



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

18 May 1993

## Tuesday, 18 May 1993

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**MADAM SPEAKER** (Ms McRae) took the chair at 2.30 pm and read the prayer.

## **QUESTIONS WITHOUT NOTICE**

### **Ministerial Arrangements**

**MS FOLLETT:** I remind the Assembly that the Attorney-General is absent on leave until the end of this month. In his absence, members may direct to me any questions that they would have addressed to Mr Connolly in respect of any of his portfolios.

### **Woden Bus Interchange Kiosk**

**MRS CARNELL:** My question is addressed to the Chief Minister. I refer the Chief Minister to a decision by the Department of the Environment, Land and Planning to raise the rent payable by the tenants of a kiosk in the Woden bus interchange by some 60 per cent. Chief Minister, today you are to tell the Assembly about great things that your Government is doing for business in the ACT. When your Government, acting as landlord, raises rent by 60 per cent during a time when the CPI increase stands at under 3 per cent, can you understand why business has lost confidence in the ability of your Government to create a stable business environment in the ACT?

**MS FOLLETT:** I thank Mrs Carnell for the question. May I say that the document which Mrs Carnell made available to the media the media have in turn made available to me. In the time since then I have got some information but, I have to say, not all of the information, on this matter. Madam Speaker, I think it is important to note that the particular business that is at issue here is at the Woden bus interchange. I am sure that all members will be aware that from time to time there has been some very adverse publicity, some adverse community reaction, to the conditions at that bus interchange.

There is an area there, for instance, that has been known as "the black hole". For many years that area has been of special concern because of its poor design. It has been a location for some pretty antisocial behaviour, and it has been the subject of many complaints from the public and, on many occasions, the subject of police intervention. As a result of the concerns by the public, people were in fact being discouraged from using ACTION services from that location. During 1992 some funds were made available from the Federal Government's One Nation program for up to \$400,000 to improve ACTION's interchanges, and the greatest priority in that program was seen to be Woden.

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Madam Speaker, I am advised that plans are now well advanced to modify areas of the interchange, including "the black hole", and there are plans which require the removal of many of the existing structures. Specifically, the columns and the solid concrete balustrades will be removed from the interchange, as will a number of the walls. As part of this project, the consultants have indicated that it is most undesirable to have a food outlet, which is the business in question - - -

**Mr Kaine:** I raise a point of order, Madam Speaker. The Chief Minister has obviously been well briefed on a capital works project, but what she is saying has nothing to do with the question that she was asked, which had to do with rental increases.

**MADAM SPEAKER:** The Chief Minister will proceed. She is getting to the point of the question, I am sure. Please proceed, Chief Minister.

**MS FOLLETT:** Madam Speaker, the business at issue is in fact a food outlet. The consultants in charge of this project have advised that it would be most undesirable to continue with that food outlet located, as it is, between two toilet entrances. I think most members would have some sympathy with that view. The consultants have recommended the removal of that food kiosk to allow for the further opening up of that black hole area.

Madam Speaker, in relation to that matter I am aware of correspondence, in particular a letter dated 5 March, which indicates to the lessee that his rent is to be increased from \$19,000 to \$30,000 per annum. I am aware also, Madam Speaker, of a further letter to the lessee dated 7 May, which indicates that his lease will be terminated because of the works going on at the Woden interchange and further indicates that in these circumstances the increased rent will not be required from the lessee. Madam Speaker, that second letter of 7 May gives the lessee, in fact, three months' notice.

There are some aspects of this which concern me, I must admit. What I propose to do is to ask my Economic Development Division to get in touch with this person, whom I might say I have not heard from myself, to see whether any assistance can be offered to him perhaps in relocating his business, because it is a matter of great concern to me that a business which has been operating apparently for some time should be put out of business in this fashion or put out of its current accommodation in this fashion. I propose to ask the Economic Development Division to undertake that as a matter of some urgency.

**MRS CARNELL:** I have a supplementary question. I ask the Chief Minister whether she thinks it is appropriate that a small business that has been in place for nine years under the present ownership, and longer in reality, should be given three months, and three months only, to vacate its premises.

**MS FOLLETT:** Madam Speaker, it is my understanding that this particular lessee has been on a very short-term lease.

**Mr Wood:** For five years plus.

**MS FOLLETT:** Yes. As to the particular terms of that lease, I would have to get further details.

### **Industrial Relations - Ambit Claims**

**MS ELLIS:** Madam Speaker, my question is directed to the Deputy Chief Minister in his capacity as Minister for Industrial Relations. The Leader of the Opposition last week claimed on ABC radio that a log of claims served on the ACT Government by the United Firefighters Union and the subsequent filing of a dispute were remarkable and a huge time waster. Is there any basis to these claims, and could the Minister inform - - -

**Mr Kaine:** Just put in the same log of claims to the Remuneration Tribunal for us if they are - - -

**MS ELLIS:** I would really appreciate it, Madam Speaker, if my question could be heard by the Assembly.

**Mr De Domenico:** He already knows what the question is. He has the answer ready.

**MADAM SPEAKER:** Order, please!

**MS ELLIS:** Is there any basis to these claims, and could the Minister inform the Assembly of the regular process for the serving of logs of claims?

