is in Forrest.

So, it would probably still be quite conservative to say that with two- to three-bedroom houses there you could expect to pick up \$300,000. I think that is very conservative. If you calculate that out, you are talking about \$7.8m, or \$4.5m profit. That is not a bad motivation. If you build three- to four-bedroom units, and they are really topnotch, you may even bring in - it is not beyond the imagination, although it is not conservative - \$400,000 per townhouse; then we would be talking about a profit of \$7.1m.

What is driving this is profit. The critical part - it is a part to which Mr Wood drew attention - is that it depends on exactly where they are located. Those same townhouses located in one of the other areas that Mr Wood mentioned may be worth \$150,000. But let us say that they are worth some \$400,000 because they are in Forrest. There we have what is known in most areas as speculation. It is blatant speculation, not on the building - they are entitled to make their profit by putting up buildings and selling them - but by making a profit from an increase in the value of the land. Let us halve it and say that they will make a profit of \$3.5m from the increase in the value of the land.

We halve it because we are going to charge them a 50 per cent betterment tax. That is how it would appear. Mr Wood mentioned that there are other possibilities there, but it looks at this stage like it will be a 50 per cent betterment tax. We would get a \$3.5m loss to the community; that is what we are talking about.

Mr Wood: Where is the money going?

MR MOORE: Where is the money going? I think Mr Wood has asked the most pertinent of all questions. Certainly, some of that money is going back into the development of the greens and the development of the bowling club. I pointed out that that was the extreme case, on \$400,000. But let us say that it is only \$1m that we are talking about, so we are talking about a profit, after betterment tax, of \$500,000. What sporting body in the community would not like to put their hand out and say, "I would like to have \$500,000, community, please"? That is the reality of what we are doing here.

Many will argue that, even if we charge 100 per cent betterment tax, which I have always said that we should be charging, the valuation will never deliver to the community the real value of the land, because the valuers are always employed by the developers, and they want to be employed again. As much as they like to remain impartial, because of the way we work our system, there is a great pressure on valuers in order to make sure that their valuation, shall I say, favours, if you have an extreme - because I am not suggesting corruption - a lower increase in the value of the land.

That is what we are talking about, and that is what the community interest is. If we are going to have the land redeveloped, how can the community get its interest? If this land is to be redeveloped, the bowling club no longer needs or wants it or can use it; so let them hand it back to the community and let us, as a community, hold it.

Mr Duby: Let us build 50 townhouses on it.

MR MOORE: If we do want to redevelop it - Mr Duby says if we want to allow 50 townhouses to be built - let us auction the land. If townhouses are to be built, that would be the appropriate case.

But, before we do that, let us determine whether we think there is still some appropriate sporting interest in that land. I would argue that there certainly is, and it is very strongly presented by representatives of the Forrest Tennis Club, who have written and explained that they could use it as an active and vibrant club. In recent years, they have built a new tennis pavilion, which was completed in 1983, using an \$18,000 grant and about \$35,000 of their own funds; they modernised court lighting in 1985, using \$24,000 of their own funds; and synthetic surfaces were laid on four or five courts in 1989, using \$74,000 of their own funds. Next door, there is an active and vibrant club that can use this land. If we want to be sensible in this, the appropriate thing to do at this stage is to deal with this in exactly the same way as we dealt with Northbourne Oval, and that is to send it back; reject it.

DR KINLOCH (11.26): I would first like to declare an interest. As Mr Kaine has suggested, there is a range of interests. I have had an interest in this matter for many weeks; I do not remember how many weeks. The Residents Rally as a group has been involved with this issue. Furthermore, I did not come into this issue yesterday. About three or four weeks ago I received a letter from the chairman of the Forrest bowling club. I replied to that letter, inviting him and members of his club to come and see me so that I could explain to them what I hope I can now explain to you.

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My interest, then, is as a member of this Assembly representing the people not only of Forrest but of the entire ACT, the entire community, as we all do. To follow along Mr DUBY's point, this is the case for the Hare-Clark system and for a large-scale composite electorate. The three of us have taken up the case of the Forrest bowling club not because we are the single members in that area but because we believe it important for all the people of Canberra.

I also believe - I want to put this very strongly indeed and I hope that there is a member of the Forrest bowling club here - that I represent the best long-run interests of the Forrest bowling club. What are those long-run interests? They are to be worthy members of the ACT community and of the Australian community. They are not to be selfish accruees of high capital development at the expense of the community. They would be ashamed of themselves to be that. I am helping them not to be that.

We need to say to the members of the Forrest bowling club, "Look what you are doing, mates; you have been here, some of you, 30 or 40 years; you know the merits of this city, the merits of the leasehold system, of a system where communities are given grants and then make use of those facilities for the benefit of the community. Look, mates" - I want to say to the Forrest bowling club - "what are you doing? You are feathering your own nest. You know that that is wrong. Can you look in your spouse's face, can you tell your children that what you are doing is right? Can you tell the fellow members of your Forrest community that what you are doing is right? What about the people of Kambah, of Tuggeranong, of Ainslie? They also are part of the community. What you have is a community facility".

I would like to appeal to some of the strongest principles of the Labor Party, principles to do with effective and fair-minded social planning, whether you call that socialism or not. I think that word is in many ways passe. Let us call it effective and fair-minded social planning for the benefit of the entire community, not for the benefit of one small group in one small suburb; neither for the benefit of land developers, nor for a few people with a vested interest.

I ask the Labor Party to uphold the concept, so central to Canberra's life, that public land should be leased in the public interest for community use, schools, churches, and sporting clubs in particular. I ask the Labor Party to support the view that, if a school or a church or a sporting club, or whatever organisation, ceases to carry out the community functions for which the lease was originally given, then the one-time school, church or club should return the land to the community, to the people.

It would be a noble thing for the members of the Forrest bowling club to say, "Look, we are too old; we are not bowling any more". I do not know whether this is right. If it is not right, let them tell me. "We do not need all that land; we give it back to the people of Canberra, to the community". That would be a noble thing for them to do.

I do not believe for a moment that the essence of the debate is whether or not this is a viable project. I would like to set aside altogether the question of 26 townhouses or 50 townhouses, or whatever. There is a piece of land which is part of the heritage of the community. The heritage in question here is not a small 1927 building, if that is what it is, with white ants. Obviously, there has been bad management of the Forrest bowling club, or they would not have white ants. Maybe there has been another type of white-anting. The essence of the debate is not about that; it is the heritage of that part of Canberra for the whole of the community of Canberra. I find it so hard to believe - Mr Moore used the word "chameleon" and I thought he was being kind - that the Labor Party, of all parties, could possibly accept this obscene proposal, to use Mr Jensen's words.

I ask that that land be returned to the community, to the people, for rezoning, releasing and reorganising in the public interest. Of course I agree with Mr Wood that this city is in the process of change. We are not some kind of museum. That land, though, once alienated from purposes for which it was intended, can only with great difficulty be changed. If 26 townhouses were put on it it would be very hard to pull them down again. Here we have a piece of land which is for community use, for sporting use, and that should be the prime object of our interest here. What is it in Labor Party policy that could possibly justify the misuse of a community sporting facility?

MR COLLAERY (11.32): I endorse the comments of my colleagues Mr Jensen, Mr Moore and Dr Kinloch. I have grave reservations about the comments made by my colleague Mr Kaine, and serious concerns in particular about some comments made by Mr Wood. I will deal with those.

Mr Jensen moved a motion to disallow this draft variation to the Territory Plan. I foreshadow moving an amendment to Mr Jensen's motion in a few moments. That amendment will be circulated when it is finally prepared by the Clerk. In the meantime I want to set the climate for this decision making process that led to this divisive issue in the community.

The climate, of course, is that we do not have, at this stage, a permanent appointee, with tenure, as Territory Chief Planner. That is a very important issue in any society, particularly a planned society such as this one. There are inevitably questions about the overdependence of a temporary incumbent and the overdependence of a Territory

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Planning Authority when its administrative and financial resources, and its own decision making processes, are not led by a person with absolute independence as the drafters of the legislation and the framers of the interim Territory legislation agreed that that position would have. So, community confidence in the process is not established from the outset.

It was not assisted at all when we learnt that a senior public servant had directed the Territory planners not to attend a couple of meetings because they were "politically inspired". Whether or not that was substantively true, the issue that was most important and of great concern to the Rally over that was that such an official could purport to direct the acting Territory planner. We wait to hear comments from the Government as to whether any such instruction was given in relation to Forrest and the Manuka issues.

The weakest arm of the Planning Authority at the moment is the political interference with the process by all of us. Developers complain about log jams and the planners are the meat in the sandwich. We first started these processes in 1986 when I got involved in some of the original discussions - it is just like *deja vu*, this meeting - called by Jill Lang with ourselves and CARD and Mr Moore. Some of us are sitting here hearing a rerun of all that led to the widespread community concerns in 1986, through 1987 and so on, that led to some of us being in this chamber. What hope do we have when those who serve this Government know the manner in which there is a level of cronyism in political appointments?

Only the other night, at a sports summit, Mr Berry indicated very clearly that he would appoint a sports council; that he would not be the tail. Someone talked about a tail wagging the dog. He said, "Well, I will not be the tail". He said, and I have it recorded, "We will appoint people acceptable to the Government". He meant that broadly, of course.

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Grassby): Mr Collaery, I think you had better keep to the point.

MR COLLAERY: Thank you, Madam; I believe that what I am saying is very appropriate. Nevertheless, I am concerned about other possible appointments in the public service, or temporary appointments in the public service, widely known and discussed, which put a general fear among the public service at the moment about their own independence and their own security.

MADAM TEMPORARY DEPUTY SPEAKER: Mr Collaery, you are not keeping to the point.

MR COLLAERY: I imagine that I am not, Madam Temporary Deputy Speaker. I will desist. I believe that I have made my point. That is the climate in which this decision making process operates. Then add to that a lobbyist who served five Federal Ministers, Mr Paul Whalan, who inhabited the corridors of this Assembly constantly during one week and, as was conceded in question time, ambushed his former Assembly colleague Mr Bill Wood on this issue. Someone of that skill, someone of that negotiating standard, is a very influential force to have about the Assembly. I wonder whether residents of Forrest had the same access and had the same ability to influence the Government, Mr Kaine, and any others that he spoke with. That is another issue about the climate.

The final climatic issue is that we are still denied, as Mr Moore said, the possibility of putting local ideas into the urban design process. They picked a beauty here because the cream of urban design consciousness seems to be involved in the Forrest protest. There were some suggestions during the hearing, particularly by Mr Kaine, that the Residents Rally had stirred this one up. No such thing. The Rally simply helped groups coordinate and walked away from the process. Those people involved include some of the foremost lawyers, town planners, architects and conservation architects in this nation, certainly in this Territory.

There is, of course, a total denial of that intellectual strength. Those who heard Professor Judith Brine speaking to the committee would be ashamed to think of how it was brushed aside. It was not brushed aside to one extent, however. Mr Kaine accepted on behalf of the Liberal Party that he had serious concerns about the old clubhouse and the original green. Well, we will put him to the test now. I come to Mr Kaine's contribution to the process. He indicated that, sadly, the planning changes have not occurred yet; that the new legislation is not in place; that this fateful decision, therefore, takes place under no improper or wrong procedures but under the anachronistic procedures, and that the Government has done the right thing. I imagined that I was hearing a government spokesperson talking at that stage and I was concerned.

The fact is that it is very open to Mr Kaine, with the power he has, simply to reflect the spirit of the incoming legislation and accept that these residents and the community at large - as Dr Kinloch indicated, because we all have a share in this issue - are being overridden. I call upon the Liberal Party to apply the spirit of the legislation which, in a couple of hours' time, this afternoon, they are going to support. I heard Mr Kaine supporting it on the radio this morning. Why not apply the spirit now and worry about the letter later, or never, because the letter of the law, as we all learnt in urban protests in this city over the years, to our great financial cost and personal detriment, is no protection.

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The fundamental error of Mr Kaine's submission was that he talked about due process. Due process knows not merit. It is the merit issue about this matter that has not been examined.

Mr Kaine also said that the Government had not looked at the heritage issue. Clearly, he found fault in the process, but he did not believe that the heritage issue justified his party supporting the overall disallowance motion moved by Mr Jensen. Well, he now has the choice. He had two bob each way a few minutes ago. I now move, Madam Temporary Deputy Speaker, my amendment to the motion moved by my colleague Mr Jensen. I move:

That the following words be added to the motion: "by so much of the draft variation to the Territory Plan as embraces the clubhouse and the original green as depicted on the sketch annexed hereto".

MADAM TEMPORARY DEPUTY SPEAKER: Do you wish to speak to the amendment?

MR COLLAERY: I do, indeed. Mr Kaine used the words, "We are not approving. We want the Government to relook at it". I was pleased that he said that, but it seemed very equivocal. Those of us who want to protect our marvellous city - I stress, our city; this is simply not an issue about Forrest residents and their own amenities - now have a chance at least to compromise on the issue and preserve the clubhouse and the original green, as suggested inferentially and quite clearly by Mr Kaine.

The next point made by Mr Kaine was this. He said, "We are also not approving the final plan; we are not approving how many buildings go on the block". Well, I hate to tell you the truth; but the fact is, as I have learnt in building challenges, and as Mr Kaine heard from Mr Ian Nash of counsel, a very competent administrative barrister in this town, in the committee hearings, that there is no right of review of design and siting approvals under the Buildings (Design and Siting) Act 1964. Mr Moore nods, as he well knows. That is the king-hit. The fact is that it is totally misleading to say, "We are not approving". If you do not support this in this Assembly, either in its original form or as proposed in the amendment, you will give a blank cheque to this Government, and you know the background to who is driving this Government. (*Extension of time granted*)

I am indebted to members. Mr Kaine hopes that there will be a compromise and that there will be a reduction in the number of townhouses on the block. The only certainty in this process is that there will be a reduction in Liberal votes in the Deakin, Forrest and adjoining booths. That is the only certainty that is going to come out of the Liberal decision today on this matter.

I want to put clearly on the record that, if this is the attitude of the Liberal Party to these issues of fundamental concern to us residents who do not particularly want to be professional politicians and who have come in here to put these issues, then I am afraid Mr Kaine will loiter forever on the back benches. He knows that his only chance of gaining the government again is probably with us. I warn him - and I say it quite publicly now as leader of the Rally - that today, I am sure contrary to the wishes of even his own party room, he has taken a fateful decision.

Ms Follett, of course, is extremely happy to hear these words. It was very shrewd of the ALP to run this whole issue. They are not risking their own booths in that area and they have led the Liberal Party over the shoals. Mr Moore smiles because he is one of the best tactical shrewdies in this Assembly. He knows full well what a shrewd move the Labor Party have made. It probably fits with their whole process of supporting the Liberal Party to lead the opposition in this chamber when we in fact won that role in a fair democratic vote, as Mr Doby knows.

I come to the betterment issue. I am very concerned to hear Mr Bill Wood, one of the most honest politicians you will ever meet, suggest that there can be any equivocation on the betterment charge this group may have to pay if this unfortunate development is approved. The approvals given by Mr Kaine as Treasurer, the announcement approved by the Alliance Cabinet, and the law that therefore flows from that, administratively, used these words, among other matters, in an announcement made for all new applications received after midnight, 21 February 1990: "All new applications for site subdivision lodged with the Government for other lease purpose clause changes, et cetera, et cetera".

How Mr Wood could possibly suggest in this Assembly that there is some room to manoeuvre to let this group down off their 83 or 86 per cent, on my calculation, that they will have to pay in betterment charge I do not know. I trust that we will hear further from the Labor Party on that issue too. We never do; they never respond to these issues that we raise in debate. There is an equivocation where the rules are very clear, and this is the equivocation we got used to under Federal Labor for years in this town - the sleazy manner in which developments insinuated themselves into our communities through this central city centre and the rest.

It is a very fateful day and the media can carry the story. There is the klaxon sounding for the Liberal Party - it is dive, dive, dive from here on, Madam Temporary Deputy Speaker. That is the way it is going to go for them because they have chosen to oppose the community, ironically in one of their strongest bailiwicks. They will know the outcome of that.

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Finally, Madam Temporary Deputy Speaker, I was astounded to find that the lease that the club currently holds is a CALO lease, a lease under the City Area Leases Ordinance. It was converted, for reasons we do not know, in 1982 to a 99-year city area lease. How did the original 1927 lease get converted? We would like to hear something about that from the Government. It has the files. Was this another of the conversions that occurred in the late 1970s and 1980s? Why did it occur? What was the basis for it? Was there a simple reason for it? Or did it really extend ownership and give further proprietorial rights under the City Area Leases Ordinance?

You will recall that the Government set different standards on concessional leases from city area leases. That is another issue to do with the betterment issue alluded to by Mr Wood. How did that happen? Is the bell already tolling for other areas we believe to be community open spaces? The only way the community is going to answer this is by taking the objects and purposes of the bowling club and joining the bowling club. I now call on everyone who wants to save that jewel in the centre of Forrest to join the Forrest bowling club, democratically join it, and vote out those people who want to destroy their own environment.

MRS NOLAN (11.48): Madam Temporary Deputy Speaker, can I say at the outset that it is not very often that I agree with Mr Collaery - he has left the chamber - but in relation to the comments he made about the Liberal Party perhaps he is just right. However, I do have to say that there are particular issues on which I do not agree with him in relation to this matter. My concerns relate purely to heritage matters.

I am in no way against development or a proposal for the redevelopment of this particular site. All I want to ensure is that a review is carried out by the Planning Authority, not the Planning Committee of this Assembly, regarding the heritage Act aspects of the clubhouse and the original green. I think it is absolutely essential that they should be retained and kept in the development. No assessment was done by the Planning Authority regarding the heritage aspects of the existing building and the original green.

I do not consider that any of us in this chamber should be discussing whether the proposed plans are appropriate, regarding columns or even perhaps the number of townhouses. I do not think any of us are qualified in relation to those particular issues. We should be concerned about ensuring that proper consultation has taken place, that all residents' views have been fully considered as well as those of the bowling club members and the tennis club members, and even, obviously, the views of the wider Canberra community.

Mr Kaine spoke a lot about the heritage aspects of this site, and I was also pleased to hear the Minister, at last, address the heritage issue. In fact, it now appears that Mr Collaery's amendment will enable members to give that full consideration. I mentioned earlier that it is not up to us to determine whether or not the number of townhouses is appropriate, or the columns, et cetera. Mr Moore has spoken a lot about profit. Perhaps I should remind Mr Moore that "profit" really is not a dirty word. There is absolutely nothing wrong in somebody making a profit out of the development.

Madam Temporary Deputy Speaker, I do not know whether the state of the building allows it to be retained, but that is really what we need to know. I do not think enough work has been done. Change is inevitable, as Mr Wood has stated; but I certainly do not rule out change, in particular, around clubs.

A proposition for indoor lawn bowls gives Canberrans in our climate a sensible alternative. I am a great supporter of sport participation by all in our community, and an indoor bowling rink would, I believe, attract more members, and certainly more participation by members more often.

I do not consider that this debate today is about suitability; it is about the preservation of our city's heritage. If that happens, I am more than happy to support the proposal. I do not think it has happened at this stage, and I will not be supporting the variation.

MR DUBY (11.51): This has been an interesting debate in a lot of ways. As far as I am concerned, what I have heard today from the vast majority of speakers on this matter has been nothing but a lot of emotional claptrap. These people maintain, somehow, that development of the Forrest site would be in contravention of something. I am absolutely amazed, I must add before I go on, that no-one has mentioned the spectre of Walter Burley Griffin turning in his grave at this proposal. Usually, that comes up in debates of this nature about the grand vision of our founding fathers.

As Mr Kaine said, and said quite clearly, both in his report yesterday and in his comments today, there is no reason, in principle, for this proposal to be withdrawn, and there is no doubt whatsoever that the due process has been followed. As he said, the whole thing boils down to a matter of judgment.

I can sympathise with the people who live near the proposed redevelopment of the Canberra Bowling Club who have been to see me and spoken to me in quite lucid terms about it. It might be interesting to know that they are not opposed to the development per se, which I think some of the members of this Assembly are taking on a theoretical basis; in their view, the development of some 26 townhouses on that

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site may well spoil the ambience of that area. That, in effect, I am sorry to say to those folk - I know that they are here in the parliament today listening to this debate - boils down to a matter of judgment.

I personally am not an expert in landscape architecture or in the type of work that would be involved in obtaining the best usage out of a particular piece of land. Such people work, I believe, within the planning areas of various departments. They have set guidelines for development of this site. From all that I have been able to learn and discover, the proposal meets those guidelines in every respect.

It then boils down to a matter of judgment, from those who are opposed to the scale of the development, as to what is an appropriate level of development for that site. I think of a number of matters simply involving judgment. Whilst I was Minister for Urban Services I was continually being criticised by persons who would mention, for example, pink pavers in Civic. It was a matter of judgment, in their view, that the pink pavers were not appropriate for Civic, that the pink pavers did not meet their particular requirements.

Mr Connolly has a smile; undoubtedly, he has had the very same comment made to him. In my view, they do meet the requirements of Civic and they are a cost-effective way of doing whatever needs to be done in the town. They meet the guidelines set for street coverings. That some persons do not particularly like the design, the size, the shape or the colour of the pavers does not mean that they are an abomination. But some people feel strongly that that is the case.

I personally have grave doubts and grave concerns about the design of the darling of Mr Jensen, the Tuggeranong Town Centre. I personally have doubts about whether it is a fitting design for a modern city in terms of the concept of the supposed federation country-town style. I personally do not particularly enjoy that look. Some people think it is terrific and it has undoubtedly won architectural awards. It just falls down to a matter of judgment.

The prime example we have of something like that was brought home to me last week when I was attending a function at the Telecom tower. The Chief Minister attended, along with the Federal member from the Northern Territory, Mr Snowdon, who assists Mr Beazley. They both confessed while they were at the function that they had led the protests back in the early days of trying to stop the bulldozers from being involved in the construction of the Telecom tower on Black Mountain.