**MR BERRY:** This is a beaut question because it shows up again the double standards of the Liberal Party and, in particular, of its new leader, Mrs Carnell. Of course, it is an unremarkable claim. It is the same as dozens of other claims which have been made by other unions.

**Mr De Domenico:** What a waste of time!

**MR BERRY:** Of course it is not a waste of time. The process under the Federal Industrial Relations Act is clear, and it is one that has been followed by many unions in the past. One of those unions, of course, is the Salaried Pharmacists Association. The Salaried Pharmacists Association served a claim on the Pharmacy Guild, and of course Mrs Carnell is a senior officer of the Pharmacy Guild.

Here are some of the things that the Pharmacists Association asked for. They asked for \$150,000 a year for a manager of a pharmacy. They wanted superannuation of 25 per cent, hours of work to be 25 hours per week - that is not bad - a \$30 meal allowance, 10 weeks' paid annual leave and \$1,000 per week performance pay. You are not going to earn \$1,000 performance pay - no way, Jose. They also wanted five weeks per year on full leave for professional training and a preference clause. Why was Mrs Carnell not paying attention when these pieces of paper went across the desk? They want a preference clause, child-care paid for by the employer and each pharmacist to be provided with a fully maintained motor vehicle. Listen to it. What a double standard!

Double standards have never been foreign to Mrs Carnell. Let us have a look at what Mrs Carnell has said in the past in relation to self-government. She is a member of a party that is committed to self-government. Then she wants to be the flavour of the month in relation to town councils. Heaven knows what she will come up with next. This is just another example of those double

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standards that we can expect from Mrs Carnell. Claims by the firefighters, by the Electrical Trades Union, by the Public Service Association and by dozens of other unions through the ACTU were unremarkable and indeed were not a waste of time, but it is - - -

**Mr De Domenico:** Let us change the system, Mr Minister, because it is a waste of time.

**MR BERRY:** Here we go. What a beauty! The spokesperson on industrial relations says, "Let us change the system". I will tell you why we cannot: It is a Federal Act. You are supposed to know about these things. The more you open your mouth, the bigger you dig the hole. Question time marches on. Madam Speaker, I think I have drawn attention to the double standards of Mrs Carnell. Double standards are not something foreign to the Liberal Party but indeed something that Mrs Carnell warmly embraces.

### **Woden Bus Interchange Kiosk**

**MR DE DOMENICO:** Madam Speaker, my question is addressed to the Chief Minister. I once again refer the Chief Minister to plans that her Government has for the refurbishment of the bus interchange at Woden. Can the Chief Minister advise the Assembly why the tenants of the kiosk have been given three months' notice to vacate the premises? Can the Chief Minister also explain why the tenants were not made aware of the Government's plans to redevelop the site earlier than 7 May, the date that they were in fact served with an eviction notice?

**Mr Wood:** It has been a quarterly renewal in recent times.

**MS FOLLETT:** Madam Speaker, I hear from Mr Wood to my left that it has been a quarterly renewal of the lease. Therefore, I understand that it would be about the right time for the department to be getting in touch with the lessee.

**Mr De Domenico:** On the same day that they are told to go?

**MS FOLLETT:** No, it was not on the same day, from what I have here of the correspondence. But I have undertaken, in response to Mrs Carnell, to have some closer inquiries made on this matter, and I will indeed be doing so.

**MR DE DOMENICO:** I ask a supplementary question. Chief Minister, would you condone this sort of treatment if it were undertaken by a private sector landlord, as was the case recently at the Campbell shops?

**MS FOLLETT:** Madam Speaker, I do not think I am obliged to give an opinion.

**MADAM SPEAKER:** That is quite correct.

**Mr De Domenico:** Don't you know?

**MADAM SPEAKER:** Order! If you read the standing orders in relation to question time, you will see that you do not ask for that sort of opinion.

## Water Fluoridation

**MR STEVENSON:** My question is addressed to the Health Minister, Mr Berry. Recently the residents of the Upper Blue Mountains had a referendum on fluoride. I ask the Health Minister whether he is prepared to allow the people of Canberra the right to have a say via referendum as to whether or not they have fluoride in their water supply, and perhaps no later than the 1995 ACT election.