At the time many people felt that the Black Mountain tower was an abomination. Some people still do, I am sure; but it falls down to a matter of judgment. Mr Kaine is appropriate and is right in saying that, as far as this development goes, it has met all requirements laid down by law. It then boils down, as I said, to the set of values which people have.

We have heard a lot of comment that the club should not be allowed to make a profit from turning a sporting lease, in effect, into a profit-making venture which will get the club into viability. The answer has been put by Mr Moore; that if they cannot make a go of the bowls club they should relinquish their lease and hand it back to the Government, and the Government can then determine what it will do with the site. What that would mean, of course, under the proposals and usage for that site, is that the site would immediately go to public auction. Instead of having 26 townhouses there, we would probably wind up with something like 40 because of the various issues involved with the development of the whole site.

I have also heard some absolute nonsense spoken about the heritage value of the Forrest bowls clubhouse. I wonder how many people in this place have actually been to the clubhouse and had a good close look at it. Just as people like Mr Moore, Mr Collaery, Mr Jensen and others claim to be experts in what is good in terms of planning and what is bad in terms of planning, I personally have as much entitlement to my opinion as to what is good in terms of heritage and what is not.

Frankly, the sooner the Forrest bowling club is knocked over the better, as far as I am concerned, and I make no apologies for stating that. It is an outmoded, inefficient building of the 1920s. Whilst some people might get a warm inner glow from looking at a building which is not suited to the needs of a modern establishment and thinking how much it attracts and adds to the supposed ethereal values of the ACT, I certainly do not. I will certainly shed no tears if and when the Forrest bowling club is knocked over.

I am sick and tired of hearing about how a community asset is going to be lost when and if this development goes ahead on the Forrest bowls site. I can tell you now that there is nothing community about the bowls club. Those who like to think of it as a community asset should try to go into the bowls club and throw a ball down the rink and see how community it is. It has never been a community asset. It has always belonged to a small select group of people and it is not there for general use by the community at weekends, or whatever, for whatever purpose. It is a private facility. Unless you are invited there, you cannot get in and use it. To say that it is a community asset which is being destroyed is, frankly, a lot of claptrap.

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I am concerned also by the comments made by Mr Collaery in terms of the whole process that has been followed in this proposed redevelopment. Let me say that I have absolute faith and every confidence in the good offices of our planners and of the system that has been followed. I certainly was not impressed by the imputations that Mr Collaery was putting into his speech about there being some supposed black hand operating in this whole process, that there is a small cartel or a large cartel of people who are thwarting the system for their own personal gain. I certainly find that quite preposterous.

I was particularly distressed by what I perceived to be an attack on the current Chief Planner. Whilst I have never worked with the person professionally, I have absolutely no doubt in his ability, and I have every confidence in the ability of the whole Planning Authority to do their job thoroughly.

The arguments that have been put up today, I think, are shallow. I think they are political arguments. I have real reason to believe that this whole point has been taken up because there has been a genuine community concern about the development. I do not dispute that and I sympathise with them. But I think a lot of people have tried to jump onto a band wagon. It is an attempt to somehow embarrass the Liberal Party in what is considered to be their heartland, and I do not support it. We should be looking at the issues and not at the personalities and benefits to be gained from particular subjects. I do not support Mr Jensen's motion and I do not support Mr Collaery's amendment.

MS MAHER (12.02): I have no objections to the draft variation in relation to its change in the land use. Having spoken to some of the residents and having read the summary of comments on the public consultation, I note that many of those residents do not object to the draft variation in respect of the land use. What they are objecting to is the heritage issue and whether the density of townhouses and the scale of development are appropriate to the area.

I think that Mr Wood has given a guarantee that he will investigate further the heritage issue and whether the clubhouse and the original green can be saved and utilised. I feel that that is a very important issue. It should be investigated more. I am no expert either on whether 26 townhouses is too dense; but I think it needs to be looked at, considering the comments from the residents of Forrest and the surrounding area.

I agree, as Mrs Nolan stated, that providing an indoor bowling green enables the community of the ACT to have an increased choice as to what sporting activities they want to be involved in. That is very important also. From my understanding, there has been full consultation on this issue and the views of residents have been taken into

consideration; but I certainly would like the Government, before going ahead with the design and siting approval, to take into consideration the views of the community with regard to the clubhouse and the number and density of the development of the townhouses.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.04): We have had some very measured and calm speeches and remarks this morning from people like Mr Kaine, Mr DUBY and Ms MAHER, basically reiterating that the process has been gone through; there has been extensive consultation; there is nothing improper about this process; and there is no reason why we ought to throw this out. I noted that Mr DUBY, towards the end of his speech, said that he suspected that this was more about a bit of a political stunt to try to embarrass the Liberal Party than anything else, and I will just leave those remarks of his as noted.

One of the problems is trying to change the rules of planning or development halfway through the game, and we seem to see the Residents Rally trying that time and again. I noted in the report handed down yesterday of the committee that examined this that there was a dissenting report suggesting that we pull in what will be the law for a one-off proposal, for this development exercise. That really is changing the game halfway through. That proposal makes no sense at all.

Now we see a rather peculiar amendment. I got up more to invite a response on this than anything else, so that my ministerial colleague Mr WOOD can give the definitive government response. We are really at a loss to understand what Mr COLLAERY's amendment is all about. It seems to us that they are saying that they want to put a wall of protection around one area, that is the original clubhouse and green. Numerous speakers have addressed the heritage issue and the problem of trying to get that back to original condition. Mr WOOD has indicated that the Government will look at that. As Mr Kaine says, nothing is cast in concrete about what will appear here; there will be a design and siting process, and there will be sensitivity to the views of local residents.

All that Mr COLLAERY's amendment would seem to us to do, and I would be interested to hear a rebuttal of this, is that it will quarantine part of the site; and as for the rest of the site, whether it is 40, 60, 80 or 100 townhouses, they do not really seem to care. For some reason they are obsessive about keeping one part of the site. As for the rest of the site, that is somebody else's lookout. That, to us, seems to be a particularly senseless amendment. It really adds absolutely nothing to the debate.

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The point has been raised by opposition speakers, and acknowledged by the Minister, that there will be sensitivity at the design and siting stage. That should satisfy the concerns. This proposal to simply quarantine part of the site and disallow the variation in respect only of the clubhouse and the original green, to us has all the hallmarks of a proposal that was thought up on the floor and put into debate without running through all the consequences. It means, as far as we can see, let her rip for any form of development on the bulk of the site as long as you save a part of the site, and that makes no sense at all from an urban planning or amenity perspective.

The more sensible course, as the Government has indicated, and as have a number of prudent speakers from the opposition benches, is to allow the variation to proceed. I am sure opposition members will closely monitor, as no doubt will members of the Labor Party, the design and siting process as this development begins. It may, in fact, mean that we can actually have some construction activity in Canberra, and that is a good thing from everyone's point of view.

MR KAINE (Leader of the Opposition) (12.08): I would like to speak briefly to Mr Collaery's amendment to the original motion. Mr Collaery made a fine political speech; but, if anybody seriously listened to what he said and changed their vote from the Liberal Party to the Residents Rally on the basis of that, I would have to question their sanity. The Residents Rally have demonstrated for nearly three years now how unstable they have been in government and out of it, and that mostly they cannot deliver on their promises anyway. If we are going to get into a political debate I will cross swords with Bernard on the political issue any time. I think he will lose, and he will lose at the ballot-box as well.

My problem, Madam Temporary Deputy Speaker, with Mr Collaery's proposal is that it does not solve the problem that he attempts to solve. Merely excising one-quarter of the block from the development proposal, which is what this would do, does nothing. It does nothing for the heritage value of the property. He says nothing about whether it is physically or financially feasible to restore - - -

Mr Collaery: You just expressed concern for the heritage.

MR KAINE: Of course I expressed concern about it, and I am concerned about it. Simply excising that quarter of the block from the variation proposal is a nice political ploy, but it achieves nothing. This is the point that I am making, Mr Collaery. I would like you to tell me, if you can, how taking a quarter of the block and excising it from the variation proposal achieves one jot of success in preserving the heritage value of that property or contributing in any way to the viability of the redevelopment proposal. It does nothing. Quite frankly,

what your amendment proposes would impose such physical constraints on the block that no redevelopment of any kind could occur - no redevelopment in the interests of the bowling club and no redevelopment in the interests of the community.

You would prefer to see this site sit there and disintegrate, and become nothing but an eyesore, in preference to seeing somebody doing something about trying to redevelop it, to maintain the amenity of the club and to maintain the amenity of the area for the residents who live there. So, it was a nice try, but it does not achieve any useful objective whatsoever. If your political speech was intended to prevent me from taking the course of action that I indicated that I would take because I might succumb to some threat of losing a couple of votes in Forrest over the issue, you are quite wrong. This is a much broader issue than just Forrest.

Some people have made much of the fact that not all of the members of the bowling club live in Forrest. I would make the point that very few of the 700 members of the tennis club live in Forrest either, yet that has been put forward as a profound argument as to why we should somehow take the interests of the tennis club into account over and above the interests of the bowling club. The argument in respect of each of the clubs is the same if residence in Forrest is the criterion that is to be adopted.

I would have thought that if Mr Collaery had anything other than a political point to make he would have looked at this before the disallowance motion was put on the table; he would not have dropped it on the table in the middle of the debate in the hope of making the Liberal members of the Assembly change their view on some spurious basis. If he were at all serious about this, the original disallowance motion would have foreseen that some sensible compromise was possible, and the disallowance motion would have put forward that sensible compromise, not this black issue as opposed to the white issue that was on the table beforehand. Nothing is ever black or white, and the Residents Rally ought to be aware of that, if anybody is.

I am afraid that I am opposed to his amendment because it does nothing. It does nothing for the opponents of the development proposal; it does nothing for the proponents of the development proposal. It does nothing for anybody and therefore is not a serious proposition. I suggest that Mr Collaery knew that it was not a serious proposition when he put it on the table.

MR JENSEN (12.13), in reply: I want to pick up a couple of points raised by Mr Kaine in his closing remarks. He also made these remarks in his earlier speech. There is a suggestion and a concern that if we pass this it basically means that nothing can be done with the building until Mr Wood's department conducts an investigation, et cetera.

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I put it to the members of this Assembly that we cannot amend this document today; we can only pass it. We cannot amend it in the way I would want to, and I will explain what I mean in a minute. This document says:

Under Section 19 of the Interim Planning Act ..., we APPROVE the Variation to the Territory Plan for Forrest Section 12 Block 1 as set out in the attached schedule.

The schedule that we are talking about says:

The maximum gross floor area of the club shall not exceed 550 square metres.

It goes on to say:

... ..

Townhouses shall meet the requirements of the Authority's 'Design and Siting Controls for Town House Blocks (1977)'.

I would suggest to you that any planning authority will be required to approve anything that is in accordance with those design and siting guidelines and meets all those requirements there. They will be required to approve that. The developers are not proposing anything that is not in accordance with the plan, and if they do not approve it the developers and the proponents of this proposal can appeal and take the Planning Authority through the process of the courts. I would suggest to you that, with the amount of money that is involved in this particular development, that would not be too much of a problem at all. Once we have passed this document today, once we have approved this document today in this place, the Planning Authority will be required to meet those items that are listed under "Implementation Principles" if they cannot change them.

For example, if we could amend this particular document I would be including amendments along the lines of adding a heading "Heritage" and saying something along the lines of, "Demolition of or changes to the existing buildings on the site will be permitted only after a full study of the heritage factors relating to the site and the buildings, and this study has been through a process of public consultation". I would seek to have that inserted in the implementation principles if we are going to be able to protect these sorts of things.

I would also propose to add, after "1977", where we refer to the design and siting controls, something along the lines of, "Notwithstanding these guidelines, no more than 10 residences are to be constructed on this site". These are the sorts of amendments that I believe are more appropriate for this particular document. Unfortunately, in accordance with the Act, it is not possible to do so.

Mr Collaery's amendment is really the last opportunity, the only real opportunity, to have a chance to make those changes. That is the important thing that people must remember.

Mr Kaine said that we are not approving anything. Rubbish! We are approving something. We are approving maximum gross area for the club not to exceed 550 square metres. We are approving that townhouses shall meet the design and siting controls for townhouse blocks. There are plot ratio requirements in there, which effectively means, I suggest to you, on the basis that 32 townhouses were submitted in the original proposal, that that was the maximum number of townhouses that could be fitted in in accordance with those design and siting controls. That is one of the problems we face with this particular system that we have here at the moment.

Because of those issues I believe that it is most important for this Assembly to reject today this proposal to vary the plan and send it back to the drawing board. We can come back with a proposal that is more in keeping with planning principles, more in keeping with the needs and wishes and aspirations of all groups of this area.

The bowling club is only interested in being able to revitalise their operations. They are not interested, I would suggest, and I would hope, in making zillions of dollars from a development point of view. If they are, as my colleague Dr Kinloch has said, that is most inappropriate. Really, we are not talking here about sending the club into bankruptcy, as some people have suggested. What we are talking about is rejecting this proposal at the moment to enable a compromise to be developed which will allow all groups within the system to achieve something out of this. It is for that reason, and because of the system, that we must reject this variation at the moment as it stands.

The Rally believe that there has been ineffective consultation and an ineffective assessment of the heritage issues related to this building. Mr Duby, I hear, made some comments about heritage before. Mr Duby needs to look at some of the buildings considered to have heritage value that have been restored by competent, qualified architects. One of the prime examples which Mr Duby had some control over when he was Minister is Lanyon. That is an area that has been restored under the auspices of the National Trust by competent architects. It can be done. It is possible. It has been done all over Australia. There are architects in this town who win awards for doing just that. That is why there is a great deficiency in the proposal that we have before us today. There is a great deficiency in this proposal that we have before us today because there was no such assessment completed.

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What we are talking about here, Madam Temporary Deputy Speaker, is a development proposal that has been put forward because it is just that - a development proposal. It is really not a proper assessment of the planning issues. Someone was talking about indoor bowling being good. I agree that it is good for Canberra. We are talking about indoor lawn bowls, if you like. What is it going to achieve in this area? The club, on its own admission, hopes to increase its membership by 200-odd. That is certainly not going to be putting thousands of members of the community onto the bowling rinks of Canberra. It just does not ring true and make sense to me.

There are also some problems associated with traffic. As I have already indicated, I do not believe that they have been properly and effectively addressed within the documentation that was put to the people. There are traffic problems associated with all the areas around there - National Circuit, Dominion Circuit and Hobart Avenue. This sort of proposal, the increase in density, is going to cause some problems for that traffic area. There was no proper assessment and no proper consideration of that put forward in the various papers that were provided. The development proposal being put forward is, as I said, just that.

It is time that this Assembly voted to reject this proposal that we have before us. We have no option. We cannot amend it; we cannot change it to include the safeguards that are necessary and required by the community. We cannot amend it to allow it to go back for revision and reconsideration. For those reasons I believe that this Assembly has no option, no option at all, but to reject this proposal as it stands and send it back for further consideration by the Planning Authority in full consultation with the community, so that we can achieve something that is going to meet the requirements of all of the groups involved in this debate.

I urge the Minister and I urge members of this Assembly to step back from the way that they are going at the moment because we are setting the standards for the future. I hope that this will not be the opening of the floodgates for these sorts of planning-led developments, or planning-driven developments, that unfortunately seem to be coming to the fore, as we saw by a recent release of nine variations. On that basis, Madam Temporary Deputy Speaker, I think it is appropriate that we reject this, and I hope that we can now put it to the vote.

MR PROWSE (12.23), by leave: Members, I am terribly concerned with what I see as an incorrect proposal. It has been stated by a number of speakers that no-one has challenged the principle, that there is no principle at stake here. I believe that that is not the case. The situation is that there was land granted for sporting facilities and that use is about to be changed. That is the principle. We are looking to infill. The talk from

the Minister is that we should infill our city, that we should make better use of the available land. We are looking to infill the Griffith-Forrest-Narrabundah area with more and more buildings and townhouses, and more people per square kilometre.

Where are we going to find the extra grounds to build the extra tennis courts or other sporting facilities in the future? I am asking you to look to the future. At this time it may well be that we can put some townhouses on that block of land, but 20 years down the line where is the space available for the extra tennis courts for the extra thousands of people we envisage in that area? So, I am asking you to look at the principle of why that land was granted at very low cost to a sporting facility. That is the issue as I see it.

The heritage value of the clubhouse is of concern to some people. It does not particularly concern me because the statements made by various members indicate that that clubhouse is of some heritage value but really of minor heritage value. I have seen around this city some places that have been listed as having heritage value but which to my mind should have been pulled down a long time ago. That is my personal view. As Mr Duby has stated, it comes back to personal views and personal values. The people who are presenting the case for the heritage value of this building believe strongly that it should be protected. I admire their right and I support their right to make that statement, but I do not particularly agree with them in this case.

The situation I am coming back to is the principle of the land use for not this particular time but 20 years or 50 years down the line. Where are we going to find land for extra sporting facilities? Therefore, I would look to protecting our heritage, our future heritage. I ask members to think along those lines before they vote on this issue.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (12.25), by leave: I thought Mr Jensen was speaking to the amendment before and that the debate was not closed. I will be very quick because we are about to finish. As to the amendment proposed, my understanding is that, while we can disallow a provision of the variation, this can hardly be described as a provision of the variation. So, whatever we feel about the amendment and what we would like to see, I do not think it is really a proper way to be proceeding. I said earlier today that we would have a look at the clubhouse again. After Mr Kaine's speech I said that, and I simply reaffirm that we will look at the clubhouse, its heritage value and the options available to us to maintain that within any development.

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

That so much of the standing and temporary orders be suspended as would prevent the debate on this matter concluding.

MR STEVENSON (12.27), by leave: I think the debate today has been useful. The principle that I largely adhere to is: What do the majority of the community feel. I think that has been shown by the petition that was received, the concern that has been shown in the number of letters received by people in the Assembly, and also the majority of submissions received in regard to the proposal that are against the development.

I think it is perfectly reasonable that the club and club members have tried to improve the club and to improve the facilities for their members. If they can do that through working with developers, that is perfectly acceptable from their point of view.

From a community or government point of view, the point about the original granting of land use is a relevant one that we should take great concern over. There has been no absolute understanding of what the majority of people in Canberra or in those surrounding areas want on this issue, but I think we can assume that the majority of people are not in agreement with this current proposal. If we do not agree to this disallowance today, I think the proposal will be built as it is suggested. If we do vote for Mr Jensen's disallowance motion, I feel that it still leaves the way open for a development to proceed.

One of the things that I wondered about initially relates to the many people in a tennis club across the road; indeed, as we have heard today, a club that is vibrant and has raised a great deal of money. I have been involved in sporting clubs, and for a club to raise that much money is an unusual thing. It shows a definite commitment. I felt, and this proposal has been made on a number of occasions, that the clubs could amalgamate. That seems to me to be a highly sensible decision. If this proposal goes ahead, I do not think we will hear any more of that, unfortunately.

On the point of development, there is nothing wrong with developers making a great deal of money. As for the land use being changed, there is the right of anyone to apply for land use changes. That is what has happened. It is up to the members of this Assembly to make the decision. But, under the circumstances, I feel that the proposal is not agreed to by the majority of people in the area and I think we should heed that call and delay the matter. I think the only way we can do that is by voting for Mr Jensen's proposal at this time.

MR COLLAERY (12.31), by leave: Mr Speaker, I disagree with the advice tendered to the Minister, Mr Bill Wood, that the amendment moved relates to a provision and therefore is ultra vires. The Act clearly says, at section 5:

In this Act, unless the contrary intention appears, a reference to a draft Plan is to be read as a reference to -

- (a) a draft stage or part of the Plan; or
- (b) a provision ...

I have moved an amendment relating to part of the plan. I am sustained in my view, on my brief perusal of the legislation, by subsection 16(5), which deals with what the authority would do where there has been a disallowance motion. It says clearly at paragraph 16(5)(b):

- (b) in the case of a draft Plan variation - the effect of section 9 in relation to the revival of the draft variation.

Section 9 refers to the process which we are going through now, here, in this Assembly, and that is the rejection or amendment of a draft variation. I cannot support the advice, with great respect to Mr Wood's advisers, on my brief perusal of the legislation. I think it is a red herring at this stage. I think it was prudent of Mr Berry, as leader of the house, to adjourn the debate so that, no doubt, the Government can get further advice.

Mr Connolly: He did exactly the opposite.

MR COLLAERY: Do you want to adjourn the debate?

Mr Wood: No; let us have the vote.

Amendment (**Mr Collaery's**) negatived.

Question put:

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

The Assembly voted -

AYES, 7

Mr Collaery
Mr Jensen
Dr Kinloch
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stevenson

NOES, 10

Mr Berry
Mr Connolly
Mr Duby
Ms Follett
Mrs Grassby
Mr Humphries
Mr Kaine
Ms Maher
Mr Stefaniak
Mr Wood

Question so resolved in the negative.

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PERSONAL EXPLANATIONS

MR KAINE (Leader of the Opposition): I seek leave to make a personal explanation.

MR SPEAKER: Do you claim to have been misrepresented?

MR KAINE: Yes.

MR SPEAKER: Please proceed.

MR KAINE: During the debate this morning Mr Collaery, in his political speech, made reference to Mr Whalan as a consultant and he referred to discussions that Mr Whalan had had with me on this issue. I want to make it quite clear, Mr Speaker, that until Mr Collaery told me I did not know that Mr Whalan was a consultant. I state unequivocally that at no time have I had any discussions with Mr Whalan on this issue, personally, by telephone or by any other form of communication. So, any suggestion - - -

Mr Collaery: What? In question time you said you had.

MR KAINE: I did not. I refute that I have had any discussions with Mr Whalan in connection with the Forrest bowling club in any form whatsoever. It was just another one of Mr Collaery's smears that he often engages in.

MR COLLAERY: Mr Speaker, I cannot let that pass. I seek leave to make a personal explanation.

MR SPEAKER: Do you claim to have been misrepresented?