**Ms Follett:** The member for the Blue Mountains.

**MR BERRY:** Yes, the member for the Blue Mountains, the member for Chinchilla, the member representing the Logos Foundation, white Aryan supremacists, and so the list goes on. Who are the mob that bury their guns in the mountains? What is their name?

The National Health and Medical Research Council has made its position clear in relation to fluoride. This Government has always supported the recommendations of the National Health and Medical Research Council and we will continue to do so. They are the premier body in Australia in relation to these sorts of recommendations, and I am sure that Mr Stevenson and the people of the ACT support this Government's continuing recognition of those recommendations. I would not be pursuing a referendum on that score. It is entirely proper that a close examination of the provision of fluoride in our water supplies be conducted by a national body such as the National Health and Medical Research Council. Someone of my age only has to examine his own teeth in the mirror and have a look at his kids'. His kids, who have been on fluoride since they were born, have great teeth.

**MR STEVENSON:** I ask a supplementary question, Madam Speaker. Some 80 per cent of children around the world have better teeth, and less than 4 per cent of them receive artificial fluoride. I ask the Minister for not giving the people a say whether or not his rejection of a referendum has to do with the fact that the residents of the Upper Blue Mountains, Coffs Harbour, Port Macquarie and Gosford all voted resoundingly no.

**MR BERRY:** Madam Speaker, they were probably subjected to a campaign by a snake oil salesperson like Dennis Stevenson. My view is that they have - - -

**Mr Stevenson:** I raise a point of order, Madam Speaker. I have sold a lot of things in my time, but I do not recall ever selling snake oil. Perhaps the Minister could pick something that is relevant, so I raise a point of order on relevancy.

**MADAM SPEAKER:** I call Mr Berry.

**MR BERRY:** Madam Speaker, this issue is long dead in this Assembly, and I do not think we need to try to resurrect it. Clearly, water fluoridation is supported throughout the community and it is supported by the scientific community. What the people in those places that Mr Stevenson mentioned were subjected to is something I am not aware of.

**Mr Stevenson:** It was a campaign of truth.

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**MR BERRY:** There were not too many images of you up there, then.

**Mr Stevenson:** Is that subtle?

**MR BERRY:** No. That was like the back of an axe. Madam Speaker, this issue is dead as far as the ACT is concerned. The National Health and Medical Research Council will make recommendations from time to time on this issue, and we will examine them and we will support them.

### **Woden Bus Interchange Kiosk**

**MR WESTENDE:** Madam Speaker, my question is directed to the Minister for the Environment, Land and Planning. Given that ACT Public Works notified your department on 18 March of its intention to redevelop the Woden bus interchange site, why did your department not advise the tenant of the kiosk at the interchange of this until 7 May 1993, and why was a new lease offered when plans were under way to redevelop the site?

**MR WOOD:** Madam Speaker, on the information I have, that lease in recent times has been on a quarterly basis. Any lessee who has a lease in those circumstances knows that he or she is on a pretty short-term tenancy. I do not think it makes any difference whether it is a private lease or a public lease. Therefore, that lessee should not have been unduly surprised to be told that the lease would not be renewed. At this stage I do not have the details of the order of letters. The matter has only just crossed my desk. I will have a look at it and come back with an answer appropriate to the question.

### **Ginninderra Creek Bridge**

**MS SZUTY:** Madam Speaker, my question is addressed to the Acting Minister for Urban Services, Ms Follett, and concerns new weight limit loadings on the bridge across Ginninderra Creek in Ginninderra Drive, Flynn. I did give Ms Follett a little notice of this question and I hope that she is able to answer it today. The question is: Why did the signs outlining the new weight limit loadings for the bridge suddenly appear last week, and to what extent have the residents of Companion Crescent in Flynn been informed and consulted about the new arrangements, bearing in mind that vehicles over 20 tonnes in weight will not be able to use Ginninderra Creek bridge and will need to use Companion Crescent, Flynn, as a detour?

**MS FOLLETT:** I thank Ms Szuty for the question. Madam Speaker, I have been advised that, following a recent inspection of two bridges on Ginninderra Drive over Ginninderra Creek, officers from the traffic and roads section of the Department of Urban Services did detect substantial cracking on the underside of the decks of those bridges. While there appears to be no immediate safety risk, the continued use of the bridges by heavy vehicles, I am told, is likely to cause further damage to the bridges, to the point where they are likely to become unsafe.



Madam Speaker, Companion Crescent is physically capable of carrying heavy vehicles with complete safety. However, it is a residential road and the local residents are therefore likely to experience some disruption due to the increased volumes of heavy vehicles while the temporary load limit is operating. Companion Crescent was considered by traffic engineers to be the most viable route for the passage of heavy vehicles. By signposting this route specifically the impact of the redirected heavy vehicles on the surrounding residential environment can be contained and can be easily monitored. Madam Speaker, the traffic and safety conditions will be monitored closely during the next two weeks and additional traffic measures will be provided if appropriate. Madam Speaker, Ms Szuty has asked to what extent the residents of Companion Crescent have been informed and consulted. From the information available to me, it appears that there has not been that consultation at this moment, and I can only undertake that after the two weeks of monitoring, if there is to be a further impact upon them, they will be at least advised of that.

**MS SZUTY:** I have a supplementary question, Madam Speaker. Was an upgrading of Ginninderra Creek bridge not considered as an alternative to the current arrangements?

**MS FOLLETT:** I will have to take that part of the question on notice, Madam Speaker.

### **Woden Bus Interchange Kiosk**

**MR HUMPHRIES:** My question is also addressed to the Chief Minister. The Chief Minister advised the Assembly earlier today that the tenants in question at the Woden bus interchange were on a three-month periodic tenancy. Can the Chief Minister therefore explain why it was that in the notice of 5 March this year the tenants were offered a new period of tenancy of one year from 1 February 1993 to 31 January 1994 in respect of those premises at the rent of \$30,000 per annum? Is it her intention to treat other small businesses in the ACT in the same way as she has treated this family run business operating at that kiosk? Where is the social justice in throwing a hardworking first generation Australian family onto the unemployment scrap heap, apparently on the basis that the shop that they run operates between two toilets?

**MS FOLLETT:** Madam Speaker, I have already indicated to the Assembly that there are aspects of this matter that I am not happy about, and I have indicated further that I will be making some very close inquiries into the conduct of this matter, and indeed I will do so. I would like to say, in response to the last part of Mr Humphries's question, that I do not consider that it is appropriate to have a food outlet between two toilets. If in the rearrangement of the Woden interchange that is a feature which is to be changed, then I think a majority of people would support that. Nevertheless, as I have said before, I greatly regret the manner in which this matter has been handled, and in particular I would be anxious to see the business people involved continue in business. I will, as I have said, make arrangements for them to be given what assistance is available from the Economic Development Division.

**Mr De Domenico:** Hear, hear!

**MS FOLLETT:** I said that in the first place, but you were shouting.

### **Housing Market Trends**

**MRS GRASSBY:** My question is addressed to the Minister for the Environment, Land and Planning. Can the Minister forecast the state of the housing market in the ACT, and how strong are the trends compared to other States?

**MR WOOD:** Madam Speaker, members would not be surprised that in the current year the trends in the housing market are very strong. This comes from two factors. First of all, it is noticeable that from the day after the Federal election house and land sales have picked up. I had some figures from one real estate agent that indicated that on the day of the Federal election, the Saturday, some four properties were sold. The same agent sold 20 on the Sunday, when it was known that Hewson was not going to be the Prime Minister of Australia and that Keating would continue. That is one reason, I believe, that the current rate is pretty high.

Secondly, it is unquestionably a reflection of the reduced interest rates that make it possible for more people to move into their own homes. My figures indicate that 3,950 housing commencements will be made in the 1992-93 year. Next year that will settle somewhat - and it is probably a good thing that it should settle - from that very high figure back to about 3,200. In the 1991-92 year the figure was also at a pretty high level, at 3,560, although in 1990-91, going back a further year, there were just over 2,000 commencements.

The industry does fluctuate. I would certainly prefer to see commencements settle at a fairly constant level. Our population growth has been at a constant level. If we could get that same constancy reflected in our housing demand, I think it would be beneficial to the industry. But all the signs are that the housing industry is going to be again helpful to our economy in the coming year.

### **Audit Legislation**

**MR KAINE:** I direct a question to the Treasurer. I refer the Treasurer to the Audit (Amendment) Bill that she tabled on 25 March. When tabling it she said, amongst other things, that the amendments inherent in this Bill "relate to the use of certain financial transactions known as derivatives which provide fund managers with an agreed future price for the buying and selling of securities". After I had had a briefing session with some Treasury officials, they came out only last week with a revised and additional background explanatory statement that expands upon section 33F of the Audit Act. It says that the main types of derivatives include interest rate swaps, forward rate agreements, futures and options. Could the Chief Minister tell us how an interest rate futures contract works and how an interest rate swap option works, and how they work to the benefit of our investment in a superannuation fund?

**Mr Berry:** I raise a point of order, Madam Speaker. Does this anticipate debate on the Bill? Is the Bill still before the house?