MR COLLAERY: Yes. Firstly, I ask for that allegation of smearing to be withdrawn. I was very careful and temperate in my remarks. It is an imputation, Mr Speaker, that I strongly dislike.

Mr Kaine: The *Hansard* record speaks for itself, but I will withdraw the word "smear".

MR SPEAKER: Thank you.

MR COLLAERY: Mr Speaker, members will recall that I asked a question here about Mr Whalan's involvement in the process - a careful question of Mr Wood. During the course of that question Mr Kaine interjected and said, "Yes, he approached me too; he saw me too", or words to that effect. I will direct members' attention to *Hansard*. They will find it there. I made those remarks on the basis of Mr Kaine's statement that he had seen Mr Whalan. I was in no way imputing something improper between Mr Kaine and Mr Whalan. I was simply making the point about access in this Assembly by the lobbyist and whether the residents had had the same access.

Sitting suspended from 12.36 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Premiers Council : Small Business and the Unemployed

MR KAINE: I would like to address a question to the Chief Minister who, as we know, is journeying tomorrow to the Premiers Council. Could she tell us what initiatives, if any, she expects to result from this council, which will ease or mitigate the situation of small business and the unemployed in the ACT?

Mr Berry: With a bit of luck, they will be able to knock off the consumption tax.

MS FOLLETT: I thank Mr Kaine for the question. As members have pointed out by way of interjection, compared with the goods and services tax which is a total disaster for the ACT - - -

Mr Kaine: You can feel it doing you good already.

MS FOLLETT: I can indeed, Mr Kaine; it has cheered me up enormously. Mr Speaker, I am happy to respond to Mr Kaine's very serious question because the meeting that will be taking place in Adelaide will, I think, bring forward some important work and will progress some work which will indeed be of benefit to the Territory.

The general issues which will be discussed in Adelaide can be summarised as microeconomic reform, economic development, the environment, the structure of the federation, urban development, and guns and violence. The Government has been giving consideration to its position in relation to those issues and the potential implications for the ACT community. I am happy to say that we have had some consultations in relation to functional reviews, of which members might be aware, and they have certainly provided us with some good information on the community's needs.

To respond directly to Mr Kaine's question, in the areas of microeconomic reform, Mr Speaker, I expect that there will be some significant progress made - for example, in relation to the mutual recognition of goods and services between jurisdictions. I believe that that will free up small business especially in the ACT. Particularly in regard to the ACT, another matter of importance is our continued active participation in the National Electricity Grid Management Council. I am sure that members are aware that the cost of electricity in the ACT is a major part of both individual budgets and, of course, business budgets. It is very important that as a consumer State we continue to be strongly represented in any negotiations which might affect that cost or the method of delivery.

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Mr Speaker, some further steps to protect employment prospects, particularly by examining ways in which projects can be advanced to provide employment, will no doubt be discussed in Adelaide. I am sure that members are aware that I have written to the Prime Minister specifically addressing ways in which the Federal Government could progress some nationally significant projects which I believe would protect ACT employment prospects.

Mr Speaker, they are the major areas that I see in relation to Mr Kaine's question on small business and job creation. Of course, the Premiers will be giving consideration to the Prime Minister's statement that was made last week on employment and ways of progressing employment within the States. We will also, of course, be looking at ways of, I guess, continuing the process that the Special Premiers Conference has started, and I think we need to give very full consideration to the continued and future involvement of the Commonwealth in that process. I think it will be an important meeting, and when I get back I will be happy to report fully to the Assembly on its outcome.

MR KAINÉ: I have a supplementary question, Mr Speaker. Since the Commonwealth is not participating in this council, and is not likely to do so, where does the Chief Minister see any funding that will be required to foster small business and unemployment coming from? I do not see the Commonwealth making any offers.

MS FOLLETT: Mr Speaker, I believe that there has been an indication from the Commonwealth that they will be looking at a further raft of proposals to do with unemployment. They were foreshadowed, I think, in Mr Howe's remarks which I saw reported over the weekend. I am not aware at this moment of what he might have in mind; but, again, I am happy to report to the Assembly as soon as I do have details on that.

Mr Kaine is quite right, though, in pointing out that at the end of the day much of what the heads of State governments are on about will be conveyed by way of request to the Commonwealth. For that reason, I have argued all along that the Commonwealth should remain involved in this process and that to engage in some kind of a confrontation or some kind of a stand-off is really counterproductive. At the end of the day it will be up to all State governments and the Commonwealth to come up with the solutions, and they have to be agreed solutions.

Canberra Bowling Club

MR JENSEN: My question is directed to the Minister for the Environment, Land and Planning, Mr Wood. In view of his comments made during the debate this morning, will he provide an undertaking to the community and this Assembly that the heritage assessment of the Canberra Bowling Club building, which I understood he indicated will be

commissioned, will be made available for community consultation and discussion before any decisions are made to redevelop the Canberra Bowling Club site?

MR WOOD: Mr Speaker, it is impossible to satisfy Mr Jensen's insatiable demand for more and more detail and more and more consultation. I do not know where it ends. I will undertake a review of the heritage importance of that building and, more to the point, whether it is savable and, if it is savable, whether and how it may be incorporated into any proposal.

I am also aware of timing factors. This Assembly is coming to an end. After mid-December at some point, there will be no further debate in this house. It is my intention, and it is the intention of the Follett Government, to be as open as possible. We are committed to that, and I believe that there is ample evidence of that. So, I am answering your question in this way: We will be as open as we always have been; we will consult as much as we can; but these matters also have to be expedited. Within that framework, Mr Jensen, I will respond.

MR JENSEN: I ask a supplementary question. In view of that response, Mr Wood, do I take it, then, that the answer on a commitment and an undertaking is no?

MR WOOD: That is probably a fair interpretation. I do not think we are about to start a whole new round of consultation on this isolated, though important, matter; but we are looking at it further.

Children's Day Care Centres

MR MOORE: My question is addressed to Mr Connolly, as Minister for Community Services, and I provided him with some notice about it. How often do government officials inspect the premises and services of children's day care centres? What actions are taken when a problem is reported at a time other than during an inspection?

MR CONNOLLY: I thank Mr Moore for giving me some notice that he would be interested in this detailed question. I am advised that there is an annual inspection for the purpose of renewing a licence. Routine or unannounced visits occur randomly throughout the year, two or three times; they will vary, but certainly they would occur more often if there has been any concern, for whatever reason, about a particular centre. So, there is a sort of random inspection which is concentrated more if there have been any difficulties.

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If a problem is reported to the section, the complaint is discussed at length with the complainant - usually that occurs by telephone - and is followed up by a visit to the service, I am told, within 48 hours. Obviously, how quickly a person can get out there would depend on the seriousness of the complaint or allegation. If the complaint is substantiated, the licensee is advised of the problem and a child-care adviser prescribes remedial action. I am advised that to date it has never been necessary to take the action of suspending or cancelling a licence, as compliance has always resulted from this type of remedial action.

MR MOORE: I have a brief supplementary question. Do you know whether these inspections ever focus on the quality of the programs offered in the child-care centres?

MR CONNOLLY: They certainly focus on the quality of the service in terms of whether the child is - - -

Mr Moore: The educational level of the programs is what I am referring to.

MR CONNOLLY: I think there is probably a degree of discretion or judgment in that; and, to that extent, no. I am advised that it looks at the quality of the service.

Medicare Numbers - Privacy

MRS NOLAN: Mr Speaker, my question is to the Minister for Health, Mr Berry. Although this matter is a Federal issue, as it relates to Medicare, it could affect many in the ACT community. Can the Minister assure this Assembly that he will pursue with his Federal colleagues doctors' and patients' concerns regarding privacy relating to Medicare numbers? Currently, provided a doctor's name and address and provider number, which appears on any patient's receipt, and a name, date of birth and current address are given for a patient, a Medicare number is given out over the telephone. Does the Minister agree that these concerns relating to privacy are very important and must be pursued?

MR BERRY: Mrs Nolan is right in the first place - it is not a matter over which this Government has any control. I am quite happy to talk to my Federal colleague about issues of substance, but I am not prepared to worry him with something that has no substance. I am prepared to take it up with Mrs Nolan and examine the issue with a view to some further consultation with the Minister once I am across the issue, with the assistance of Mrs Nolan.

Health Budget - Monthly Reports

MR HUMPHRIES: Mr Speaker, my question is also to the Minister for Health. Noting that we are nearly five months through the 1991-92 financial year, and knowing that the Minister is receiving monthly updates presumably on the health budget, even if the rest of us are not, I ask the Minister: How much money has been spent on health in the current financial year to date, and how much does this sum represent as a proportion of the total sum to be appropriated to health for 1991-92? Has the Minister yet decided whether he will share the monthly updates with the other members of the Assembly?

MR BERRY: It is timely that a member of the Liberal Party should raise something of this order, seeking to indicate that there is some concern about health in the ACT. That is more than his Federal colleagues seem to have. It seems that the future of health in the ACT is under something of a cloud because of what might happen with the consumption tax which is proposed and which will attack the people of the ACT.

On the issue of finances in our hospital system, nobody more than I has been concerned with the way that our financial management has degraded. That certainly occurred during the period of the Alliance Government. Mr Humphries yesterday raised the issue of whether he had done anything or done nothing in relation to financial management of the hospital system, and went to some pains to attempt to prove that he had in fact done something.

Mr Kaine: I take a point of order, Mr Speaker. Are we again to be shown an example of evading the question?

MR SPEAKER: That is not a point of order.

MR BERRY: It is not a very good question either. The issue of the hospital budget is a sensitive one and it is one which I am keeping my eye on very closely. I am informed of matters which are of concern in the hospital system, and for the first time in the life of this Assembly monthly reports from the Board of Health were shared with members of this Assembly. That was a sign of good faith, to indicate to members and to the community that this Government is about ensuring that budgets set by government are adhered to.

At the same time, Mr Speaker, we have to accept, as an Assembly, that it was this Assembly that appointed the Board of Health to manage our hospital system. No other instrumentality in the ACT is required to submit monthly reports to this Assembly to show how it is coping with its yearly budget, and no other instrumentality in the ACT has been the subject of so much political interest. I say to you, Mr Speaker, that it has been expressed to me on a

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number of occasions by the chairman of the board that the political interest in the affairs of the board is damaging to the management effort of the board. It is my preference - - -

Mr Humphries: Mr Speaker, I take the usual point of order. My question was: How much have we spent so far this year and will he share the monthly updates? I have had no answer to that question as yet and no sign of going to that answer.

MR SPEAKER: Please draw to a conclusion, Mr Berry.

MR BERRY: The board themselves, Mr Speaker, have expressed a view about the provision of those figures on a monthly basis. In relation to the monthly figures, the answer is no, I will not automatically share those with the Assembly. The board chairman has asked me not to do that. I think Mr Humphries' board has a right to manage the hospital system within the borders of the legislation which has been provided. No other organisation has been asked to provide monthly reports on how they are coping in a yearly budget, and I think it is unreasonable for members of this Assembly to expect the Board of Health to do so. What was the other question?

MR HUMPHRIES: I will ask a supplementary question. I might put it in an easier way for the Minister to understand. He was not able to tell us how much we have spent so far against the appropriation. I will ask instead: Has the amount spent so far this year in health exceeded the amount appropriated in the Supply Act, which runs until the end of November? I also ask the Minister to explain what he meant by the phrase "signs of trouble in the health budget". I think that was the phrase. Could he explain what he meant by that remark?

Mr Berry: When did I make that remark?

MR HUMPHRIES: Just a moment ago. I think "signs of difficulty" is what you said.

MR BERRY: The management of hospitals has always been in difficulty and, as has been said, \$17m is a significant sign of some difficulty in management of our hospital budgets. As you would appreciate, Mr Humphries, having not done too much about it during your period of government, this Government has moved very quickly to demonstrate that it is on top of it. We have given you an indication that we are on top of the issues. The board has indicated that it is prepared to work to the Government's budget and I, for one, am not going to interfere or allow this Assembly to interfere on a day-to-day basis with the management of the board. The board is entitled to expect some confidentiality with its management processes. It wants to manage its budget in a way that it thinks fit. I think it should be allowed to do so without political interference from this Assembly.

Adolescent Ward

MS MAHER: My question is also to the Minister for Health. Can the Minister inform the Assembly whether the much needed adolescent ward, which is being negotiated within the hospital redevelopment, will go ahead; and, if not, why not?

MR BERRY: I recall some advice in relation to the matter. I will have to look at the detail - I do not have it in front of me now - and inform you later on.

Rail Service

MR DUBY: My question is directed to Mr Connolly in his capacity as Minister for transport. I refer to a question to Mr Connolly that I asked on 23 October concerning a continuing rumour that daily rail services to Canberra would cease in February of next year, prior to the introduction of the proposed Canberra Explorer services. On that day he said that he was "assured by the New South Wales Ministry of Transport that the ACT Government would be advised before any decision to change the services was made" and that he had not received any advice, which says a lot, I guess, for consultation between the two governments. Has he subsequently received any such advice about the cessation of services, or any assurance that the rail services will remain? In other words, has he made inquiries concerning the matter at all?

MR CONNOLLY: The position really remains similar to what it was when Mr DUBY last asked the question, which is that we had received an assurance from New South Wales that they would inform us if they were going to change. I have certainly made clear to the department that I am interested in anything they tell us, and I have not been so advised.

Mr DUBY: Surely an inquiry to the New South Wales ministry should be appropriate.

MR CONNOLLY: The position is that they have said that if they are going to change the status quo they will let us know, and they have not done anything along those lines. It is probably always good political point-scoring to run rumours about services closing.

Given that Nick Greiner is running New South Wales and he has a budget deficit that exceeds the total budget of the ACT, I guess anything is possible. He seems to be slashing and burning with a vigour only to be exceeded by John Hewson. But at the moment, as I am advised, we have not been so notified. If, in fact, any notification has been received by the department and not passed on to me, I would be surprised; but I will make vigorous inquiries.

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MR DUBY: I ask a supplementary question. As a result of the response that you gave in October, Mr Connolly, can I assume that you have not made inquiries with the New South Wales Government as to whether they plan to cease that operation in February?

MR CONNOLLY: I made the inquiry as to what is the position in New South Wales and I was told by my departmental officers that they had been told by New South Wales that if they are going to change the current position, which is that the service is there, they will let us know. These rumours that things are going to change in February have been run by Mr Duby. The New South Wales Government is the decision maker on this, not I. We have the assurance from the New South Wales Government. Nothing has occurred about it and I think this is purely rumourmongering and scaremongering.

Land Tax

MR STEVENSON: My question is to the Chief Minister. Recently in the ACT home owners were sent a letter by the land tax office, requesting information if exemption was sought from paying the land tax. We have had a number of constituents contact us, complaining that they were unhappy with the correspondence received. They said that the first letter did not specify a date by which a reply should be received, and the second was considered by many to be bureaucratic and offensive. Could the Chief Minister please comment on both the letters? Also, is it true that 60,000 of the answers to the first letter were lost due to a computer malfunction?

MS FOLLETT: I thank Mr Stevenson for the question, Mr Speaker. I will answer it in broad terms. The last part of Mr Stevenson's question related to a number of responses to the land tax questionnaire going astray. I am afraid that it is the case, Mr Stevenson, that a batch of 1,272 declarations had not been processed to finality and that in the case of those 1,272 declarations the people concerned were incorrectly sent a reminder notice. That is the extent of the error there. I think that Mr Stevenson referred to a much larger number.

Mr Stevenson also asked about the initial inquiries about land tax. I think it is true to say that there has been a very good response from people. Obviously, if they believe that there is a chance that they will be charged some tax inadvertently, they get their answers back pretty smartly. I am sorry to hear that some people have felt that a second round of correspondence was bureaucratic and offensive. If Mr Stevenson would like to bring any such examples of

correspondence to my attention, I would be very happy to chase that up. It is certainly not my intention that any of our ACT citizens should be offended by a piece of communication from the Government or from the Government Service.

Health Budget - Monthly Reports

MR COLLAERY: My question is to Mr Berry in his role as Minister for Health. Considering that his role as Minister is to protect the government revenue, and that is a statutory ministerial role, will he assure the house, firstly, that he has instructed the Board of Health to provide him with the requisite monthly or other periodical summations of the state of the finances administered by that board; and, secondly, when did he last see such a document?

MR BERRY: I thank Mr Collaery for the question because it gives me a great opportunity to mention that Mr Collaery was corporately responsible for the decline in the health system during the period of the Alliance Government.

Mr Jensen: Here we go again.

MR BERRY: They might laugh, but the serious attacks that were made on our hospital system as a result of the Alliance Government are no joking matter. There is no question about that. Nobody denies it. I am glad to see that.

I have asked for regular updates on how the board is managing the budget and I intend to ensure that the board is given every opportunity to live up to its undertaking to me to manage within budget. The budget was set in circumstances which followed a disaster in our hospital system - the disaster being that period of the Alliance Government - and the board was, of course, set up by the Alliance Government. It is an Alliance board; but I have indicated to the chairman of that board, Mr Service, that the board has my full support, that we will be working with the board to ensure that the performance of our hospitals and health system generally improves and that over time there is a recovery from the damage to the hospital system which occurred during the time of the Alliance Government.

Unquestionably, the job that the board has in front of it is a difficult one. It will need all of the support that the Government can give it if it is to succeed. As I have said, I will continue to get regular updates on the performance of the board. It is an issue of interest to the Government and something that we will be following closely. It is something that the former Government did not do and that is why we ended up with the \$17m budget blow-out. I am not going to foster political interference in the management of the hospital and health system - - -

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Mr Kaine: It is called ministerial responsibility.

MR BERRY: I will accept the responsibility for the Government's position on hospitals and health in the ACT, but I will not allow and I will not foster cheap political interference in the management role of the board.

MR COLLAERY: I ask a supplementary question, Mr Speaker. In view of the Minister's statement that he has asked for regular, as he calls it, updates, I ask whether that is in response to a written direction from him or a request as Minister, written or oral. Secondly - I repeat the question - when did he last see such an update? If he has not seen an update within the last 30 days, will he resign as Minister for Health?

Mr Berry: No.

MR SPEAKER: Mr Berry?

MR BERRY: The answer is no.

Driver Training Facility

MR STEFANIAK: My question is to either the Chief Minister, or perhaps Mr Berry, but I will direct it to the Chief Minister first.

Mr Kaine: Do not waste your time addressing it to Mr Berry.

MR STEFANIAK: That is right; I will not get an answer. Maybe the Chief Minister can answer. Chief Minister, I understand that a sign has gone up at Sutton Park, the ex-police driver training facility, proclaiming it as the Transport Industry Training Centre. Has a government decision been made on the future use of that track? If so, why was that decision not made public?

MS FOLLETT: I thank Mr Stefaniak for the question. I do not have the detail before me and I am afraid that I have not seen the sign that he refers to; but I will make sure that I get a full answer for him, and as quickly as possible.

Noah's Ark Toy Library

DR KINLOCH: My question is to Mr Wood in his role as Minister for Education. We hear some worries about the Noah's Ark toy library, especially the amount of monetary support for converting facilities for that library. Could the Minister bring us up to date on the future of the library? Where, when and what rearrangements will be made?

MR WOOD: The Government, via the Education Department, continues to provide very substantial support, directly through the assistance it gives in relocation, and indirectly, over a long period, in subsidy on rent. Noah's Ark has benefited enormously from the policies of successive administrations in the ACT going back many years. I wish they would acknowledge that sometimes. Because there is now reason for the Yarralumla school to reclaim some of the space presently occupied by Noah's Ark, that important facility must move. Let me be very clear in saying that it is an important and much valued facility. That is why it has had so much help. It is now going to Rivett Primary School, and I believe that they are quite happy about the prospect.

To facilitate that move, the Education Department is providing assistance of \$20,000, or upwards. So, we have been very helpful in that. But Noah's Ark finds that is still insufficient. I am disappointed that they do not thank us for what we are doing; and, instead, come back, putting on more and more demands for money. They are a very useful community group, but I believe that the Education Department has extended itself over a long period in providing assistance. That is as far as we can go. At the present moment, Dr Kinloch, given our tight budget, I think they should be enormously satisfied with it and tell us so.

Community Nursing Service

MR HUMPHRIES: Mr Speaker, since I enjoy bashing my head against brick walls, my question is to the Minister for Health. Will the Minister confirm that routine first home visits to newborn babies by community nurses will be cut out from 1 January 1992? Does he acknowledge that these visits have been useful in the past in detecting cases of child abuse and postnatal depression?

MR BERRY: I am glad that Mr Humphries asked that question. My response might indicate to him that he might prefer banging his head against a brick wall, because it will be painful. Mr Humphries, it appears, has made a press statement today suggesting that because of some changes in community nursing there will be more child abuse in the ACT, or child abuse will be more difficult to uncover. Mr Humphries may have forgotten, in the short time that has passed since he was the Minister for Health, but community nurses are not police. Mr Humphries would know that if anybody wanted to cover up child abuse in the home they would not let the community nurse past the front door.

It is no more than deliberate and outrageous political scaremongering of the worst kind for Mr Humphries to suggest that management changes which are being looked at in relation to community nurses will affect outcomes in child abuse. I think it is an outrageous suggestion.

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Mr Humphries has stuck to that position and he is trying to scare the community whilst consideration is being given to how the board will manage its very tight budget - a tight budget which, I have to say, Mr Speaker, is as a result of some of the mismanagement which occurred during the time Mr Humphries was Minister.

Postnatal home visits are an issue which is under consideration as the board addresses the budget. What will occur, of course, is that the timing of first home visits will be assessed in order that those babies at risk will be given quality treatment, as will all other babies. As I have said previously, this issue has been used to frighten the community about changes that might be proposed in community nursing. The Community Nursing Service is proposing to cease routine first home visits of all new mothers following discharge.

Mr Humphries: I was right, wasn't I?

MR BERRY: But it has nothing to do with child abuse.

Mr Humphries: No buts, Mr Berry. You are cutting out first home visits to mothers and babies who are in need. Shame on you, Minister!