**Mr Kaine:** I am entitled to seek information from the Treasurer, Minister.

**MADAM SPEAKER:** The specific standing order, I believe, is 117(f), Mr Berry, or - - -

**Mr Kaine:** Why don't you let her admit that she hasn't the faintest idea, Mr Berry?

**MADAM SPEAKER:** Order! A question must not anticipate debate but it may ask for information. I will read out the standing order. It reads:

Questions may be asked to elicit information regarding business pending on the Notice Paper but discussion must not be anticipated ...

Within those guidelines, I call Ms Follett.

**MS FOLLETT:** Madam Speaker, may I respond to Mr Kaine's very fine question by saying that I will ensure that those matters are fully covered in the debate on that Bill.

**MR KAINE:** I am sure that that will not be. Madam Speaker, I have a supplementary question. The same second background explanatory statement says that, in particular, the use of derivatives will not be permitted for speculative purposes. Can the Treasurer tell us at what point in the business of investing in derivatives the speculative element disappears and the trading activity becomes non-speculative?

**MS FOLLETT:** Madam Speaker, I will take that question on notice. It is a very technical matter on which I currently do not have information.

### **Youth Alcohol Strategy**

**MR LAMONT:** My question is directed to the Deputy Chief Minister in his capacity as Minister for Health. Knowing that a number of young people were cautioned for under-age drinking on the weekend, what is being done about the level of alcohol use by young people in the ACT?

**MR BERRY:** I thank Mr Lamont for the question. Alcohol consumption by young people in the ACT is a matter of concern for the Government and for every member of this Assembly. The ACT Government has responded promptly to alcohol problems amongst this group through the promotion of health messages sponsored by the Health Promotion Fund and distribution of information kits on alcohol and its effects. In September last year the Chief Minister launched the thrills without spills campaign. This campaign provides in-service training for schools and colleges on binge drinking. That particular form of drinking has been recognised as a difficulty for youngsters in the past.

These initiatives will form part of an ACT-wide youth alcohol strategy currently being developed. The strategy aims to achieve broad cooperation between government and community organisations through the development of innovative approaches to youth alcohol problems. The key feature of the strategy will be access and participation by young people. Priority issues to be addressed in 1993-94 are under-age drinking and young people, alcohol and violence. Of course, this approach aims to reduce the risk associated with under-age drinking and to promote a safer environment for recreational activity for the target group.

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A number of campaigns have been picked up by the Health Promotion Fund. In some respects the alcohol industry as well has taken a fairly responsible approach to this matter. Whilst on the one hand their aim is to sell more alcohol, they recognise that the effects of alcohol on society as a whole can be fairly savage, and the involvement of young people in the consumption of alcohol, of course, is something that we all - and I include the community and the alcohol industry - want to prevent.

This Government will be working on a campaign which aims to draw the attention of young people to the particular problem. It is all right for us to wave our finger, but I suspect that many of us had fingers waved at us when we were young. Some of us took notice; some of us did not. It is not merely a matter of waving one's finger at young people. It is a matter of involving them in the process - not, as was once the case, excluding them from the process - in order that we may get some recognition amongst young people of the dangers of consumption of large amounts of alcohol out there in the community.

**Mr Humphries:** When are we having pubcard?

**MR BERRY:** Mr Humphries raises the issue of pubcard. That is not the issue. Again, that is going down the prohibition line: "If you do not have the pubcard you will not get a drink". What you really have to get into the minds of young people is recognition of the dangers of the consumption of alcohol in large quantities, or in any quantity for some people.

We are indeed on a campaign which is aimed at helping young people, but we are involving them in the process rather than adopting the prohibition line, because we know that in many cases that has not worked. There we are, Madam Speaker. The Government is working on the issue. It is not a problem that bobbed up yesterday. It is a long-term one and it is one that we do not expect to solve overnight but one that we will continue to work with and one that the community is aware we are committed to addressing.

**Ms Follett:** I ask that further questions be placed on the notice paper, Madam Speaker.

## **SUBORDINATE LEGISLATION Paper**

**MR BERRY** (Deputy Chief Minister): Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for a determination.

*The schedule read as follows:*

Taxation (Administration) Act - Determination No. 41 of 1993 (S79, dated 11 May 1993)

**LAND (PLANNING AND ENVIRONMENT) ACT LEASES**  
**Paper and Ministerial Statement**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members and pursuant to the Land (Planning and Environment) Act 1991, I present a statement which details the leases granted in the last quarter. I ask for leave to have the statement incorporated in *Hansard* and to make a short statement.

Leave granted.

*Document incorporated at Appendix 1.*

**MR WOOD:** Madam Speaker, members will recall that the Land (Planning and Environment) Act was recently amended to remove the requirement to table those leases that were granted by direct grant. Instead, the Act now requires there to be tabled in the Assembly a list of such leases as were granted during a quarter. As the amendment commenced on 1 March 1993, the list of leases I now table covers the period until 31 March. Copies of the leases are available to members of the Assembly and to the public from my department shopfront at the John Overall Offices.

**BUSINESS DEVELOPMENT - GOVERNMENT'S POLICIES**  
**Ministerial Statement and Papers**

**MS FOLLETT** (Chief Minister and Treasurer): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on the ACT Government's policies to assist business development.

Leave granted.

**MS FOLLETT:** I thank members. Madam Speaker, the future development of the ACT must be a partnership between the public and private sectors. The Government's priorities for economic development lie in encouraging the growth of the private sector while at the same time recognising the significant role played by the public sector, in particular the Federal Government, in our economic well-being. We need to be outward oriented, continually looking for new business opportunities and markets both in Australia and overseas. Generating profits from markets outside the ACT is critical to the continued growth of ACT business and the ACT economy.

It is important to recognise that economic development is not an end in its own right, but the means by which a society generates the wealth to achieve its social objectives. The Government is committed to promoting social justice, balanced economic growth, a better urban and natural environment, and access to employment opportunities for all Canberrans. Today I will outline some of the Government's most recent business development initiatives.

Madam Speaker, may I say at the outset, and with some pleasure, that the ACT economy is growing strongly, reflecting the success of the Government's policies. The most recent Australian Bureau of Statistics data on State accounts shows that the ACT economy grew by 6.9 per cent in the year to June 1992, the highest rate of

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any State or Territory. This compares with the national growth rate of 1.9 per cent. A strong level of business investment in the ACT is also evident. Private expenditure on equipment for 1991-92 increased by 51.4 per cent over the previous year to a level of \$262m. Total capital expenditure in the private sector was over \$1 billion in 1991-92. This is an increase of 38.1 per cent over the previous year, compared to a fall of 10.7 per cent nationally.

In the five years to April 1993, the ACT labour force has grown by 15 per cent, compared with 8 per cent for Australia as a whole. What is most encouraging is that the private sector now accounts for around 53 per cent of employment in the ACT, an increase of five percentage points over the last five years. The housing finance figures for March 1993, released yesterday by the ABS, also show an encouraging picture for the ACT. The total value of finance committed for housing in the ACT in March was nearly 40 per cent higher than in March 1992. The figures show that the demand for housing is growing across all categories, including the construction of new houses. Madam Speaker, these figures reflect the reality that the ACT Government is creating a business environment in Canberra that supports private sector investment and growth.

Madam Speaker, the Government's initiatives have not been developed in isolation from the views of the broader community. In 1992, I established the Economic Priorities Advisory Committee of the ACT, EPACT. With representatives from industry, unions, our tertiary institutions and the wider community, EPACT has proven to be a sound source of advice on the economic issues facing the ACT. I am pleased to inform the Assembly that EPACT will be continuing its valuable work. I have asked that EPACT focus its attention on the economic and business environment in the ACT. This will include looking at ways that the Government and the private sector can work together to achieve our goals for the ACT. Reflecting this emphasis in EPACT's work, I am pleased to announce the membership of EPACT for the forthcoming year. Professor Fred Gruen, of the economic program at ANU's Research School of Social Sciences, will continue to chair the committee. Madam Speaker, I table the list of the members of EPACT. The first meeting of the new EPACT will be held later this month.

Madam Speaker, I am pleased to table in the Assembly today EPACT's third major report to the Government - a business development strategy for the ACT. This strategy identifies ways of building on the Government's existing policies to further improve the business environment in the ACT and to encourage the growth of existing and new businesses in the ACT. The ACT is well placed in these areas, but the Government is not content to rest on its record, no matter how good. We will be examining the report carefully over the coming months to find ways of making further improvements to the business environment.

One initiative we are already pursuing is to promote Canberra as a good place in which to set up a business. On 19 March, I launched the Canberra investment promotion program. The program is a joint effort by government and industry to promote our city, both interstate and overseas. It aims to increase awareness of Canberra as a place in which to do business and gives the private sector information to pass on to their clients and contacts. The program is a practical demonstration of how government and business can cooperate in selling the benefits of Canberra. In the two months since I launched the program, officers of my department have made some 30 individual presentations to senior business people and representatives of industry associations. Over 500 promotional kits,

videos and brochures have been distributed to industry. The head of the Economic Development Division in my department last week made a well-received presentation on the program to some 60 representatives of the commercial chapter of the Real Estate Institute of Australia. It is these members of the business community who are vital to selling the Canberra message.