MR BERRY: No; listen to the answer. The Community Nursing Service is proposing to cease routine first home visits of all new mothers following discharge. However, new mothers will continue to be assessed prior to discharge from hospital, while those at risk will, of course, be visited in the normal manner, that is, in the first week.

The reasons for not providing the first home visits are - now, listen to this - that there is no documented evidence to support the benefits or effectiveness of routine first home visits for new mothers who have not been assessed as needing this visit in the first week after discharge. Interstate services generally follow up new mothers by a telephone call or a home visit if the child has not attended a baby health clinic within the first six weeks following discharge. Mothers now serviced by the hospital mid-call program, which I understand Mr Humphries supported, are followed up by hospital midwives. There is no need for community nursing home visits for these mothers. In cases of postnatal depression the community nurse liaises with other health workers.

This has nothing to do with child abuse. This outrageous suggestion by Mr Humphries is nothing more than political scaremongering. This shows the depths to which Mr Humphries and the Liberal Party are prepared to sink in relation to the affairs of health in this Territory.

MR HUMPHRIES: I ask a supplementary question. Does the Minister acknowledge that these first home visits to postnatal mothers in the past have detected at least some cases of postnatal depression and of child abuse?

MR BERRY: I would have to make some inquiries in relation to that. I have not that sort of information in front of me.

Ms Follett: I ask that further questions be placed on the notice paper.

Boxing Control Legislation

MS FOLLETT: During question time yesterday, Mr Speaker, I took on notice a question from Mr Collaery in relation to possible boxing control legislation. My answer to Mr Collaery is that my Government has yet to make a final decision on the issue of legislating to control the sport of boxing. The Minister for Sport has considered previous proposals to legislate to control the sport and has requested that a submission be prepared which canvasses all of the issues and which will allow the Government to make a decision as to the most appropriate way to proceed on this matter.

Officers of the ACT Office of Sport and Recreation have been asked to take part in current discussions in Sydney associated with the World Amateur Boxing Championships. These discussions will include appropriate controls such as medical inspections, stand-down periods after injury or knockouts, and a modified scoring system which places less emphasis on head punching.

Mr Speaker, I might add that we will not be in a position to legislate this year, even if we decide to do so. The 18 months of indecision during the Alliance stewardship of sport has meant that the Labor Government has had to pick up the pieces to put the sport of boxing on an established platform.

Rail Service

MR CONNOLLY: Mr Speaker, during question time today Mr Duby asked me about the rail service to Queanbeyan. During question time I asked my senior officials to again speak to the Director-General of Transport in Sydney who, some five minutes ago, again told us that there is no plan to change the train service to Queanbeyan and again told us that if the situation changes he will let us know. Short of ringing up every half hour and asking him, "Have you changed your mind yet?", there is little more I can do.

Draft Territory Plan

MR WOOD: Mr Speaker, yesterday Mr Moore asked me a question about the release of the draft Territory Plan and the use of consultants, and, in particular, one firm. I can provide the answer. The ACT Planning Authority has engaged Turnbull Fox Phillips to provide professional advice and services in preparing and undertaking the consultation process for the draft plan. That firm was responsible for preparing all the supporting material for the release of the plan, including exhibitions, the marketing tasks, and resourcing and conducting seminars and workshops. The cost for this work is \$71,800. This does not include costs for printing the plan and associated material. This cost compares very favourably with work of a similar scale undertaken elsewhere.

Public Affairs assisted with the agent selection and ongoing media liaison and monitoring. Public Affairs do not have the resources or skills to undertake the specific work on the consultation process. The staff resources of the Planning Authority have been strained with the development of the draft Territory Plan and undertaking variations to the Territory Plan. The fees for this work were identified in the authority's budget for the release of the plan.

The Planning Authority has a broad range of expertise, but this does not include marketing and public relations resources for a project of this scale. The Chief Planner has sought to balance the community's need for information with the efficient use of his resources.

PAPERS

MS FOLLETT (Chief Minister and Treasurer): For the information of members, I table the Chief Minister's Department Annual Report 1990-91, together with annual reports from the Agents Board, the Casino Surveillance Authority and the Vocational Training Authority.

BOARD OF HEALTH - ANNUAL REPORT 1990-91 Paper and Ministerial Statement

MR BERRY (Minister for Health and Minister for Sport): For the information of members, I table the Board of Health's Annual Report, including the Mental Health Act Annual Report pursuant to section 81 of the Mental Health Act. The report was distributed to members out of session. I seek leave to make a brief statement on the report.

Leave granted.

MR BERRY: In tabling the report, I wish to draw members' attention to a couple of things. Firstly, in accordance with the Chief Minister's guidelines on annual reporting, the board has prepared and presented this comprehensive report, which is within the required time frame for the first time for a considerable number of years. Secondly, members will be aware of the financial problems experienced by ACT Health in recent times. Preparation of financial data has been a significant factor in delays in the production of previous reports.

The new guidelines for the preparation of annual management reports allow for the incorporation of interim financial statements in the published report, provided final audited statements are, of course, published as a supplement to the original document when they are available. This, in fact, is the situation with this document.

It is significant to note that the board has achieved even interim statements at this time, given the reorganisation of its accounting procedures as a result of the Enfield inquiry and all that that reorganisation has entailed. The Enfield inquiry was the inquiry which resulted from a long period of inactivity by the Alliance Government in financial management.

Audited financial statements are expected in late November or early December. I think it augurs well for the future accountability of the board. The board has experienced an exceptionally busy year of reorganisation, including the public hospital redevelopment project, currently Australia's largest project of its type.

This report sets out the major events of the year and an analysis of community public health services and projections for the future. Board staff are to be congratulated on maintaining a high standard of health service to the Canberra community throughout the period.

PAPERS

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): For the information of members, I table the Criminal Injuries Compensation Act Annual Report for 1990-91, pursuant to section 35 of the Criminal Injuries Compensation Act 1983, and the Australian Capital Territory Ombudsman Annual Report 1990-91, pursuant to section 21 of the Ombudsman Act 1989.

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ESTIMATES - SELECT COMMITTEE
Report on the Appropriation Bill 1991-92 -
Government Response

MS FOLLETT (Chief Minister and Treasurer) (3.14): Mr Speaker, I seek leave of the Assembly to make a ministerial statement on the Government's response to the Select Committee on Estimates report on the Appropriation Bill 1991-92.

Leave granted.

MS FOLLETT: Mr Speaker, I am pleased to take this opportunity to respond on behalf of the Government to the report by the Estimates Committee on the 1991-92 Appropriation Bill. The committee's report produced 17 recommendations. I do not propose to deal now with each one individually. The Government has prepared a detailed response to each recommendation and I will present that document to the Assembly.

Before going further, Mr Speaker, I would like to thank the committee for their report. The detailed examination of government expenditures carried out by the Estimates Committee is a key element in our approach to open government. It provides an important opportunity to get to the bottom of departmental spending and I believe that this year's committee has made a strong contribution to this process.

Mr Speaker, I note the committee's comments about the improved level of information available to it this year, largely as the result of recommendations made by the 1990-91 Estimates Committee. The introduction of program explanatory notes has clearly improved the quality of the committee's deliberations, and I will be pleased to see these improvements continue.

This year's committee also made a number of recommendations aimed at further improving the information available to the committee and to the public. As I said when tabling the 1991-92 budget, there is a strong community spirit in the ACT and an understanding by a great many people of the Territory's financial circumstances. My Government fully supports the view that the public should have readily available access to information relating to the performance of all programs in the ACT Government Service.

There are a number of mechanisms available to disseminate this information and my Government has been reviewing the roles that the budget papers, explanatory notes and annual reports play in producing this service. Part of the review has been to determine the purpose of each of the documents and to ensure that duplication in the preparation and provision of information is minimised wherever possible.

Accordingly, Mr Speaker, whilst the thrust of the recommendations of the committee is fully supported, the Government believes that the correct forum to present full and detailed program performance information is through publicly available agency annual reports. To duplicate this information in Budget Paper No. 5 and also in explanatory notes would not be a progressive move. The Government does, however, support the view that there should be consistency between information provided in the budget papers and program explanatory notes.

Mr Speaker, the committee commented on the timeliness of responses to questions taken on notice during the course of the hearings. The Government acknowledges these criticisms and agrees that in a number of cases the response time was unacceptable. We support the recommendation that requests for information taken on notice be satisfied within five working days of the request, and that responses be received at least five working days prior to the reporting date of the committee.

Mr Speaker, when I presented the 1991-92 Appropriation Bill I drew attention to the need to increase government efficiency in order to protect our community's future. I stressed that the 1991-92 budget was about getting the fundamentals right. I believe that the Estimates Committee report on the Appropriation Bill demonstrates the substantial progress that we have made towards these goals. While there are naturally some areas where the committee does not endorse specific decisions made by the Government in framing the budget, the overall impression is that we are substantially in agreement about the essentials.

On the question of government accommodation, for example, it is heartening to see that the committee fully supports the strategies we have introduced to reduce accommodation costs. The Government is committed to the use of government-owned buildings rather than rented accommodation wherever that is possible and where it is a financially sound decision to do so.

The more specific issue which the committee has raised concerning the devolution of accommodation costs to agencies must be examined against the efficiencies which the current approach will achieve. The Government established a Corporate Services Bureau, bringing together all elements of ACT Government accommodation into one program under a management board comprising all agency heads. This has ensured that the rationalisation of ACT Government property and accommodation will progress in a comprehensive and efficient manner. Significant savings will be achieved which will impact favourably on the ACT Government's financial situation.

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In the area of tourism, I commend the committee's concern for the realisation of the expected savings through the closure of the Sydney and Melbourne offices. I am able to assure the committee that the decision by the Tourism Commission to close the offices is sound and will result in substantial benefit to the commission's activities.

The committee also raised the issue of the control of the use of consultants. You will recall, Mr Speaker, that one of the measures my Government has included in this year's budget is a 25 per cent across-the-board reduction in expenditure on external consultants. I am fully aware of the need to ensure that consultancies are used only where necessary. For this reason it is my current policy that no contract for consultancy be let if the task can be properly carried out by ACT Government Service staff. As a further measure to ensure that consultant services are used only in appropriate circumstances, all proposed consultancies over \$25,000 must have prior approval of the ACT Government Service Consultancy Management Committee.

Turning to the issue of redundancies, my Government will advise the Assembly of details relating to redundancies arising from the 1991-92 budget decisions as soon as the necessary union consultations have taken place and relevant award requirements have been met. The advice will be detailed in the 1991-92 Head of Administration Annual Report.

Mr Speaker, I now turn to another matter raised in the report - the issue of funding of non-government schools. My Government is committed to maintaining the high standard of education which is the envy of every other State and Territory. This commitment is to both government and non-government schools. The committee stated its concern at the removal of the special cushioning funding arrangement for three non-government schools.

The Government's decision was taken after careful consultation and consideration of all options, and now places the three schools in question on the same funding basis as all the other non-government schools - that is, the Government is funding all non-government schools at 50 per cent of the Commonwealth level. This decision takes into account the interest of all non-government schools. It is undoubtedly a far more equitable approach than an across-the-board reduction to the non-government schooling sector.

In respect of the police budget, Mr Speaker, I would like to assure the Assembly that the 1991-92 allocation for policing in the ACT does not contravene the terms of the ACT-Commonwealth policing arrangement. The police budget has been compiled in such a way as to ensure that the high standards of policing within the Territory will not be affected.

Finally, I wish to comment on the committee's recommendation that a review be conducted into public health. I am in agreement with the committee on the importance of a proactive approach in the field of public health. A consultant has been engaged to carry out a review of public and community health services as a whole. I believe that this will meet the requirements of the Estimates Committee.

Mr Speaker, it is clear from the committee's report that my Government has substantial support from this Assembly for the approach it has taken in the 1991-92 budget. Our focus on public sector efficiency and a disciplined approach to financial management has been endorsed. We have made major strides towards a sound, strong future for the ACT, a future which will see a more socially just community. Mr Speaker, I present the Government's detailed response to the report of the 1991-92 Estimates Committee and I move:

That the Assembly takes note of the paper.

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

NATIONAL SKIN CANCER AWARENESS WEEK **Ministerial Statement**

MR BERRY (Minister for Health and Minister for Sport) (3.23): Mr Speaker, I seek leave to make a statement to the Assembly on Skin Cancer Awareness Week.

Leave granted.

MR BERRY: Mr Speaker, the 1991 National Skin Cancer Awareness Week highlights the importance of the early detection of skin cancer. The week, ending on 30 November, is sponsored by the Australian Cancer Society. The Australasian Council of Dermatologists also has been supporting the Australian Cancer Society in sponsoring Cancer Awareness Week since 1985. The theme this year is "Spot the Difference". People are being encouraged to identify the early signs of skin cancer by observing changes to skin spots. That is not to be confused with leopards changing their spots and those sorts of things.

The early detection of skin cancer is of vital importance to the Canberra community if we are to reduce the risk of serious illness, and even death, from melanoma - the most dangerous form of skin cancer. A melanoma is a spot which usually undergoes rapid change over a few months. The signs are: The spot is usually irregular in shape; it is often varied in colour; it may be getting larger; it could have an uneven surface; and it is not necessarily ugly or indeed painful.

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Sun damaged skin surfaces are the prime location for infection associated with skin cancer, although some skin cancers are induced by exposure to some substances which are a hazard to workers in industry. Men are more at risk than women, especially those over 45. Although melanoma can occur at any age, it is rarer amongst young people. If detected early, a melanoma can be cured. The message for young people, therefore, is that prevention is better than cure because damage to the skin by overexposure to the sun often occurs early in life.

In Canberra, where we have longer hours of sunlight than most Australian cities and our higher altitude exposes us to greater concentration of ultraviolet radiation from the sun, 50 new cases of melanoma are detected annually. There are eight melanoma-related deaths each year.

A startling aspect of the incidence of melanoma is that indoor workers seem to be more at risk than those who work out of doors. This is probably due to the intermittent exposure that indoor workers experience. The standard advice to wear a shirt, a hat and a good quality sunscreen is the best protection for everybody.

Because childhood exposure to ultraviolet radiation from the sun is a key factor in contracting skin cancer, including melanoma, the Government encourages school policies that emphasise that children should wear hats in playgrounds. The cost of all treatments for skin cancers in Australia is in the order of \$100m to \$400m each year, let alone, of course, the human costs in suffering.

The ACT Cancer Society has received significant support from the Government for its SunSmart campaign through the ACT health information fund. Some members of the Assembly had the privilege of being involved in last year's promotion in Garema Place, where a beach volleyball demonstration was played out. The society has been involved in a variety of sponsorships of sporting events aimed at encouraging Canberrans to be sun smart.

Grants have been made to the Australia Day Sports Committee, Walking for Pleasure, ACT Tennis Association - women's tennis championships, Veterans Branch - ACT Tennis Association, ACT Volleyball Association, ACT Yachting Team, ACT Cricket Association, ACT Women's Cricket Association, ACT Little Athletics and, of course, the Canberra Festival. A total of \$216,261 was given to those groups. The society has developed some innovative ideas to bring this important issue to the public's attention.

In support of the Cancer Society's campaign, brochures and pamphlets have been widely distributed among ACT Government employees. These will reinforce the message provided to our outdoor workers in previous campaigns and make government office workers aware that they too need to spot the difference.

On 26 November, at the Tuggeranong Hyperdome, I will be attending the "ACTION Spot" - I think that is a place in the Hyperdome - to help the society promote the "Spot the Difference" message. There will be a group of dancers and some differently spotted costumes to highlight the theme. I understand that a group of Dalmatian dogs wearing spotted outfits will be there. It is all about promoting the "Spot the Difference" campaign.

The ACT Government strongly supports the society's initiatives. Skin cancer awareness is an important community program and needs to be taken seriously by all Canberrans. Skin cancer is one of the most serious health problems we face, especially in the light of scientific reports of serious depletion of the ozone layer - which may be challenged by Mr Stevenson, but not very successfully, I suspect. That ozone layer provides us with protection from the upper atmosphere all over Australia.

Consequently, Mr Speaker, Australians generally and Canberrans in particular need to heed the warnings given by the medical and scientific communities and take preventative steps to minimise the personal risk of contracting skin cancer. I would encourage all members to support Skin Cancer Awareness Week and to encourage their constituents to listen to the "Spot the Difference" message. I move:

That the Assembly takes note of the paper.

MR COLLAERY (3.30): Mr Speaker, I would like to take the opportunity to make a couple of brief comments. I am very pleased to hear this statement from Mr Berry. I know that he is sincere in his statements. He practises the wearing of hats and staying out of the sun, and he even dodges question time. He mentioned the Cancer Society. I simply want to put in a small plug for the society. I do not believe that they have a lot of money at the moment. They are in rented accommodation, as Mr Berry knows, out in Curtin.

Mr Berry: The same rented accommodation they were in when you were in government.

MR COLLAERY: I am aware of that. Mr Berry interjects and says that it is the same accommodation. I am well aware of that. I ask Mr Berry, on behalf of all Canberrans, to give particular attention to the needs of the society, in terms of accommodation and recurrent funding, during the December grants process.

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

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**ALCOHOL ABUSE
Ministerial Statement**

MR BERRY (Minister for Health and Minister for Sport): Mr Speaker, I seek leave to make a ministerial statement on the serious harm caused by alcohol amongst our youth in the ACT.

Leave granted.

MR BERRY: Mr Speaker and members, the harm caused by alcohol in the ACT is substantial. Recent estimates suggest that the cost of alcohol problems in the Territory was as high as \$94.2m in 1988. Excessive alcohol consumption is responsible for a number of health problems, including certain cancers and cirrhosis of the liver, and may result in irreversible brain damage. Alcohol is also a major contributor to motor vehicle and other accidents, as we all know. While each of these problems impacts on the community and the individuals involved, of particular concern to the Government and the general public are the problems of underage drinking and binge drinking.

Mr Speaker, a survey of alcohol and drug use among secondary school and college students, conducted by the ACT Alcohol and Drug Service in May this year, showed that these concerns are justified. Approximately 2,700 students in years 7 to 11, from government and non-government schools, participated in the survey. Whilst the final report on the survey is not yet available, initial results indicate that alcohol use amongst young people is a problem, and in some respects may be worse than in New South Wales. In the ACT 26 per cent of boys and 22 per cent of girls were using alcohol at least weekly, and I think that is a fairly unimpressive result.

Ms Maher: You laughed at it.

MR BERRY: Preliminary findings from the survey show that, of those ACT students who drank in the last four weeks prior to the survey, 40 per cent of the boys and 30 per cent of the girls reported binge drinking, that is, having five or more drinks in a row, at least once during the month.

Ms Maher interjected and said, "You laughed at it". That is a stupid suggestion because nobody ever laughs at those sorts of statistics. They are very serious statistics which indicate that something has to be done, and that is what this Government is doing. We are acting on information that has been put. No grandstanding; we are about dealing with the issue and getting onto it straightaway. The minute that something was discovered we moved quickly, not like the people opposite. They move with the speed of a drunken sloth. They are very slow on that side of the house, but on this side we get on the job straightaway.

Amongst the older students, binge drinkers would usually have five or more drinks whenever they drank. All members of the Assembly must realise that something must be done to counter this level of alcohol abuse. In September the Assembly voted to begin an inquiry into the sale and distribution of liquor in the ACT. Let me stress that the Government has not rejected the Assembly's motion to conduct an inquiry.

I am happy to announce the initiatives that we have taken in this area. Now is the time for action, and that is why the Government has moved. We moved as soon as we got the information from an inquiry, which, incidentally, was set up by the former Government. The moment the information came to hand, we acted quickly. No dillydallying and grandstanding from this Government; we get on with the job.

The Australian Labor Party is committed to a system of health care that emphasises prevention as well as primary care. This Labor Government believes that taxpayers' money should be spent in the interests of Canberrans. I must say that the interests of Canberrans do not seem to be paramount in the minds of members of the Liberal Party. The Federal Liberal Party has suggested a massive rip-off of money that would flow to the ACT.

As Minister for Health, I am introducing four initiatives aimed specifically at underage drinking. An integrated campaign, incorporating media and supporting community projects directed at underage and binge drinking, will be developed through the Health Promotion Fund. This campaign will complement the current national drug offensive media campaign aimed at young people and alcohol by focusing on identifiable Canberra-based images. This will help to reinforce the view that underage and binge drinking is a serious problem in the ACT. What we are on about is action - something that could never have been expected under the former Government.

Mr Stefaniak: There does not seem to be much action here.

MR BERRY: We get on with the job; no grandstanding here, Mr Stefaniak. The campaign will also aim to raise awareness amongst older youth of the National Health and Medical Research Council's recommendations on maximum safe drinking levels - four drinks a day for men and two for women - and the need for alcohol-free days. The Alcohol and Drug Service will develop the campaign in consultation with Health Advancement Services, the Department of Education, the Australian Federal Police and the youth and non-government sectors. Again, this is a sign of action.

A series of brief intervention kits will be launched through the Alcohol and Drug Service 24-hour crisis and information line. Six different kits will be available in the near future, including a kit specifically aimed at young people. General information on the effects of alcohol and other drugs will be provided, including

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specific information on binge drinking, in addition to advice on where they can obtain help if necessary. Kits will be provided free of charge to people seeking information on the 24-hour telephone line. A school development in health education project operating in the Tuggeranong region will be funded under the Alcohol and Drug Service grants program. Again this is an indication that this Government is serious about attacking the problem.

A project officer will be employed to produce lessons and a teacher's guide that focuses specifically on girls aged 12 to 15 years, providing a variety of prevention strategies. The Department of Education will be funded under the Alcohol and Drug Service grants program to develop a pilot drug education program concerning underage binge drinking. The program will incorporate relevant contributions from the Australian Federal Police and will be run in schools in the Australian Capital Territory.

No single program can effectively impact on the problems of alcohol abuse amongst youth. This is about attacking the problem at its roots. These new initiatives are an important part of this comprehensive and coordinated approach. The ALP will continue to be on the front foot while in government and will implement new programs that will help solve the problems facing Canberra. The Labor Government is about responsible government, best utilising public money, and building a healthier and safer Canberra.