Madam Speaker, the ACT Government is also co-sponsoring a major seminar series - "Canberra: The Face of the Nation?". This is contributing to wider community debate about the nation's capital, and aims to counter the preconception that Canberra is the home of the Federal Government and nothing else. It features addresses by prominent Australians providing their own perspectives on our city and its role in Australia. The first two addresses have been delivered by Mr Kerry Stokes, who is well known to Canberrans through his media interests here, and Ms Susan Oliver, executive director of Australia's Commission for the Future. The Governor-General, Mr Bill Hayden, will be making the next address in the series in Brisbane next month. Madam Speaker, I will be pleased to give the final address in the series, in August of this year, as well as opening the major conference in September to conclude the series. These seminars are related closely to the Canberra in the Year 2020 study that the Government is undertaking. As members are aware, that study, through a process of public consultation, is to identify the sort of city that we as a community want Canberra to be by the year 2020.

Madam Speaker, the Government is taking advantage of every opportunity to continue to promote Canberra as a vibrant and dynamic regional centre with enormous potential for the private sector, but the Government is, of course, doing more than just talking about what Canberra can offer the private sector. We have taken a number of practical steps to improve the business environment, both through providing services and through working with the private sector to identify business opportunities. Madam Speaker, the business licence information system is a case in point. In the year that it has been operating, over 1,800 inquiries have been received. Its high acceptance demonstrates the value of the service it is providing to Canberra's business community. We have reached agreement with the Federal Government to incorporate its licensing requirements into our information system. This information, which is now on line, offers an even better service to ACT industry.

Madam Speaker, the Government has established the ACT Supply and Tender Agency to assist local businesses to take full advantage of opportunities to competitively supply goods and services to the Government. The agency notifies potential suppliers of forthcoming government contracts, providing information about project specifications and identifying departmental contact officers who are able to provide further assistance. Through the National Industry Extension Service, the Government has assisted over 60 ACT companies in areas such as business planning, strategic planning and quality assurance. This assistance is aimed at making ACT businesses more internationally competitive, with resulting benefits for the nation in improving our export performance and reducing our reliance on imports.

Madam Speaker, the Assembly has passed government legislation for the mutual recognition by all States and Territories of each other's differing regulatory standards for goods and occupations. This is a significant reform, as it removes restrictions on the mobility of goods and labour throughout Australia, with obvious benefits to business in the ACT.

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Members will be aware that Canberra is a major centre for scientific research and development through the excellent work carried out in the universities and in organisations such as the CSIRO. A priority for the Government is to improve the linkages between these research organisations and the business community to ensure that the commercial potential of the research can be realised. I have had useful discussions recently with Professor Michael Pitman, the Federal Government's Chief Scientist, on these issues. Our position is that, as far as practicable, the benefits of the commercial application of the research must remain in Canberra.

We have been very successful in having five cooperative research centres located in the ACT, as well as being strongly involved in several others. On the basis of this success, we could expect that ACT institutions may be the principal participants in one or two of the additional 10 centres that will commence operations in 1994. We have also funded an ACT government officer to work with the Centre for Advanced Computational Systems at the Australian National University. This will assist in marketing and developing the centre's many future business opportunities, at the same time as providing important links between research at the university, the Government and Canberra's business community.

Madam Speaker, the advanced technology sector is another sector vital to our long-term economic prosperity. The important role that the ACT Government is playing in this sector is demonstrated by the Advanced Technology Working Group, which developed out of the South East Economic Development Council. This working group provides an open forum for hardware manufacturers, software developers, research organisations and business representatives to meet and review developments in the advanced technology industry, and for local industry to demonstrate its capabilities. Because of the sensitive commercial nature of this field, similar attempts by industry have not proved successful in the past. The Government has played a crucial role in bringing the parties together.

Madam Speaker, in addition to its broad role in working with the advanced technology industry, the Government has taken a range of specific initiatives. We have made a direct sale of land in Mitchell to Optus to develop a \$13m switching station. On 14 April, I opened the station, which will provide 12 new jobs. We helped to convene a presentation by Optus on 12 February to give local Canberra companies a chance to develop alliances with Optus in seeking business opportunities over the next three years. Over 130 local businesses attended this presentation. We have assisted Total Peripherals in their plans to establish a new computer manufacturing and assembly plant in Canberra. Total Peripherals expect that their plant will provide up to 130 new jobs by April 1994.

We are jointly sponsoring the Open Solutions Centre as a place for local companies to demonstrate their latest hardware and software. The centre has become a major venture, involving a number of industry partners trialling new computer applications. On 6 April, I launched the health and safety first software training package at Open Solutions. This package was developed by two local companies, Wizard Information Services and Learning Curve, and is an outstanding example of the type of innovative products being developed by our advanced technology industry. I was also very pleased to open the new facilities of Aspect Computing at Mitchell. Aspect has designed and developed Perspect, a new human resource management system. Following a successful trial, I am pleased that Perspect will be implemented across the ACT Government Service.