MR STEFANIAK, by leave: There is one thing in what the Deputy Chief Minister said which is quite correct, and that is that no single program can effectively impact on the problems of alcohol abuse amongst the young. I really wonder just how effective his program will be. There is perhaps one glimmer of hope in it, and that is educating the young, especially through some campaigns at school.

It will take a long time for that to sink in. I think that over the years and over the decades, the last two decades especially, the anti-smoking message has filtered down to some kids. Unfortunately, a lot of young girls still have not picked up that message, and that is after about 20 years of pretty good education in relation to the dangers of smoking, certainly, in the last 10 years. Maybe, over a long period - it will take more than the next 10 years - this message might get through if it is done reasonably well in the schools, where it should certainly be aimed, at kids between about 12 and 15.

I was interested to hear the Deputy Chief Minister indicate that part of the campaign will be some sponsorship through the Health Promotion Fund, under the general health area. This might well be quite sensible. I would remind him that, in dealing with the question of binge drinking and underage drinking, and promoting a healthy message to kids, especially high school age kids, he had better make sure that his fund uses the right vehicles. The best vehicles

for that are some of the very fine sporting personalities we have around this town. I know that the Canberra Cannons go out to schools with the quit smoking campaign. That is effective because kids know who Herb McEachin is. That means a lot more to them than some dry public servant coming along and giving them a lecture on the dangers of smoking or alcohol abuse. There might be some benefit in doing that, especially if it is done properly.

Binge drinking, excessive drinking, also can be campaigned against through that fund by sponsoring kids' sporting events and sporting events where a lot of children are actively involved. We have many sporting events in Canberra where many thousands of kids are involved in a particular sport. If the Health Promotion Fund was used to push a healthy message and anti-binge drinking, anti-underage drinking through that area - that is, kids' sport - it might have some effect in the long term.

But, as usual, this Labor Government is not prepared to match its rhetoric. Its rhetoric here is correct in that no single program can effectively impact on the problem. What is proposed by Mr Berry will take a long time and will still have only minimal effect. I point out to him the experience of the anti-smoking campaigns run in recent years with children.

This Government also has to bite the bullet in a number of other areas. Canberra has the most liberal licensing laws in Australia. We are, I think, about the only place in Australia where you can drink anywhere in public. I have had discussions with my colleague Mr Connolly about when my private members' Bill on dry areas will come on. I am getting a little sick and tired of it not reaching the starting gate because of other matters. When that is finally debated by this Assembly, maybe Mr Connolly and his party might reconsider their idiotic stance of voting against it.

Mr Berry: Back to 1932, Bill.

MR STEFANIAK: It actually works. Maybe we did not have so many problems with binge drinking then, Mr Berry. You have all this great rhetoric. You are running around in circles doing virtually nothing except, perhaps, having an education program that might have some effect in 10 years. You are not prepared to say "No". You should simply say, "No, you are going to stop drinking in certain areas in Canberra". If you are prepared to look at some of the reports before this Assembly in relation to 24-hour licences and the problems with young people lying drunk in the bloody gutter at 6 o'clock in the morning, on Saturday mornings, Sunday mornings and Friday mornings, after 12-hour sessions in various establishments, we might get somewhere.

Mr Connolly: I raise a point of order. I believe that I heard Mr Stefaniak use the great Australian adjective, which is hardly appropriate in the chamber.

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MR STEFANIAK: I am sorry. If I did, I withdraw that. I am sorry to offend Mr Connolly's delicate sensibilities. If it offends Mr Connolly, I withdraw that, Mr Speaker.

The Assembly's Standing Committee on Social Policy had before it a report which stated that licences should be restricted, quite sensibly, to only 18 hours a day so that people cannot indulge in drinking in various licensed establishments over the counter between 4.00 am and 10.00 am.

Mr Wood: That was not the committee's recommendation.

MR STEFANIAK: Well, if it was not, it should have been. I think it is time you people got a little bit fair dinkum when you are talking about alcohol abuse.

Mr Berry: Capital punishment.

MR STEFANIAK: I do not think we quite need that, Wayne. I think a few sensible measures should be taken. Again I would impress upon you the very sensible suggestions made to that committee; the reports you have, Mr Connolly, in your capacity as Attorney-General and Minister for police; the reports my colleague Mr Collaery had and talked about, but did not get around to doing anything about in relation to restricting licensing hours and taking other steps which will positively impact on the drinking problem in Canberra.

You people simply have to get used to saying "no" on occasions about a problem and introducing laws which will have some effect in terms of countering the problem. The two areas I mentioned are certainly areas where a lot of the anti-social behaviour involves binge drinking. Unfortunately, a lot of that is caused by younger people. It is not fair to those younger people that we have laws that are so lax that they are encouraged to do it.

If you do take some steps there I think we will find that a considerable portion of this problem will go away. It will not go away completely. It is true that there is no single measure that can be taken which will reduce it to virtually insignificant proportions. It is going to take a long time, if it is ever achieved.

Certainly, part of your education program, if done properly, may have some effect; but I fear that it will take a long time and it will have a very small effect compared with some simple steps you can take to rationalise the laws of the Territory, which have got completely out of hand in relation to alcohol and alcohol abuse. You can start next week, hopefully, if it gets up, by voting for the Liberal Party's dry areas Bill. If you are really concerned about this, you might start looking at some liquor licences, as well.

DR KINLOCH, by leave: I raise my wholly water glass to Mr Stefaniak. He is usually quiet and pleasant and thoughtful in all that he does; then he magnificently gets stirred up on issues like this, and I congratulate him for it.

Turning to the public behaviour report, headed by Mr Wood, there was much discussion of the very points that Mr Stefaniak has raised. Mr Stevenson and I put in a dissenting report urging the very point that Mr Stefaniak is now putting, that is, limiting the licensing hours. We would like to see that as part of the process that the Labor Party is considering.

I wish to offer congratulations when something is done that most of us can feel pleased about. I think we should say to the Labor Party, "Thank you at least for doing some of the things that are in this statement". Also, though, one needs to look at the problem of tightening up the sources of supply. I cannot really agree that the root causes are being addressed in this small paper, useful though it is in some respects. The root causes go far beyond anything that is said here. It is for that reason that you need a far deeper inquiry than is possible here.

MR COLLAERY, by leave: I remind members that all was said in relation to this in the great debate on 12 September on the alcohol problem. It is quite ironic that Mr Connolly should table today the annual report of the Criminal Injuries Compensation Act. I invite members, as I did last year and the year before, to look at the appendix. In this case it is at page 24. I will take you through just an inkling of what is going on in the city, in Phillip and in Belconnen as a result of alcohol problems.

The first matter is No. 74/87 and \$1,785 was awarded. It involved the Private Bin again. Again, every year, a girl is assaulted. Turn the page to matter No. 16/88. It involved a club in Belconnen and \$1,500 compensation. No. 54/88 involved Carosello's Disco in Phillip and compensation of \$4,762. All of these cases involve alcohol related violence. The next one, No. 91/88, was at a Belconnen club, and the award was \$3,769. It goes on and on and on; all of it to do with clubs and alcohol, and all that we have been saying in this chamber now. I invite members to go through the report. I will not delay the chamber. I have marked them, but I have not had a chance to add up the cost. I did mention in this chamber when I was the Attorney that perhaps we should look at the prospect of a special levy on some of these quick-rich discos.

As far as I understand it, the Australian Hotels Association supported our call for an inquiry, and I think I know why. The hotels, by and large, are well-run, well-regulated and disciplined. They are in a position to put on this type of disco entertainment in more ordered and supervised surroundings, by and large, than some of these quick-rich discos, one of which, I remind members, we found

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was in an underground location in the city without a fire exit. At another disco 700-odd children were found one night, with the police watching it, after I raised concerns, and seeing parents drop children off to the alleged prohibition disco while children were going out into the city because they could not get in.

I have also said here, as I say again, that I am not happy about the response by our officials. I regret to say that. I am no critic of the Law Office - in fact, I am always complimenting them - but I am unhappy at the lack of progress of reform in the whole liquor area. It took us years to get some of the amendments to the Liquor Act through. Legal solutions alone are not the answer; nor is punishment the answer, I say to Mr Stefaniak.

Mr Stefaniak: I am not saying that punishment is better; I am just saying that a few rules might help.

MR COLLAERY: No, we are not going to pat them on the head, Mr Stefaniak. What we have to do is determine the cost to the community of the quick-rich discos. A couple of the sleazy discos we now have in town are really rough, on the best available advice to me. Why does this city have to put up with the cost of policing, the cost of the injuries, the health costs and all the rest, while the fast bucks are made? The shops close after two or three years, as we have seen.

We should examine that issue. What I said is in the *Hansard*. I did not receive any response from the people advising me at the time as to whether they thought that was a good idea for me as Minister or not. It typified what I believe was a lack, in the Gaming and Liquor Authority days, of a search for innovative reforms in the liquor area.

What Mr Berry said is his press release from last week. This is top dressing. He has not excluded whether his party will conduct an inquiry. He knows from public comments last week that our patience is wearing thin. This is a matter of profound public importance and the Labor Party, at their peril, will continue to ignore our call, our democratic vote in this chamber. I want them to note those words so that they will know, if anything happens to them, why it has happened. This is not a matter that the people of the Territory can stand back from and ignore in the way the Labor Party has.

MS MAHER, by leave: I commend the Labor Party for these initiatives, but I was appalled at the reaction of Mr Connolly and Mr Berry when we were putting up the motion for a board of inquiry into alcohol. Their behaviour at the time was atrocious.

Mr Connolly: That is nonsense.

MS MAHER: Yes, it was. You were sitting there laughing. It is good to see that they have gone back on their behaviour and have come up with a worthwhile paper. They are actually going to do something worthwhile for the community. Alcohol is a major problem requiring more than the campaigns they are presenting here. We need services for alcohol affected young people. We need treatment programs for adolescents. We also need to recognise those children who live with families who are alcohol affected people and the effect it has on them. They need support.

Certainly, it is good to see that there will be education campaigns and that the survey is going to be coming out soon. We were hoping to have some information from this survey so that we could incorporate it into our report on behavioural disturbance among young people. Unfortunately, we will not have those figures and statistics for our report. Certainly, it is an area that we have been looking at and it is a major area of concern in the ACT.

MR MOORE, by leave: I think the best summary of the situation is on page 5 of the statement, where it says:

No single program can effectively impact on the problems of alcohol abuse amongst youth.

That applies, I think, to the use of all drugs right across the spectrum. There is no single solution in dealing with a whole range of drugs, whether they are legal or illegal. Certainly, there is a great difficulty with drug abuse and I am very pleased to see that some action is being taken. I feel, though, that there is a great deal of room for our next Assembly to look at alcohol, tobacco and other drugs and to continually monitor what are the best ways to resolve problems.

I think, Mr Speaker, it is very important that we do not take a black-and-white view and say that the easiest way to resolve a problem is simply to stomp on it and ban it. We know that that has not worked. I see Mr Stefaniak looking at me; that is not meant to be an implication for his Bill. It is a matter we will discuss later in connection with that Bill. Mr Stefaniak is dealing with a particular area and I do not make that comment in that context at all. But it is an issue that we need to deal with. We dealt with the issue of advertising of tobacco, and the advertising of alcohol is another area we are going to have to look at.

MR JENSEN, by leave: Mr Speaker, I am pleased to see that the Government at least acknowledges that there is a problem in relation to alcohol in the ACT. I do not think anyone would suggest otherwise. This city, despite some of the suggestions to the contrary, unfortunately has most of the problems that other cities, towns and communities in Australia have. It is appropriate to acknowledge that there is a problem.

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However, it seems to me, as I read through this paper, that all the problems are there, but there is something missing. I suggest that by conducting the sort of inquiry that my colleague Mr Collaery spoke about and moved for - he was supported by the majority of this Assembly - we would be able to identify some of the causes of the problem and some of the ways by which some of our younger people, particularly those under the age of 18, are able to get hold of alcoholic beverages of various types. That, I think, is one of the problem areas that we have and that is one of the reasons why we need this inquiry. We acknowledge that there is a problem. Mr Berry says on page 2:

In the ACT 26 per cent of boys and 22 per cent of girls were using alcohol at least weekly.

He goes on to say:

Preliminary findings from the survey show that, of those ACT students who drank in the last four weeks prior to the survey, 40 per cent of boys and 30 per cent of girls reported binge drinking - having five or more drinks in a row - at least once during the month.

But nowhere in this statement do I find any suggestion about where the children, who are teenagers, are getting their alcohol. I suggest that anyone of that age drinking that amount of alcohol is certainly drinking to excess. This is one of the major problems and is one of the reasons why my colleague Mr Collaery, and others, supported the proposal for an inquiry. We need to identify the root cause of the problem. We know that the kids out there are doing it, but we need to find out how they are getting access to it.

I do not believe that the program that is identified here fully addresses that issue. I think Mr Moore summed it up quite well when he drew our attention to page 5. I reiterate that no single program can effectively impact on the problems of alcohol abuse amongst youth. I think that is very true. It is important that we make our younger elements within our community aware of the problems associated with alcohol, make them aware of what it is doing to their body and the damage that it is going to do to them. Any of us who have had teenage children, or still have teenage children, I am sure are aware of some of the issues related to their access to use and/or abuse of alcohol.

That really is the key to the whole thing. That is why we believe that it is most important for this inquiry to take place. As I think we indicated at the time, we were not seeking to have an inquiry into why our young people use or abuse alcohol; we were trying to ascertain how we could

solve the problem and how we could reduce their access to that substance. I think that really is the key to the whole issue. Once we find out where the stuff is coming from and prove it - I think most of us know where it is coming from - we can take direct and decisive action to avoid it.

It is not the young people in these cases that we need to come down on like a ton of bricks; it is the people who are providing our young people with this alcohol. That is the issue that we really need to look at. They are the people who should be suffering the full brunt of the law. That is why the inquiry that was recommended is important. The Minister said on page 3:

Now is the time for action.

I could not agree more. But a combination of actions is needed. I suggest that, unless the whole issue is addressed by the Government, these sorts of campaigns will be just window-dressing, because we are not really attacking the root cause of the problem. We will not be finding out where the alcohol is coming from; we will not be seeking to address that problem. All the kits in the world are not going to solve the problem unless we find out and cut off the source of supply to those young people. We all know that binge drinking is having a major effect on the health and welfare of our community.

What is happening now to our young people, and our adults, for that matter, is also going to impact on other parts of the budget. It is going to impact on the health and welfare budget; it is going to affect the youth budget; it is going to affect Mr Connolly's budget in relation to vandalism; it is going to affect Mr Connolly's other budget in relation to corrective services. All these problems are going to be reflected in those budgets. If we do not come to grips with the problem, we are going to cost ourselves much more money in other parts of the budget. By spending some money on really identifying and pinning down the root cause of the problem we may - I believe that it is probably stronger than "may" - we will, be able to reduce the effect on other budgets by seeking to reduce access to alcohol, particularly by those under the age of 18.

MR STEVENSON, by leave: Hector Kinloch mentioned that he and I gave dissenting reports on the Social Policy Committee's inquiry into public behaviour. Our major recommendation or suggestion was that drinking hours or licensing hours in the ACT be restricted. This was similar to the recommendation by the Australian Federal Police at the time. That is one thing that we believe, and many other people believe, would have an immediate and beneficial effect on the problem; yet nothing is done. We go on and on. We hear about more and more criminal injury compensation cases and criminal cases - of people being assaulted - and many of them involve drinking.

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The more I look at these points, the more I wonder why it is that we do not require people who are convicted of assaulting others, or of committing crimes against others, to fully pay compensation themselves. I do not believe that it is something that the community should pay. I think we should make every effort to make sure that the assailant or the offender pays the compensation. We should pursue them for as long as it takes, and they should work to pay off that money for as long as it takes. I think this would be a far better solution to some of our problems.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Mr Speaker, I seek leave to make a short statement pursuant to standing order 46.

MR SPEAKER: Do you claim to have been misrepresented?

MR CONNOLLY: Yes, I do.

MR SPEAKER: Please proceed.

MR CONNOLLY: Mr Speaker, in her remarks on this ministerial statement on alcohol abuse, Ms Maher made the repeated assertion that both the Minister for Health, Mr Berry, and I, during a previous debate on this subject, had been laughing at the problem of alcohol abuse. I want to refute that assertion in the strongest possible terms. There was a political debate over the appropriate form of an inquiry, and certainly political points were scored on that issue; but, on the issue of alcohol abuse, I had reason recently to peruse that debate and *Hansard* shows very clearly that both Mr Berry and I dealt with that matter most seriously. I strongly refute the offensive suggestion that either Mr Berry or I laugh at the problem of alcohol abuse.

UNPARLIAMENTARY LANGUAGE **Statement by Speaker**

MR SPEAKER: I draw members' attention to the *Hansard* record of the proceedings of the Assembly of 22 October where, at page 4 of the proof *Hansard*, Mr Berry referred to the former Government's consultation process in the redevelopment phase of the hospital system as "dishonest" because of a particular failure in the process. Mr Kaine then referred to Mr Berry as "the dishonest Minister". Mr Kaine later withdrew comment.

Although I believe that Mr Berry's choice of the word "dishonest" may be inappropriate, I do not believe that he was imputing any improper motives or reflecting personally on any member of the Assembly, as he was referring to

certain procedures that were used. I therefore do not believe that the words used were either offensive or disorderly and, consequently, do not require them to be withdrawn.

On Wednesday, 23 October, Mr Berry stated that it was "gross hypocrisy" for Mr Humphries to attack a review of the 24-hour crisis service on mental health. I have reviewed the proof *Hansard* and have also reviewed past rulings on this matter. Such terms as "you hypocrite" and "hypocrisy" have been required by me to be withdrawn, but on another occasion similar terms were allowed when another member was acting as my deputy. I reinforce my previous rulings by concluding that the terms "hypocrisy", "hypocrite", "gross hypocrisy" or "hypocritical", when applied to members, are a reflection on the members and are therefore disorderly. I therefore call on Mr Berry to withdraw the comment.

Mr Berry: I withdraw.

QUESTION TIME

Discussion of Matter of Public Importance

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

That question time is frequently being misused by Ministers; that many questions remain unanswered though being easy to understand and asked more than once; that time is being used for Ministerial or Party Political statements; that, instead of answering the question, derogatory remarks contravening Standing Orders are sometimes made; and that Ministers should comply with the intention of question time to give Members the important opportunity to have questions answered on behalf of their constituents.

Mr Berry: Mr Speaker, I raise a point of order. It concerns the imputation implied in this matter of public importance against the Speaker - yourself in this case. Mr Speaker, I refer you to page 228 of *House of Representatives Practice*. It says:

Except in moving dissent from a ruling, the Speaker's actions can only be criticised by a substantive motion usually in the form of censure or want of confidence. It is not acceptable for the Speaker to be criticised incidentally in debate.

Traditionally, a reflection on the character or actions of the Speaker inside or outside the House has been punishable as a breach of privilege ...

Then it goes on to talk about the Parliamentary Privileges Act, Mr Speaker. This matter of public importance says that many questions remain unanswered. That is a subjective view, I think. It says that "time is being used for Ministerial or Party Political statements; that, instead of answering the question, derogatory remarks contravening Standing Orders are sometimes made; and that Ministers should comply with the intention of question time". All of these, Mr Speaker, are matters which impinge upon your area of authority. The standing and temporary orders, Mr Speaker, are very clear on this subject. Standing order 118, under the heading "Answers to questions without notice", states:

The answer to a question without notice

- (a) shall be concise and confined to the subject matter of the question; and
- (b) shall not debate the subject to which the question refers

and the Speaker may direct a Member to terminate an answer if of the opinion that these provisions are being contravened or that the Member has had a sufficient opportunity to answer the question.

At all times, Mr Speaker, where you have issued instructions in relation to the answering of questions, your instructions have been adhered to. Mr Speaker, what Mr Stevenson is saying here is that your rulings were inadequate. Indeed, Mr Speaker, your rulings have set the standard in this Assembly. Your rulings have, in fact, ensured that, in accordance with the interpretation which has been accepted by this house, answers to questions without notice are concise, confined to the subject matter of the question and do not debate the subject to which the question refers. If they were otherwise, Mr Speaker, you would have taken the member, or members, to task to ensure that this practice did not continue.

Mr Speaker, if you have been unable to maintain order in this house and if there is any criticism that ought to be levelled at you, it ought to be levelled as a substantive motion; it ought not to be levelled by way of a matter of public importance. I ask you, Mr Speaker, to rule that this matter of public importance is out of order.

MR SPEAKER: Mr Berry, I think you have done an about-turn on the intent of the words written. I read this, and I allowed it to be printed, based on the fact that, yes, these things do happen and, yes, I do take appropriate action. Therefore, I think your interpretation - - -

Mr Berry: It is a reflection on your decisions.

MR SPEAKER: You are misreading it, Mr Berry. You are too close to the issue, obviously.

Mr Kaine: Mr Speaker, I would like to speak to Mr Berry's point of order. I think that Mr Berry is doing a great job of obfuscating the issue. The simple fact, and the basis for Mr Stevenson's motion, is that, despite your best endeavours, Ministers still flout the rules of this Assembly. That is exactly what this is about, and the greatest instigator of that is the person who was just on his feet. He obviously does not like the feel of the hot breath on the back of his neck and he does not want this debate to take place.

I believe that the Speaker has always endeavoured to implement the standing orders of this Assembly, but he cannot control people who wilfully and consistently disregard the rulings of the Speaker and disregard the wishes of the other members of this Assembly. It is a perfectly legitimate matter of public importance, regrettable as it is that it has to be brought up. Mr Berry's point of order should be given no consideration whatsoever.

Mr Berry: I raise a point of order, Mr Speaker. Mr Kaine just imputed that I wilfully disregard the rulings of the Speaker, and I ask that that be withdrawn.

MR SPEAKER: I would like to draw this point of order to a conclusion. I will not allow the point of order.

MR STEVENSON (4.13): Mr Speaker, I think my intent for the matter of public importance is clear. It is certainly not a reflection on your repeated attempts to have Ministers answer the questions in a concise and clear manner. Today's questions without notice, with one exception, could almost be a model - and I think we know well why that was; it was because of the matter of public importance coming on. Quite a few questions were asked and answered, the majority of which had supplementary questions, and, if it kept going along in that vein, I think many of us would be a lot happier.

Questions without notice plays an important role in this and other parliaments. It allows individual members of the community access, as it were, to members of the government through questions. It allows topical and urgent matters to be brought up on a day-to-day issue. This is one of the major reasons for questions without notice. It allows matters to be brought to public notice - and, indeed, there is a great deal of public notice during question time. As we all understand, of all times during the Assembly's proceedings, question time is the time when there are most people here. Immediately after question time it is all too common that the vast majority of the gallery, however large it is, departs.

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So, there is a great interest in question time. That is certainly shown in the Federal Parliament, because question time is televised. Indeed, I think our own question time should be put out on radio. I would not televise it. I think that is going beyond the pale. But certainly people in the community should have an opportunity to hear what happens in parliament, and why not start with the broadcasting of question time? I think it would interest a great many people in Canberra. They would have the opportunity to hear about these day-to-day issues. It would, perhaps, get them more involved in the Assembly - more involved in their responsibility for taking care of what happens in government.

I think one of the important factors about questions is that it allows accountability of government. It does that by giving members the opportunity to be a watchdog on arbitrary decisions. We can press for remedial action on the many things that we feel may need attention, and these can be brought up very rapidly. You can see something that needs to be handled in the morning and bring it up in the afternoon on a sitting day.

I think it is interesting to note that, in Federal Parliament, it was not until the 1950s that questions without notice became official. Prior to that, questions were unofficially allowed. If the Minister was prepared to answer a question, then the Speaker was prepared to allow it to be asked. As far as the number of questions asked is concerned, I think it was in the early 1930s that 18 or 19 questions was a record; but, in 1940, 43 questions were asked in a 50-minute period. Where I read that, it was also mentioned that, of course, the answers were clear and concise, as were the questions. What a wonderful opportunity for us to follow along that same line.

I think there have been many times when we have not had the opportunity to ask important questions, simply because so much time has been wasted. When we do get the opportunity to ask a question, it is unfortunate that it is not answered. Yesterday, there was an example of that in this Assembly. I asked a question of Mr Wood on non-government schools. I said:

... our poll results of over 600 people throughout Canberra show that 59 per cent are opposed to budget cuts ... while only 35 per cent are in support.

I asked whether the Labor Government had asked that polling question, and whether, under those circumstances, it would reconsider the matter. Unfortunately, Mr Wood failed to answer the question. He made some mildly derogatory statements about my surveys and so on. I asked a supplementary question and, once again, he said:

Again, they are Mr Stevenson's surveys.

I had asked whether he had done his own, but he failed to answer. Once again, what is the use of questions without notice if they become questions without answers? It is very important that all members in this Assembly have the opportunity, on behalf of their constituents, to ask questions. To have an important question to ask and then to fail to get a reasonable answer is not okay.

Mr Kaine: It is also aggravating.

MR STEVENSON: It is particularly aggravating, Mr Kaine. Earlier, Mr Berry tried to stop this matter proceeding, and Mr Kaine mentioned why he felt Mr Berry tried to stop this matter proceeding - because he was the worst offender. I think that is something that most members of this house would agree on. Our standing orders say, on page 24 under the heading "Rules for questions":

A question fully answered cannot be renewed.

Unfortunately, it is not often that one would not want to renew a question, because many are not fully answered. Indeed, under the heading "Answers to questions without notice", standing order 118 states:

The answer to a question without notice

- (a) shall be concise and confined to the subject matter of the question; and
- (b) shall not debate the subject to which the question refers.

As far as being "confined to the subject matter of the question" is concerned, we know all too well that Ministers will wander off on some other political path, talking about everything but the question that was asked. I think it is fair to say that most questions that are asked in this Assembly are quite precise questions. There are very few questions that are vague and hard to understand; yet Ministers repeatedly fail to answer those simple questions. Also, they are likely to make ministerial statements, which they have an opportunity to do at other times without taking up the important time of question time in this Assembly.

I must say that it would be unfair of me to suggest that it was only Labor members that had done the things that I have said. It is only fair to say that the Alliance Ministers may, on one or two occasions, have committed similar transgressions. It is an important matter. It has come to the notice of members of this Assembly a number of times that questions are not being answered fairly and concisely. This is most annoying when we are trying to get something useful done or trying to get questions answered.

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I ring up constituents after question time and I tell them the answer to their question, and many of them are not very happy at all, I can assure you. Once, when I asked Mr Wood whether he would take some action to avoid young children - 11 or 12 years old - being shown movies in schools that are suitable for children 15 years or over, he said that he would consider whether or not he would discuss it with the Education Department and went on to say that nothing untoward ever happens within the Education Department - an absolute failure to answer the question. I informed the constituent who had raised the matter with me, and he felt so incensed about the particular reply by Mr Wood that he wrote a letter which was published in the *Canberra Chronicle* - which Mr Wood no doubt saw later on.

It was unfortunate that that happened. These problems can be solved simply by Ministers looking at the question and answering it. Even if they feel that it is a political question, they do not have to answer it in any way other than logically and concisely. My question to Mr Wood on the percentages of people who are concerned about the budget cuts for non-government schools goes to the very basis of democracy - what the majority of people in this community want. I feel that it is one of the most important issues we will ever discuss in this Assembly - what the people want - yet Mr Wood failed to answer the question.

There is too much of it, we have known about it for a long time, and I have been prompted to bring on this matter of public importance to have my say and to allow other MLAs to have their say.

MR KAINE (Leader of the Opposition) (4.23): I must say that it is a sad commentary on the performance of this Government that Mr Stevenson felt it necessary to bring on this matter of public importance. Regrettably, there is a great deal of substance to his complaint that this Government fails to respond to genuine and legitimate questions of interest to the community and to members of this Assembly about what goes on behind the facade of the Executive in government.

It is not just a question of the conventions of ministerial responsibility and accountability; it goes further than that. I would just like to remind the Chief Minister, who unfortunately is not here today, of a statement that she made, which is recorded in the *Hansard*, on 5 December 1989. She said:

... our Government is committed to open and accountable processes.

She said further - and this was the second great myth:

I believe that we are taking a more consultative approach than any other government in this country.

That was a commitment to open and accountable processes. So, we have here a personal commitment from the Chief Minister - nothing to do with the conventions of government and the like. We have a Chief Minister who gives that commitment, and then we have an Executive, of which she is the head, that consistently fails to address questions. We do not have to go back even as far as yesterday. There was a case today where Mr Berry was asked a specific question and he did not even attempt to waffle; he refused to answer the question.

Mr Berry: That is not correct.

MR Kaine: That is correct. The *Hansard* will show that, first of all, when Mr Humphries tried to get the answer to the question, you did a bit of grandstanding on the issue; but that, when Mr Collaery later asked you the same question, you refused to answer. In fact, you just sat there and said, "No". You did not even get to your feet. That is what members of this Assembly are getting heartily sick of. And I am sure that the community out there is getting heartily sick of it, too. But this does not end with what happens on the floor of this house. Some Ministers are in contempt - and I use the words advisedly - not only of this Assembly by refusing to answer questions, but also of the Assembly's committees.

Mr Berry: I rise on a point of order, Mr Speaker. I think that is an imputation against all members of this Assembly.

MR Kaine: I said "some".

Mr Berry: Well, without naming.

MR Kaine: I said "some".

MR SPEAKER: Order, Mr Kaine!

Mr Berry: Suggesting that any members of this Assembly are in contempt of this place is, I suggest, highly disorderly.

MR SPEAKER: Mr Berry, I do not accept your point of order. On the matter on which Mr Kaine used the word, he explained himself.

MR Kaine: In any case, Mr Speaker, Mr Berry will find that I will become very specific shortly. I am referring not only to what happens in this Assembly but also to what happens in its committees. Again I refer, not to convention, standing orders or anything; I refer to statements made by the Chief Minister. In September 1989 she said, referring specifically to the Estimates Committee:

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The committee will provide a forum for members to question Ministers and officials on matters connected with the funds the Government is seeking from the Assembly. Consistent with Commonwealth practice, the Government envisages that the committee would also be able to extend its questioning to the general operation, administration and policies of the agencies of the Government.

She was right about asking questions. But there was no commitment, obviously, to the notion that people would answer them. On 4 July 1989, the Chief Minister said:

The Government proposed the development of a comprehensive Assembly committee system which will allow extensive scrutiny of the actions of the Executive and the Administration. In particular, we proposed the establishment of a public accounts committee with unfettered powers to review all matters involving public expenditure.

Yet we find Ministers appearing before our committees and refusing to answer questions. Concern was expressed in the report of the Estimates Committee, at page 3, where it was noted that:

... during the hearings Ministers -

plural -

displayed varying levels of insight into departmental operations and varying degrees of willingness to be forthcoming.

Later on in the report, at page 20 - and now we are coming to the specifics - it was further noted that:

... the Minister for Health chose to avoid answering direct questions on the financial control and management of the health budget.

Not only did he decline to answer direct questions in the Estimates Committee but he declines to answer them here as well. I would ask Mr Berry where he thinks he derives the authority to refuse to answer legitimate questions coming from members, not only here but in the committee inquiries as well. He seems to believe that he is above the authority of this house; that somehow he is quarantined from the normal requirements of a legislature such as this.

To put the thing in some sort of perspective, Mr Stevenson referred to the number of questions which one could expect to have dealt with in a normal question time. I think it can be shown that, over the life of this Assembly, we could achieve an average of 16 to 18 questions in a 30-minute question time when things are going well. The statistics show that we have achieved that on some days. But last

month, on one occasion, in a 45-minute question time, we managed to deal with only seven questions. The reason for that is that three of the questions were addressed to Mr Berry, and he went through the same stonewalling tactics that he goes on with consistently and he used up well over half of the 45 minutes of question time in not answering three questions.

Mr Berry can sit there and smirk and laugh and think it is a huge joke; but he is not an accountable Minister and he is not responding to the electorate, which is entitled to know what he is doing in his portfolio. It is not good enough for him to come to this house and say, "I will not answer that question", because one of the ACT Government Service employees or officials on a body says, "Do not tell them". Yours is the ministerial responsibility and accountability; it does not belong to the official or the employee, and you cannot hide behind some official and say, "I will not answer that question". I think it is time that that message was carried home.

I notice that, despite the Chief Minister giving today a fairly comprehensive response to the recommendations of the Estimates Committee, she made no reference whatsoever to the criticism of the Ministers that was inherent in it and which surely warranted some comment from the Chief Minister, who has given her assurances on many occasions on openness, accountability, consultation and the like.

Given Mr Berry's intransigence on this matter - his attempt even to prevent this matter of public importance from being debated because I think he knew what was likely to come out of it - and given his absolute refusal to answer questions, I foreshadow that, at the end of this debate, I will move a motion of censure against Mr Berry. I will read it so that everybody knows what it is and can take it into account and debate it concurrently.

Discussion interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Mr Berry: We might adjourn. I require the question to be put forthwith without debate.

Question resolved in the negative.

QUESTION TIME
Discussion of Matter of Public Importance

Discussion resumed.

MR KAINE: Mr Speaker, I thought for a moment there that Mr Berry was going to use that procedure to avoid the issue again. I will read my foreshadowed motion. My foreshadowed motion, which can be debated concurrently with the discussion of the matter of public importance to save some of the Assembly's time, reads:

That the ACT Legislative Assembly censures the Minister for Health, Mr Berry, for his persistent behaviour in contempt of the Assembly and its committees, exemplified in his obstinate refusal to respond to legitimate questions, despite the claimed commitment by the Chief Minister to accountability and open government and despite the normal convention of Ministerial accountability.

I will move that motion at the end of the debate. I think the facts speak for themselves; the *Hansard* speaks for itself. The fact is that every non-government member in this Assembly is fed up with Ministers who refuse to answer legitimate questions in question time. It is all on the table. It is not a matter of conjecture; it is not a matter of emotion; it is a matter of fact. Mr Stevenson's matter of public importance is a legitimate one and I think that we should deal with the motion that I foreshadowed at the conclusion of the debate.

MRS GRASSBY (4.32): Question time is a long-established part of the Westminster system and questions without notice are very much part of the Australian system. I am sure that members of this Assembly who believe in the ACT's right to parliamentary representation and good government fully endorse this convention. This is why I find it extraordinary that our Abolish Self Government member, Mr Stevenson, has the audacity to criticise not only the Ministers but also you, the Speaker, and your ability to control this Assembly during the period of question time.

I firmly believe that Mr Stevenson, who seems to think that his constituents live in Hervey Bay in Queensland, is in no position to criticise an institution that he claims not to support. If we are to believe the hype under which he was elected, not only would he not be participating in the business of this Assembly - - -

MR SPEAKER: Order, Mrs Grassby! Relevance!

MRS GRASSBY: It is relevant. He is the one who is criticising Ministers, Mr Speaker. It is relevant.

Mr Jensen: You had better defend him, Ellnor. Don't you want to defend him?

MR SPEAKER: We are speaking to the matter of public importance, which is question time, not Mr Stevenson's allegiances.

MRS GRASSBY: I do not want to listen to the parrot across the house. Mr Stevenson would not be accepting any of the benefits of the office, such as the use of telephones, fax, and, indeed, his salary - - -

Mr Stevenson: I raise a point of order, Mr Speaker.

MRS GRASSBY: Heil Hitler!

MR SPEAKER: Order, Mrs Grassby, please! I would ask you to withdraw that - in whichever manner it is possible to withdraw such a statement.

MRS GRASSBY: I apologise to Mr Hitler; I am sorry.

MR SPEAKER: Order! Mrs Grassby, I would ask you, first off, to withdraw - - -

MRS GRASSBY: I withdraw "I apologise to Mr Hitler".

MR SPEAKER: Mrs Grassby, that is playing games. Please just withdraw.

MRS GRASSBY: I withdrew.

MR SPEAKER: Order! You withdrew in a frivolous manner. I am asking you to withdraw the imputation against Mr Stevenson.

MRS GRASSBY: No, it was against Mr Hitler.

MR SPEAKER: Mrs Grassby, we are not all in kindergarten. Please withdraw.

MRS GRASSBY: I withdraw.

MR SPEAKER: Mr Stevenson, what is your point of order?

Mr Stevenson: Basically, the point of order is the one that I made during the MPI. Once again, Mrs Grassby's remarks were not to do with the matter of public importance. There are many important matters that we bring up in this Assembly that are not discussed by Ministers.

MR SPEAKER: Thank you, Mr Stevenson. Please proceed, Mrs Grassby.

MRS GRASSBY: I find Mr Stevenson's MPI an absolute insult. Apart from the fact that he does not believe in this house, he has the audacity to criticise Ministers, and you yourself, Mr Speaker - because he has criticised you.

Mr Stevenson: I raise a point of order, Mr Speaker. Mrs Grassby is repeating exactly the same situation that I just made a point of order on.

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MR SPEAKER: Mrs Grassby, I draw your attention to earlier comments - - -

MRS GRASSBY: Why? He is criticising Ministers.

MR SPEAKER: Order, Mrs Grassby! I draw your attention to earlier comments on the relevance of the MPI with respect to my control of the house. That is being debated, but I think that should have been put to rest. Apparently you were not here. I would ask you now to address the matter of public importance before the house.

MRS GRASSBY: I was here, Mr Speaker, but I saw it as a criticism of you. That is the way I see this - and as a criticism of the Ministers. On many occasions during question time I have cast my eye around the chamber and noted that Mr Stevenson has not even bothered to attend. I find it incredible that he can criticise the Ministers.

Mr Stevenson: Mr Speaker, is it allowable for the Minister to make false statements in this particular - - -

MR SPEAKER: There is no Minister addressing the house, Mr Stevenson. That is not a valid point of order. Please proceed, Mrs Grassby.

MRS GRASSBY: One may ask whether this is the manner in which he shows his contempt for his constituents. Mr Speaker, I note with interest that Mr Stevenson has not one question on the notice paper; yet he is criticising Ministers on the way they answer questions. When we were in opposition nearly every question was a dorothy dixer. I think I have asked three since we have been in government. Members get many questions in. Mr Stevenson gets all his questions in, whenever he asks them, and he gets answers to them. So, how he can criticise the Ministers - and you yourself - in this house, I do not know. As I say, he is hardly ever here. How would he know?

If I had pressing constituents' questions and I did not want to wait for the answer, I would put them on the notice paper. But we do not see any of that from Mr Stevenson. I suggest to Mr Stevenson that there are also many other avenues, apart from question time, for the few constituents that he has in Canberra to get answers. If he cannot get an answer that he wants in the house, he can see the Ministers afterwards. As for his criticisms of the Ministers of this house, I find them absolutely ridiculous. As I still say, Mr Speaker, he criticises you and the Ministers. As for Mr Kaine's criticising the Minister for Health, Mr Berry, on many occasions we got gobbledegook answers from the former Minister for Health on the other side of the house. We could never get straight answers.

Mr Kaine: Maybe it is a virus that afflicts Ministers for Health.

MRS GRASSBY: You could be right, Mr Kaine. It could have something to do with the Health Department. Maybe that is where the real problem is. Maybe we should look at - - -

Mr Humphries: Is this an admission that Wayne is giving you gobbledegook as well?

MRS GRASSBY: No, I am not saying that. I find it incredible that he would get criticised for this. I have also noticed, looking through *Hansard*, that there have been many repeated questions on hospitals, schools, public service staff numbers, tourism and the Raiders, to name just a few of them. All have been answered very well.

Not for a minute do I suggest that it is not a proper tactic to use - this continued flogging of a single theme - but may I suggest that, once a Minister knows his subject inside out - and Gary Humphries should relate to this - it is, of course, easy to answer the questions. So, I do not know why he bothers to ask the questions; he already knows the answers. If members ask a similar question over and over again, which we get in this house, of course the Minister is going to sound like a gramophone. Who would blame him for this? In closing, may I say to Mr Stevenson that, if he does not like politics, or perhaps if it is too hard, he should leave the field to those of us who do care about Canberra.

Mr Stevenson: Mr Speaker, I raise a point of order. Once again, Mrs Grassby is making personal reflections on me.

MR SPEAKER: Yes. I would ask you to stick to the topic, Mrs Grassby. I am not sure where you were leading there.

MRS GRASSBY: My point is, Mr Speaker, that if Mr Stevenson cannot stand the heat in the kitchen he should get out. We members who want to run this place properly can go on doing it, and he can go back to Hervey Bay where he belongs.

MR HUMPHRIES (4.41): I do not think there is much that I need to say to support either Mr Stevenson's MPI or, for that matter, Mr Kaine's foreshadowed censure motion, other than to cite a number of examples. I note that the Labor Party is so vitally concerned about this matter of public importance that there are precisely no members of the Labor Party present on the floor of the house. What a terrible pity it is that they see responsibility and answerability to this Assembly in that very light-hearted fashion. As I said, I can cite a number of examples which indicate very clearly that this Government and, in particular, this Minister for Health - - -

Mr Jensen: Mr Speaker, I raise a point of order. I am sorry; I was going to draw attention to the state of the house.

MR HUMPHRIES: We seem to have flushed a few people out, Mr Speaker.

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Mr Kaine: Yes, almost unpolluted by government members.

MR HUMPHRIES: That is right, yes. We seem to be making good progress actually, while they are all away.

My first example is that of question time today. The Minister, I think, gave an excellent example of what has been fairly standard fare for the last five months, since this Government took office. Mr Collaery, for example, asked a very simple question about whether written updates with respect to hospital financing had been received by the Minister. He asked when those updates had been received and whether they had been requested formally by the Minister in writing or orally. All three of those questions, to the best of my knowledge, and to the best of my listening to the answers, were unanswered. No attempt whatever was made to answer those questions.

I asked about first home visits. I asked whether first home visits were to be cut out by this Government on 1 January. Mr Berry rose in his place to attack vociferously the fact that such a suggestion could be made by the Opposition. He was virtually frothing at the mouth at this idea that we could suggest that there was some attack on first home visits; and then he confirmed, sotto voce, in the course of his answer, such as it was, that, by the way, first visits are going to be cut out. That is typical of this sort of Minister. He confirmed today that the Government was considering cutting out first home visits.

Mr Berry: No, they are not. You see, you do not even listen to the answers - and you do not like the answers. That is your problem.

MR HUMPHRIES: That is what you said, Mr Berry, and, if you cannot recall, I think the *Hansard* will recall it for you. I asked a supplementary question. In fact, this supplementary question was largely the same question that I had asked him, but I had to ask it as a supplementary question. I asked: Did he acknowledge that these visits, in the past, had helped to detect cases of child abuse and postnatal depression? For Mr Berry's benefit, that is certainly the case. If he spoke to any community nurses working in this area, they would not hesitate to tell him that that is, in fact, the case. But he would not know that; he does not speak to those sorts of people.

But, having taken that question, he then rose and said, "I do not know; I will have to find out", and sat down. No attempt was made by this Minister - this so-called Minister for Health - to say to the Assembly, "You have raised a legitimate question, a matter of concern to yourself and your constituents. I will get an answer for you. I will take this question on notice and come back to the Assembly". Mr Berry smiles - "Ha, ha, ha. Is it not a great joke? I have deprived a member of the Assembly of another piece of information about the good government of

this Territory". I do not think it is funny, Mr Speaker. It is a clear disgust and contempt that this Minister has for the workings of this parliament, such that he chooses to think that it is a great laugh if he can get away without answering a question in this Assembly. Shame on this Minister opposite.

He was also asked a very good question, I think - with respect to myself - about financial accountability: How much has been spent on health in this financial year to date and will he provide monthly updates? That is a very simple question. He did answer the second part of the question, I concede. He said, in a very long, rambling answer, "I do not like the idea of providing financial updates. It is too embarrassing; the Board of Health does not like the idea; so I am not going to provide them".

But he should be providing information to this Assembly - if he is not going to give us the updates - on where the health budget stands. He is responsible for this health budget - not me, not the Chief Minister, not anybody else; he, as Minister for Health, is responsible for the budget for health for this Territory. When I asked him, "Is the health budget on target?", he could not provide an answer.

I seem to recall a similar question being asked earlier this year on the same subject - a question asked in about February of this year: "Is the health budget on target? Are any blow-outs expected?". The question was asked by Mr Berry, then the Opposition spokesman on health, of me, as the then Minister for Health. What would he have done if I had answered his question the way that he answered mine today - that is, "This is too important a matter. Members of the Assembly are not entitled to know the answer to that question. You are not entitled to find out about that. That is for the Board of Health to worry about"?

We are the parliament of this Territory. We are entitled to that information, because we are elected by the people of this Territory to be responsible for those things, Mr Berry. You should be accountable to this parliament, and you are not, because you will not answer the questions that are being asked of you, legitimately, in this Assembly.

The questions of financial accountability are, of course, very good and very important questions. It is vitally important that those questions be asked, because of the history of financial problems in the health system in this Territory. Yet we hear nothing from this Minister except, "I do not want to give you an answer. Ha, ha, ha. What a great joke. I can avoid giving answers to questions in this Assembly". This would be disgraceful conduct anywhere else in this country, and I am sure that members would see that very clearly if they looked at what other parliaments do.

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I know that I have wounded Mr Berry on many occasions with the sorts of issues that have been raised and the questions that have been asked, but that does not excuse him from the accountability that he has to give to this Assembly. This is part of the Westminster system. I do not know whether he wants that system or not, if he had his druthers. But the fact is that he is a Minister under the Westminster system, and the principle of ministerial responsibility says that the Minister is accountable to the parliament.

A few other examples of obfuscation and of the refusal to accept that responsibility, I think, come to mind fairly readily. The Minister, for example, was asked some time ago to provide information to the Assembly about the number of expressions of interest in the private hospital project in Belconnen. The Minister answered a question on notice, saying that he would not provide the information; it was commercial-in-confidence. A number, mind you, is commercial-in-confidence! He obfuscated in question time repeatedly, saying that there was no interest in or demand for a private hospital.

I launched a freedom of information request to find out what the answer to this question was. I finally got that answer. There were, in fact, four expressions of interest in building a private hospital in Belconnen. Four expressions of interest was described by Mr Berry as there being no interest in or demand for the building of a private hospital. It is very strange - but, in fact, in another way, very understandable - that the Minister should decline to provide information about that.

Another example of the buck-passing that goes on in this Government is this: At a public meeting in Tuggeranong some months ago, I asked the Minister for Urban Services, who is responsible for the police, why it was that the system of distributing police car services - that is, operational bases for police services in the Territory - was so different from the very system that the Minister for Health operated for ambulances.

Mr Berry: Because they are two different services.

MR HUMPHRIES: Indeed, they are two different services. I asked what the difference was between the two services - a quite legitimate question, I would have thought. Mr Connolly said, "I do not know. Ask the Minister for Health". So I did. In the Estimates Committee a few weeks later, I asked the Minister for Health why it was that the Department of Urban Services, or the police department, saw such a need for this particular system of distribution of police cars, and why ambulance services, with a similar kind of need in the community, operated on such a different basis. His answer was, "Ask the Minister for police".

Mr Connolly: No. He said why he does it one way; I say why I do it the other way.

MR HUMPHRIES: You were not there, Mr Connolly. His answer was, "Ask the Minister for police, Mr Connolly". That was his answer. This is typical of the buck-passing that we get in this Government which, again, is unacceptable. Who am I supposed to ask? Does anyone want to offer an answer?

Mr Kaine: You had better ask the Chief Minister. You might get an answer.

MR HUMPHRIES: I would like to ask the Chief Minister, but I think I would get a fairly predictable answer from her - "Ask the Minister for Health" or "Ask the Minister for police".

Mr Kaine: That is if she was here to ask.

MR HUMPHRIES: If she was here to ask, indeed. We have had this sort of thing all the time in this Assembly. I could go through the details of the incredible obfuscation and refusal to answer questions with respect to hospital bed numbers - an endless refusal to answer the questions and an endless refusal to justify why admission levels are projected to go down in the Territory in the course of this next year, despite their being much higher last year. (*Extension of time granted*)

There has been an endless refusal to answer those questions. Why was it that decisions were made that based the projection for hospital services on a nil population growth in the Territory? There was no attempt to answer the question - "Too hard"; "Not going to bother"; "We do not consider it important that we answer that question". That is disgraceful.

We are not merely the persecutors of Mr Berry. We are the parliament of this Territory. We are entitled to ask, and we are entitled to receive answers to, questions that touch on the peace, order and good government of this Territory. We have not received those answers. We have not received even the courtesy of a pretence that the answers should be provided by the Ministers of this Government. I suspect that, if that particular attitude continues on the part of this Government, the citizens of the Territory will see it, as they have seen it so far - do not think that they have not; I assure the Government that they have - and this Government will have judgment made on it in the election in February of next year.

MR MOORE (4.52): Mr Speaker, I think it is very important to distinguish between some of the possibilities we have as far as questions go. One area that I think it is most important to mention is, of course, questions on notice, because there are a number of questions that can be handled by putting them on notice, and then getting sensible answers. The difficulty with placing questions on the notice paper is that it takes a quite lengthy time to get an answer. The advantage, of course, is that one is not restricted in the number one can ask.

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An adequate demonstration of that was provided by the Leader of the Opposition in today's notice paper. I did not count them, but there is a great handful of questions there. They are important questions, and I am sure that he will see some very interesting answers, in due time.

Mr Kaine: In about six months, I would guess.

MR MOORE: By then perhaps you will be able to answer them yourself. Then we have questions without notice. I believe that, on many occasions, questions without notice are used not so much for information as to perhaps embarrass a Minister or catch a Minister out. Certainly, I have used questions in that way. I know that you will find that difficult to believe, Mr Speaker; but it is true that I have used questions in that way. And, of course, sometimes those questions actually do provide a particular insight into how well the Minister has control of his or her particular portfolio.

Then, of course, there is a halfway mark - and it is a system that I employ quite often - and that is providing 24 hours' notice to a Minister. I have done this with the first Follett Government, the Alliance Government and the current Follett Government. I give some 24 hours' notice when I have a question that I want to know the answer to and I do not want to wait for months. I feel that that tactic works particularly well. I must say that, on the occasions when I provide information as to the question that I am likely to ask, I normally receive a very positive and very adequate reply.

This was clearly demonstrated yesterday with a question asked of you, Mr Speaker. I got a comprehensive reply in a relatively short time. And, indeed, Mr Connolly today answered a question under similar circumstances. It still leaves me the room to ask a supplementary question if an issue is raised in the answer that I believe requires some follow-up.

However, today, there was a question of Mr Berry, asked by Mr Humphries, about the budget, as far as the Board of Health goes. In fact, this question follows a series of issues that I originally raised in the Estimates Committee. They were followed up by other members, and we pursued this very same question about how Mr Berry is monitoring what is happening in the health portfolio as far as the budget goes - and we have very good reasons for doing that. They have been carefully explained by Mr Humphries. Over just about the last decade, there have been blow-outs in the health budget.

Therefore, as members of the community and as members of this Assembly, it is important for us to be open about what is going on in that health budget. We want to know and the community wants to know - and it does not have to reflect badly on Mr Berry at all. If it does appear that there is

starting to be a blow-out in the health budget, then Mr Berry should say to us openly, "These are the figures that we have. There appears to be a problem. These are the strategies that are recommended by the Board of Health for getting this under control. These are what I have accepted", or "This is what I have done in order to encourage the board to continue with its management".

But we are asking for information; we are asking for open government; we are asking you to keep to your promise of open government. It is a very simple thing. I do not give a stuff what Jim Service said about - - -

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

MR MOORE: I happily withdraw it, Mr Speaker. It surprises me that you are worried about it; but I feel very strongly about the fact that Mr Service can say to the Assembly, "We are not going to give you information. We do not want to give you information". I really could not care less about that. I hope you find that more acceptable, Mr Speaker. This Assembly has a responsibility to the citizens of the ACT to ensure that our budget is managed appropriately, and we have given this Labor Government the role, for the time being, of taking care of that as far as the executive government goes.

That we still wish to monitor what is going on is perfectly appropriate and perfectly adequate. If Mr Berry can now see the sense of this and is prepared to agree to provide those figures, then I would be prepared to withdraw my support of this censure motion. However, I believe that it is entirely appropriate that he be censured for his response to this question. Mr Berry, you have got it wrong. We want this information; you should provide this information. It is appropriate that you provide this information in response to a question. It ought not require - - -

Mr Berry: Get a motion in the Assembly.

MR MOORE: Mr Berry interjects, "Get a motion in the Assembly". Mr Speaker, I think that is a good idea, and I am sure it will be done after a censure motion is carried. Alternatively, Mr Berry may, even now, assure us that he will provide that information following a motion of the Assembly. I give him the opportunity to respond now. If Mr Berry says, "I will provide that information following a motion of the Assembly", then I will withdraw my support for this censure motion. In fact, I would not be surprised if Mr Humphries was prepared actually to withdraw the censure motion on that basis.

It is appropriate that the information be provided to members of the Assembly. It is appropriate that at question time we be given straight answers to the questions that we ask. I urge Mr Berry, in his response, to take this opportunity to turn it back on Mr Humphries and say,

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"Yes, I will provide the information, given a motion. Will you be prepared to withdraw the censure motion?". I think that would be a sensible way to carry out this debate without antagonism. I have not discussed it with Mr Humphries. I leave it to Mr Berry to take the next step and to provide that commitment.

MR COLLAERY (5.00): Mr Speaker, the Rally supports the sentiments expressed today by numerous speakers on this side of the house; namely, that this debate is about whether Mr Berry is going to accept that question time is, as *House of Representatives Practice* acknowledges, one of the more important functions of the parliament. In fact, it says, at page 507 of the current edition, that it is a critical function. I quote from that edition:

This includes criticism of the Executive Government, bringing to light perceived abuses, ventilating grievances, exposing, and thereby preventing the Government from exercising, arbitrary power, and pressing the Government to take remedial or other action. Questions are a vital element in this critical function.

The text goes on to state that it is fundamental to the concept of responsible government that the executive government be accountable to the parliament. I share some of the feelings expressed about someone dedicated to abolishing this parliament putting forward an MPI that calls for the proper procedure in respect of an institution of the parliament.

Putting that aside, I want to express the Rally's deep frustration with Mr Berry in this house, and outside the house, in relation to the manner in which he approaches his duties. A substantive motion has been foreshadowed, and we will be speaking to that at length. Time is limited, but I want to support the view that we are entitled to have information.

The questions in question time today illustrated quite conclusively, in my opinion - I do not wish to be too legal - that Mr Berry was not prepared to treat question time in accordance with the parliamentary practice that I just alluded to. I think the evidence is clear; there cannot be any quibbling or getting out of it. One way in which Mr Berry, by interjection, appears to be trying to get out of it is by suggesting that he needs a resolution of this Assembly to be able to interfere with the board; or that he wants further support to be able to interfere with the board; or, most worryingly, that he does not want to interfere with the board himself.

But, if you look at the establishing legislation, the Health Services Act 1990, you will see, in Part VII, how the finances of the board are to be dealt with. In fact, the board is not allowed to enter into a contract for the acquisition of assets or the sale of assets where the

contract involves the payment or receipt of an amount exceeding \$1m. And the Minister determines the fees and charges and so on for the board. There are clearly provisions in the Act that allow the Minister to dismiss the board in circumstances where it is unable to properly perform its functions.

I do not suggest in the least that we are debating that issue. What I am suggesting is that the community has a well-founded concern about the financing of health. We are all familiar with Mr John Enfield's enjoiners in his review of health when it was under the Alliance Government. Mr Enfield referred to years and years of culture in health - Mr Moore or another speaker said 10 years - that successive Federal and now Territory Ministers have tried to deal with.

I said yesterday in this house that I had concerns about the approach by the Health Department in a couple of its program areas. Given those concerns, I believe that we are entitled to know, before the community kicks the lot of us out at the next election, how the budget is going and whether self-government is seen to have a responsible and responsive overview, in terms of Executive control, of the Territory finances, including health but not excluding other issues where there may be incipient financial problems.

One area where there is one is sports funding. We have, as I claimed yesterday, a \$620,000 a year drain on our sports budget over the Bruce Stadium debacle - the totally incompetent, allegedly commercial arrangement made by the Follett Government in its first term. Mr Berry was asked questions about that, both in this house and in the Estimates Committee hearings. Nothing came out. None of the detail relating to that, such as I alluded to yesterday, came out. So, I am forced to put down the financial information that I have, without any rejoinder by this Minister; without any desire on his part to enter the debate.

Mr Berry simply wants to be a Minister, but he does not want to be accountable to this parliament. He does not want to do more than pass his time here in the parliament. He wants to get away with the least questioning that he can in question time. He deals with us as if we were some type of distraction from whether his real aims are in being in this parliament. I draw members' attention to how Mr John Enfield saw the board, as expressed at appendix C of his report of April 1991. Let us be quite frank about this. If Mr Humphries is concerned about the extent to which financial reporting is correctly coming forward to the Assembly, he has every reason to be, because we were all burnt. And will we continue to be burnt by the historical problems in the health structure?

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I feel very optimistic about the manner in which Mr Jim Service is going to manage that board, and I was a bit disturbed to hear Mr Berry describe it as an Alliance board. When Cabinet agreed to people going on that board - I am not sure whether I was present at that Cabinet meeting - I do not remember asking anyone whether they had some allegiance to the Alliance, whether they were Alliance appointees. I think Mr Berry meant that they were appointed by our Government, but I do not know whether it is proper to describe them as that. I trust that that sobriquet does not suggest that they are in any way pro those who appointed them.

Mr Enfield, at page 51 of his report, said this:

It is recommended that the RCH/WVH hospital produce a monthly information bulletin containing key data on expenditure workforce and activity levels for submission to the Finance Committee and subsequent dissemination within the hospital.

That was a Priorities Review Board recommendation, I see. The report goes on to indicate that Mr Enfield believes that there should be continuing overview. It may well be that these reports, filtered through the finance committee, if it exists, should come to Mr Berry. We do not know. That is the reason why this motion has the support of the Rally today.

We do not know, from Mr Berry's failure to respond to my question today, whether he has asked for the information; whether he is receiving it; whether he has ever received any. We do not know that, and I think he is being properly censured for refusing to tell us. He did not get up and say, "Yes, I have a report; it is here; it is somewhere in the Assembly; I will show it to members in confidence if it has commercial-in-confidence issues; I have certainly seen it; I have satisfied myself; I have discussed it with the Treasurer". None of the things that any other Minister in this house would say was said by Mr Berry.

Mr Berry's behaviour is inappropriate. It is not only his approach in question time; his overall approach in the Assembly, particularly the manner in which he approached the Estimates Committee, shows, frankly, a contempt of the very institution to which he has sought election. That has been a long time coming from us. In his personality, Mr Berry is an easygoing, laconic Australian. I give due weight to the manner in which he responds, to his diction and the way he talks as a classic Australian, which he is; but, apart from that, he really is a very shrewd holder-back of information. I think that is inappropriate. He has to stop. He has to reform his ways and put up with what we put up with when we were Ministers and had to answer and attend to scrutiny.

MR BERRY (Minister for Health and Minister for Sport) (5.09): It seems, Mr Speaker, that two issues have been intermingled in the debate. The first thing we have to say is that once again members of the former Government, bitter in defeat, are raising issues which are merely time-wasting exercises which prevent the Government from getting on with very important legislation, like the Human Rights and Equal Opportunity Bill - or the no-name Bill, which it now is, as a result of the actions of members opposite - and, of course, the planning legislation.

This matter of public importance is a general attack on Ministers, Mr Speaker, and it is an unwarranted attack. It is a bit like the firebug screaming about the smoke when they talk about the sorts of misjudgments that Mr Stevenson, of all people, has referred to in his matter of public importance. Mr Stevenson obviously does not look at what goes on in other parliaments. If he did, he would see that the behaviour here is not that much different from what occurs elsewhere. In fact, it is not very remarkable.

Question time, in all the places where I have seen it occur, is a time when party-political statements are made. That is the Westminster system. I am not ashamed of that. I am not ashamed of that at all. When questions enable me, in response, to make party-political statements, or other Ministers to make party-political statements, that is to be expected. That was the performance of the former Government, and nothing has changed in that respect.

The MPI also talks about derogatory remarks and the misuse of question time. I will give you a quick example of a misuse of question time or an incomplete answer or a non-answer. I asked a question of Mr Humphries in August 1990. It was a genuine inquiry. I said:

Will you give a guarantee or a promise that you will not close or sell off either the Kippax Health Centre or the Weston Creek Health Centre?

Listen to the answer:

I am not in a position to give any guarantees about anything at this stage, Mr Acting Speaker. If I am asked to make decisions on the floor of this chamber by myself, I think we will all be in a very sad state of affairs. I will make decisions in collaboration with my colleagues, in consultation with the rest of the Government, and then I will give appropriate responses to the Assembly.

Mr Humphries: I provided an answer. I could not give a guarantee.

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MR BERRY: Okay; that is fine. That is what I say about the firebug screaming about the smoke. They do exactly the same sorts of things. They are the sorts of answers we screamed about when we were in opposition. But you are in opposition now and you can scream as much as you like; you will get the answers that the Government decides to give you in relation to the questions you raise in accordance with the standing orders as agreed to by the Speaker. The issue of the provision of board finance is another matter, which will be dealt with in the censure motion. This matter of public importance is merely public grandstanding. It is meaningless. Mr Speaker, none of the accusations have been made out.

MR SPEAKER: That concludes the discussion.

PAPER

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning): Mr Speaker, I table the government response to the final report of the ACT Legislative Assembly Select Committee on Cultural Activities and Facilities. I will seek to speak to this at the earliest occasion.

MINISTER FOR HEALTH Motion of Censure

MR KAINE (Leader of the Opposition) (5.14): Mr Speaker, I move the motion that I foreshadowed earlier.

MR SPEAKER: You need leave to do so.

MR KAINE: I was hoping that I could get by without that; but if necessary, Mr Speaker, I seek leave to move the motion that I foreshadowed earlier.

Leave granted.

MR KAINE: I will read it out again so that everybody is clear on what the motion is. I move:

That the ACT Legislative Assembly censures the Minister for Health, Mr Berry, for his persistent behaviour in contempt of the Assembly and its committees, exemplified in his obstinate refusal to respond to legitimate questions, despite the claimed commitment by the Chief Minister to accountability and open government and despite the normal convention of Ministerial accountability.

Mr Speaker, I do not think that I need to speak at great length. I think that Mr Berry has made the case against himself. He clearly demonstrated that he believes - his last remarks exemplify this - that giving no answer is good enough for this Assembly.

I think that the rest of the members, the non-government members at least, do not accept that; they do not agree with it. Mr Berry has shown no inclination even to suggest that he will take a different tack in the future. He has not even given a commitment along the lines that Mr Moore has sought; that, in exchange for some commitment from Mr Berry to provide information, we would not proceed with this censure motion. He even declined to accede to that.

MR BERRY (Minister for Health and Minister for Sport) (5.16): Mr Speaker, this is another measure of political grandstanding. The Labor Party has known about this since yesterday because it was widely circulated that this was about to occur. This attack is a measure of one's success. This is the price you pay for being effective. If you are effective in government and you are in a minority, you are asking for trouble - and that is what this is about. This is an effective government. We were effective in opposition. This is the price we pay.

Mr Speaker, I will read from the motion. It contains these words, "in contempt of the Assembly and its committees". That is an absolute outrage. I asked for some information on some questions to be brought down to me, just to demonstrate the level of questioning at the Estimates Committee. The Estimates Committee process in this place has developed to the stage where a tirade of questions are fired at Ministers and officials. That is okay; that is the pace that has been set in this place and members and Ministers expect that. Whether members asking the questions like the answers or not does not warrant a censure motion. The point is whether they get the answers or not.

I see that there were 54 questions put to me which I took on notice. They were taken on 9, 10 and 16 October. Most responses were tabled between 16 and 22 October. Seven were tabled between 29 October and 6 November. Besides all of the information which was asked of me in the formal proceedings, there were 54 detailed questions which had to be answered by my departmental officers. They are significant answers which require a lot of work. I will give you a demonstration. I will flick through a couple here and give you a demonstration of the types of questions that were asked and the answers that were given.

This question - it does not say who it was asked by - asked for an estimate of the number of women in the ACT dependent on tranquillisers; details of the number of clients involved in COPE; what type of service; any waiting list; evaluation plans; and why the service is not available to men. The answer goes like this:

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In the ACT, as elsewhere in Australia, there are no accurate data on the number of women or men dependent on tranquillisers. However, a large scale community prevalence study in the United States found that approximately 1.1 per cent of the adult population was dependent on tranquillisers. In Australia it is estimated nationally that some 17 per cent of women and 11 per cent of men used tranquillisers ...

and so on. All of this detailed information was formulated by departmental officers in response to a question at the Estimates Committee. To say in this motion, "persistent behaviour in contempt of the Assembly and its committees, exemplified in his obstinate refusal to respond to legitimate questions", is an absolute outrage. It is misleading, in the extreme. It is misleading, in the extreme, to make those sorts of allegations. It is untrue for those allegations to be made.

All questions asked were answered. Mind you, I could tell by the look on the faces of the questioners that sometimes they did not like the answers. Well, that is the nature of politics. If you do not like the heat, get out of the kitchen. There is political information and political messages in answers from politicians.

Much was made out of the issue of financial reports from the Board of Health and my alleged refusal to provide these. For the very first time in this Assembly two monthly reports on finances in the Board of Health were made available to the Estimates Committee. That has never been done before, and the people opposite whinge.

Mr Kaine: You did not ask for them when you were in opposition.

MR BERRY: I asked questions in this place about the budget blow-out, and neither the Chief Minister nor the Minister for Health knew. That is the extent of the information that one used to get from the former Ministers opposite. It is very clear that the information that was provided to the Estimates Committee was way in excess of the information that was ever provided by these members when they were in government. Again, I go back to the firebug squealing about the smoke.

Mr Speaker, I provided figures for August and September showing the budgetary performance of the Board of Health. They were figures which I was quite happy to provide. Since then, Mr Speaker, I have received this letter from the chairman of the board, Mr Service. He makes it very clear that he is unhappy about the board's management of the hospital system being interfered with by politicians. His letter says:

I am writing to seek your support to enable the Board to undertake its day to day financial management responsibilities to the Government without undue publicity.

I request this in view of the Estimates Committee desire to see monthly budget performance reports. I also understand that the unions have now requested this information on a regular basis.

Health's monthly budget reports are management reports. They are made available to the Board, yourself -

referring to me -

and the Treasury and through Treasury, as part of a Government wide report, to the Chief Minister and Treasurer. I do not know what arrangements apply to other Government Departments, but I would be surprised if their reports were made available for wider scrutiny. I do not believe Health should be treated any differently.

The Government has public accountability mechanisms in place which I fully support. The Board will endeavour to meet these requirements in full.

I wrote to you on 1 October 1991 about the health system being used as a political football (and a media one). Further opportunities should not be provided to entrench the view that health is fair game.

I therefore ask that you advise the Estimates Committee and the Unions (should they seek your assistance in this matter) that it would be inappropriate to provide them with confidential management reports such as the monthly financial report.

That is the position that I have expressed in this place because of the request by the chairman of the board, with whom I agree. I think they should be given an opportunity to do the work which was decided for them by this Assembly. Now I read to you, Mr Speaker, section 6 of the Health Services Act:

- 6.(1) The Board has the following functions:
- (a) to provide health services for the residents of the Territory and, as appropriate, for the residents of the surrounding region;
 - (b) to manage the health services and health facilities under its control;

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- (c) to provide for the planning and evaluation of health services, including services provided by persons or bodies (whether or not incorporated) other than the Board;
 - (d) to provide, as appropriate, for the training and education of persons providing health services;
 - (e) to make available to the public reports, information and advice in relation to health of the community and the availability of health services.
- (2) In addition to the functions of the Board conferred by subsection (1), the Board as such has such other functions as are conferred on it under this or any other Act.
- (3) The Board shall perform its functions in accordance with any directions by the Minister.
- (4) The Board shall -
- (a) give the Minister such information relating to the operations of the Board as the Minister requests; and
 - (b) if requested by the Minister - submit proposals to the Minister regarding the nature and extent of the future operations of the Board.

That clearly sets out that the board is a management board, and it ought to be left to do its job. I today tabled the annual management report of the Board of Health. Members of this Assembly will be able to draw from that a range of material upon which they might wish to base questions which they can put to me and which I may provide answers to.

The real issue here, it seems, is whether or not I should provide monthly reports on the board's management and financial reports. Madam Temporary Deputy Speaker, if this Assembly is fair dinkum, if that is what they really want, let us see an amendment to the Health Services Act requiring the board to report to this Assembly monthly. Let us see it, if you are fair dinkum. If you are not playing politics, let us see it. You will not do that, because you are playing politics.

That is what this is all about. You are not serious about it. If you want the Board of Health to provide you with monthly reports on its financial position, put it in the legislation. You reckon that you have the numbers for the censure motion; so you ought to have the numbers for that. You are not serious about it if you are not prepared to move an amendment to the Act to require the board to report to you along the lines along which you are asking me to report.

Madam Temporary Deputy Speaker, this issue is one of management by the Board of Health. I do not like the board being politicised, because it makes it difficult for them. They are an honorary board who get paid nothing and they work very hard for the community in the ACT.

I will take responsibility for the board's activities. It seems to me that for the board's monthly reports to be released to the Assembly all of the time, and to have the management of its finances interfered with, would grossly impair the way that that board is able to manage the health and hospital system. However, I have provided in the past, as an indication to Assembly members and the community, the August and September financial reports. I will not volunteer to provide those reports on a monthly basis, as requested by the chairman of the board, because I agree with him. I think it would be gross interference in the board's day-to-day management of the health and hospital system.

If that is what these people are concerned about, if they really want it, what they need to do is move an amendment to the Act. If they are really serious, let them move an amendment to the Act that requires the board to give a financial report to this Assembly monthly. If they really want to interfere with the way it manages the hospital system, that is what they have to do. Are you really serious about this? Do you want monthly reports?

Mr Moore: Yes, but not forever. That is what legislation would require.

MR BERRY: They do not want them forever. They are not serious. They want them only up until February.

Mr Moore: Until we are happy that the board is performing.

MR BERRY: Mr Moore says, "Until we are happy with the way the board is performing". Mr Speaker, I think this shows that this is merely political grandstanding. If they are really serious about it, where is the amendment? There will not be one, because this censure motion is just a joke. It is about my providing information, which, incidentally, I do not have.

Mr Jensen: You told us that you were going to get it every month.

MR BERRY: And I will get it every month.

Mr Humphries: You said "by the 10th of the month".

MR BERRY: "Around about the middle of the month", I said. If you are serious, why do you not pass a motion in the Assembly that you require the board's report?

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Mr Kaine: We are passing a motion that we require you to deliver the goods.

MR SPEAKER: Order!

MR BERRY: Unless you have the guts to put on the books a motion that says, "The board shall report to this Assembly on the 20th - - -"

Mr Collaery: But that is interfering. We have no wish to interfere that way. We want you to do your job.

MR BERRY: You want me to interfere in it and for you to just sit back and fire away. Well, no. If you want to be notified about the board's position every month, you move a motion in here, and carry it by a majority, that you want those figures every month.

Mr Moore: I have one that I am about to move.

MR BERRY: Then you move it.

Mr Kaine: It will not wash, Wayne, and you know it.

MR BERRY: No, you will not do it, either, because you have not the courage. If you have the guts to do it, get out and do it. Do not play games with me. Your censure motion, Mr Kaine, is meaningless unless you are prepared to do that. That is what this is about. This is about the monthly figures of the Board of Health; nothing else. It is about the price you have to pay if you are effective. The Labor Government is effective. Labor was effective in opposition. It blew you apart. This is the price we have to pay when we have not got the numbers. That is the price we are prepared to pay. If you want figures from the Board of Health, okay, put up a motion that you demand them to be here by a certain date in every month, and the Government will consider that and - - -

Mr Humphries: You will ignore it, probably. You will ignore it like you ignored the liquor inquiry. It is too hard for you.

MR BERRY: No, no, no. Put the motion up. You will not put it up.

MR SPEAKER: Order! Mr Berry, your time has expired.

MR MOORE (5.31): It will be my pleasure to put that motion up. The form that it will take has been circulated to members. I will read from the note that I have circulated to members:

Amendment to Mr Kaine's motion following the commitment of Mr Berry to provide the monthly Health Board budget information on the motion of the Assembly.

The amendment will be put. If Mr Berry is not prepared to make that commitment, then I will withdraw the amendment or I presume that the Assembly will vote against it. It is dependent upon Mr Berry coming back to us and making that commitment that he will provide what we want. We, of course, after discussion with members, will give him leave, I am sure, to provide that commitment. I move, as an amendment:

That all words after "Assembly" be omitted and the following words be substituted: "calls on the Minister to be more responsive to the Assembly and its Committees with reference to questions and requires the Minister for Health to provide the monthly budgetary figures, in approximately the same form as provided to the Estimates Committee, within 48 hours of receiving them from the Board of Health".

Members may note that in the copy I circulated I said "24 hours". In discussion with Mr Berry's staff, while he was talking, they presented some difficulties about 24 hours. To be reasonable - because we are trying to be reasonable - I changed the amendment to read "48 hours".

Clearly, we in this Assembly have been dissatisfied with the responses we have had from the Minister. We are saying, "Look, we are prepared to give you another chance. We are prepared to use this as an example. If you are going to give this, we will accept that you are changing your approach; that you are prepared to start answering questions". I am asking Mr Berry to make this commitment. He points out that he has not yet received that information from the Board of Health. That does not undermine this amendment at all. It requires him to provide the information to members within 48 hours of receiving it from the Board of Health. If, in fact, we are not sitting, we require it.

Mr Berry made a great deal of fuss, saying that we could amend the Act. I take his point; I think it is a quite valid point. The difficulty with amending the Act is that that then basically says that we are going to request these monthly figures forever. The point of the exercise at this stage is that we want to be sure that the Board of Health is back on its feet, that it is operating properly after the Enfield inquiry and after the efforts of many public servants and the Minister to ensure that the budget is operating according to the way it should operate, without risk of blow-out. Once we have that information, once we are satisfied that that is happening, I think it will be appropriate for us to say, "Yes, Mr Berry is right; let the board manage its own affairs; let it go ahead now and report to the Assembly at longer intervals".

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For the moment it is appropriate that these figures be provided to members of the Assembly, in effect publicly, within 48 hours of Mr Berry receiving them. It is also important that those figures be accompanied, I believe, where there is a problem, with a comment from the Minister. Of course, 48 hours gives him an appropriate opportunity to say, "Yes, we can see that some things are going off the rails. Therefore the board is intending to take this corrective action, and I have recommended further corrective action". I think that is the appropriate response.

I think that this amendment gives the opportunity for us to step back from a censure motion, which under our tradition is a very serious matter, and gives the Minister the chance to provide what we want. It is a chance for this Assembly actually to gain some advantage from this situation. I also point out that Mr Berry should understand that he is providing the information to members. It should be understood that that, clearly, is what the Assembly is seeking.

MR JENSEN (5.37): Mr Speaker, in the interests of time, I will be reasonably brief in my comments here today. One of the reasons why it has been necessary for the Assembly to pay close attention to the operation of the health budget is that there has been a long period of concern about it. In fact, prior to the Assembly operating, successive Commonwealth Auditor-General's reports made comments about problems associated with the health budget and the ability to get appropriate accounts and reports. As a member of the Public Accounts Committee, I recall looking at some of these reports, some of which go back to 1983, in relation to problems associated with the health budget.

We only have to look at comments made by our own Auditor-General on the health budget, and also the Enfield report, which has already been mentioned today, to see why this Assembly needs to have this sort of information about the operation of the health budget. Mr Moore probably put it quite succinctly when he said that because of these concerns not only were a number of questions asked about the issue during the Estimates Committee hearings but also questions are continually being raised on the floor of this house.

I guess that a lot of it has to do with the problems associated with the answers or non-answers provided by the Minister. Members will recall that during the Estimates Committee hearings we started off getting answers saying that the information would be available by the 10th of the month. At first we were going to get July figures; then we were not going to get July figures. Eventually we did get some figures. I think they were for August, from memory.

We then were given an initial indication that they might be available, but the Minister came back and said that these figures would not be available. I think, Mr Speaker, it is appropriate for the amendment that Mr Moore has proposed to go ahead, provided the Minister gives this undertaking.

I noted the Minister's comments in relation to the requirement to amend the Act. I suggest that we do not need to amend the Act because this particular problem, we hope, can be resolved very shortly. It will then be unnecessary for these sorts of reports to be provided. We would then expect to see the normal audited annual reports meeting the requirements.

I suggest to members and to the community in the ACT that the health budget - one of the biggest parts of the budget in the ACT - must be kept under control. That has been one of the problems. Certainly, there was a blow-out. There has been a blow-out of the budgets of the first two health Ministers in relation to health; but, if one calculates those figures on a monthly basis, one will see that Mr Berry's record is worse than Mr Humphries'.

The Enfield report was produced to bring the health budget back on track and back under control. I do not believe that anyone would suggest for a moment that that is not a necessary requirement. It is probably appropriate for the Board of Health to be given all the necessary support by this Assembly to do what is, in fact, a difficult task. Considerable problems have built up over a number of years.

Mr Speaker, in my final remarks on this issue I would like to comment on the general attitude of the Minister we are talking about in this censure motion today. A couple of weeks ago in this Assembly I asked the Minister a question in relation to the Tuggeranong pool. The Minister declined to provide any reasoned answer to the question. In fact, after question time, as we were leaving the house, I said to the Minister, "You did not answer my question on the pool". Mr Berry said to me, "I did not want your question and I am not going to give you an answer, anyway".

That is the sort of attitude that, unfortunately, this Minister brings to question time. One of the reasons why there is so much aggravation and concern is the way Mr Berry handles himself during question time. Mr Berry appears to be adopting an attitude a bit like that of some of the quartermasters that we used to have in the Army in the old days - "I have it; you try to get it". Basically, that is the problem. Mr Berry is not prepared to provide information for this Assembly and for the people of the ACT.

It seems to me that he does not want to have the matters for which he is responsible subjected to the scrutiny of this Assembly. Frankly, Mr Speaker, that is what parliaments are all about. That is what question time is all about. Question time is about the issue of Ministers

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answering questions quickly and succinctly. Look at any of the problems related to the parliaments around Australia and the issue of parliamentary reform. Any political science student in their first year is told in any text that one of the major problems associated with parliaments around Australia is the abuse of question time by various Ministers.

It is most important that standing orders well and truly cover the answering of questions. I think the standing orders are quite specific about question time. It is unfortunate that over the years, in successive parliaments, a degree of latitude in the asking and answering of questions has been allowed to develop. This is referred to in *House of Representatives Practice*. As I said, one of the most important factors of the need to improve and upgrade the accountability of our parliaments is question time and what it is all about. It is about Ministers being accountable for their portfolios. The buck stops with them, Mr Speaker.

In this case it does not stop with the Board of Health; it stops with the Minister who is responsible. The Ministers are the people who are responsible to the Assembly and the people. I suggest that it is about time that Ministers opposite, particularly Mr Berry, took due note of that and sought to lift their game in relation to the answering of questions from members of this Assembly. We are asking those questions on behalf of the people of the ACT. The people of the ACT have a right to expect Ministers to answer those questions quickly and succinctly. They should provide information to the community in relation to the operation of our parliament.

MR BERRY (Minister for Health and Minister for Sport) (5.44): I am speaking to the amendment. I leave aside some of the comments that Mr Jensen has made. Mr Jensen wants to write the answers to the questions that he asks me and for me to sit back and let him belt me around the head with them. I am not going to do that. This is a political process and we are just going to have to accept that. We accepted it. Just as we grizzled and griped about it when you were in office, we expect that you will grizzle and gripe about the answers you get because they do not give you the sort of information that you might want to use to bash us around the head. That is the political process and we are going to have to live with it on both sides.

In relation to the provision of figures by the Board of Health, I have expressed deep reservations about the provision of those figures because I think the further politicisation of that board is dangerous. It is dangerous for our hospital and health service delivery because they are under enough stress now. Undoubtedly, Health has been under the microscope for some time. In opposition, we expressed concern, through the media, about the way the former Government managed hospitals. I think that was a legitimate process. It is a legitimate process for the now

Opposition to use the media to expose issues in health. There is nothing wrong with that; that is what it is all about. But there comes a point in time when I think one ought to back off.

I have formed the view that gross interference in day-to-day management of the hospital system by this Assembly is most inappropriate. Notwithstanding that view, I sat here and considered Mr Moore's amendment. I suppose it is something that I earned myself. Having made some announcements about how well Health was doing on its budget, I suppose at that point I was really asking for members of this Assembly to require monthly reports. Having provided two monthly reports to the Estimates Committee, I think I probably locked the process in concrete. There does not seem to be any way of getting out of that now. But I have to say that I still have deep reservations about the effect that it will have on the management of our hospital and health systems in the ACT.

I think it is an inappropriate course in management terms. I think it reduces the flexibility of the board to be able to manage its budgets - the ups and downs that occur in budgets from time to time, the ups and downs which, of course, have seasonal effects. But one thing I am not prepared to do, Mr Speaker, is to be censured every time members of this Assembly are unable to get the figures, because that, in itself, is damaging to the health system. One cannot, from an executive position, perform as well when there is a constant tirade of censure motions because one will not provide figures such as this to this Assembly. I think that also would be unhelpful to the health and hospital system.

I know that board members are going to be unhappy about my agreement to this amendment, but they will be unhappy with the Assembly. I would like the Assembly members to consider their position as they approach this amendment. We will support it if it is put, however regrettable I think that is.

All of those things aside, Mr Speaker, I think there has been too much sensitivity about the way Ministers approach question time in this place. Question time is a political stage; it always has been. Questions without notice are political acts and they get political responses. Questions on notice, on the other hand, are much less a political act. Whilst they get responses, the responses are considered. There is some time to make sure that the research behind them provides information which is of help to the Opposition. Again, they have some political information in them as well. To say that there is something wrong with political information being put in responses to questions is not something new, and I do not think it is really bad.

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Mr Speaker, I will close now by reaffirming my agreement to this amendment; but I really do feel that it would be better, first of all, if there was no censure motion. It would be better if there was neither the motion nor the amendment. The outcome, one way or the other, will not be helpful for the management of hospitals and the health system in the ACT.

MRS NOLAN (5.50): Mr Speaker, very briefly, I support the amendment put forward by Mr Moore. I am pleased to see that Mr Berry has given that commitment. If Mr Berry does not bring forward those figures, I would ask Mr Kaine to pursue the censure motion a little later on. I guess that it is only a matter of days.

As Mr Jensen stated earlier in the debate, this really came about today because members were unable, either during the Estimates Committee hearings or at question time, to get appropriate answers to questions relating to the health budget and, in particular, the budget blow-out. I think it is very important that we, as members, are aware of just what is happening in that area at the moment. There is no doubt that there are many people out there in the community who are very concerned about health in this Territory. As I said a couple of days ago, people really are scared about being sick at the moment, because there are some very severe problems. At least we can monitor the situation, and I look forward to receiving those figures within the next few days.

Amendment agreed to.

Motion, as amended, agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 5.53 pm

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ANSWERS TO QUESTIONS

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

Question No 455

Small Business - Taxation

MR KAINÉ - Asked the Treasurer upon notice on 6 August 1991:

What new-form(s) of tax on small business are proposed to meet the increased costs of government, and what are the details.

MS FOLLETT - The answer to the Members question is as follows:

The 1991/92 ACT Budget contained no new tax measures on small business.

Details of changes to stamp duties and taxes -are available in the 1991/92 ACT Budget papers.

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

Question No. 468

Financial Institutions Duty

MR KAINÉ - Asked the Treasurer upon notice on 6 August 1991:

- (1) Is it the Government's intention to increase the 0.08 percent tax on the interstate transfer of funds, in order to increase revenues for additional budget commitments.
- (2) If so, what is the new rate.

MS FOLLETT - The answer to the Member's question is as follows:

As shown in the 1991/92 ACT Budget the Government has not increased financial institution duty applicable on the interstate transfer of funds.

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

Question No 469

Payroll Tax

MR KAINE - Asked the Treasurer upon notice on 6 August 1991:

- (1) Is it the Governments intention to lower the threshold for payment of payroll tax or increase the applicable rate of tax, in order to increase revenues to meet additional budget commitments.
- (2) If so, what is the new threshold, and the proposed rate.

MS FOLLETT - The answer to the members question is as follows:

As shown by the 1991/92 ACT Budget papers the Government has not made any changes to ACT Payroll tax rates or the level of the tax free threshold.

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**CHIEF MINISTER OF TIC AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 586

Chief Minister Portfolio - Public Relations Consultants

MR KAINÉ - Asked the Chief Minister upon notice on 15 October 1991.

Further to your response to Question No. 542, what was the brief, the duties and the cost of

(1) Morris Guest Pty Ltd providing ACT budget public information to the

Chief Ministers Office.

(2) Melange Cottage Film Productions providing a promotional video to the

Chief Ministers Economic Development Division.

MS FOLLETT - The answer to the Members question is as follows:

(1) The brief provided to Morris Guest Pty Ltd was to prepare and manage the release of information about the 1991-92 ACT Budget to the media, to interested groups and to the public generally in cooperation with the Chief Ministers Office and the Public Affairs Branch. The duties included:

identifying sections of the community affected by the Budget; devising messages with appropriate emphases for selected audiences; preparing information kits and faces for general distribution, for the media, special getups and others; and setting up media interviews for Ministers and meetings with community groups.

The cost of the consultancy was \$14 250.00.

(2) The brief provided to the Melange Cottage Film Production was to produce a short corporate video under 10 minutes duration designed to attract business and investment to Canberra. The duties included drafting the script, sourcing and shooting footage, arranging voice-talent and supervising post production. The cost of production was \$10 406.80.

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

QUESTION 587

Government Service - Furniture Purchases and Storage

MR KAINE - Asked the Chief Minister upon notice on 15 October 1991:

(5) Further to your response to Question No.518 (5) that the amalgamation of all ACT Government furniture purchase and storage was being considered in the Budget context has it been decided to amalgamate these functions into one single authority; if not, why not?

MS FOLLETT - The answer to the members question is as follows:

No decision has been taken yet, but one is likely this financial year. In tabling the 1991-92 Budget, the Government announced measures to ensure the costs of providing corporate services in the ACTGS were progressively reduced. A key element of the Governments strategy is the establishment of a Corporate Services Management Board, comprising Agency Heads, to strategically develop proposals for the Government on, and to otherwise manage, the further rationalisation of the full range of common services such as personnel, information technology, fleet and plant, property and accommodation, purchasing, storage and supply, printing and publishing, and many other like services.

An ACTGS Corporate Services Bureau has also been established from units formerly in the Departments of Education and the Arts, Urban Services and Chief Ministers, giving immediate savings of \$1.5M this financial year. The rationalisation of printing, public relations and occupational health and safety functions will provide another \$0.35M in savings this year.

Larger questions of maximising economies of scale and revising ACTGS purchasing policies will be addressed by the Bureau, and

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overseen by the Board, during the course of the year. Achieving savings and cost reduction in furniture purchase and storage will be one such area.

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