BHP Information Technology has recently won a \$100m contract from the Federal Department of Social Security to upgrade the department's computer system. This company was established with its headquarters in Canberra, which has resulted in substantial benefits to both the company and the ACT economy. Winning this contract will mean further growth for the company and Canberra's information technology industry. The Government has also established a close working relationship with the Advanced Technology Products Group. This group of 10 to 15 local high technology manufacturing companies - such as Auspace, CEA Technologies and Network Automation - are at the leading edge of innovation in their fields.

I recently exchanged letters with the Acer computer company exploring a proposal to develop an English as a second language package. This package, representing an investment of around \$2m, will be used in ACT schools and is also being developed for the export market. This is a significant business development opportunity for local industry - a chance to increase both local and international trade and to contribute to the development of English as a second language. Expressions of interest will soon be invited for developing the package, and our local companies will want to be involved.

Madam Speaker, these are just some of the positive outcomes of the Government's policies to encourage the advanced technology sector in the ACT. But we are not focusing on just one industry. We are looking to work cooperatively with a range of industries to achieve similar goals. EPACT has highlighted in its report a substantial core group of organisations that we already have in the ACT which, together with our location, make us ideally placed to develop Canberra as a centre for excellence in environmental management.

Madam Speaker, this Friday, I am delighted to be opening the "Canberra Region: On Display" exhibition at the National Convention Centre. This is a showcase organised by the Canberra region campaign and will highlight the products and services of Canberra region businesses. The display will show local buyers, businesses, government departments and the public the productivity and capabilities of the region. I understand that all the display stands are fully booked and that there is immense enthusiasm for the event.

The lunchtime speaker at the exhibition will be Mr John Valder, chair of the Corporate Support Committee for the Sydney Olympic Games bid. I recently announced that the ACT Government will sponsor the Sydney bid. This sponsorship recognises that holding the Olympics in Sydney will have substantial benefits for the whole of Australia, but particularly for the Sydney and Canberra region. A Sydney Olympics would give the Canberra region a range of benefits, with increased international recognition bringing tourists and other investment to the region.

Tourism remains a high priority for the Government. It is a major industry for Canberra, in terms of both employment and the income it generates. In 1992, over 1,450,000 visitors came to Canberra, an increase of 275,000 over 1991. These visitors contributed nearly \$500m to the local economy and generated some 7,700 jobs. The continuing popularity of Canberra as a visitor destination is reflected in the fact that occupancy rates in hotels and motels are the highest in Australia.

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We continue to recognise the importance of developing and maintaining quality infrastructure to encourage private sector development. For example, the Government is looking at ways that the National Exhibition Centre can be better used, particularly by being able to attract a wider range of conventions and sporting events to the ACT. Natex, the National Convention Centre and Bruce Stadium are complementary, offering different facilities and services to different markets. With these excellent centres, and the wide range of other convention and seminar facilities available in the city, Canberra is developing a well-deserved reputation as a world-class convention and events destination.

Madam Speaker, despite the private sector playing an ever increasing role, the fact remains that the Federal Government is still the most significant influence on the ACT's economy. This is true in terms of its macro-economic policies, the growth and location of its work force, and its own capital works program. Earlier this month the foundation stone was laid for the new office complex for the Department of Foreign Affairs and Trade at York Park. This \$165m project will result in around 1,500 direct and indirect jobs over the next three years.

One of the central issues that EPACT highlighted is the need for the ACT to take full advantage of the increasing number of contracting-out arrangements being established by the Federal Government. These developments represent the creation of a major market that simply has not existed before, and we need to ensure that as many contracts as possible are picked up by local firms. As part of this, Federal government departments will progressively introduce quality assurance requirements for suppliers of goods from 1 July this year, and for suppliers of services from 1 January 1994. The ACT Business Services Centre is conducting a major campaign to assist ACT businesses to meet the Federal Government's new requirements.

Madam Speaker, this campaign includes public seminars and presentations to industry groups and service organisations, information kits, and a telephone information service conducted through the Business Services Centre. The first of the public seminars was held last Tuesday, with representatives of over 50 Canberra businesses attending. Further seminars will be held on 26 May and 10 June. There are already over 50 bookings for these seminars. We are inviting all ACT companies that have been identified as suppliers to the Federal Government and all ACT companies that have contacted the ACT Supply and Tender Agency to participate. In addition, arrangements have been made to make specific presentations to organisations such as Rotary clubs and to industry associations. The objective of this education campaign is to inform the ACT business community of the Federal Government's requirements and to ensure that the ACT industry is able to take full advantage of these new opportunities.

My statement today has been somewhat lengthy, but the topic is crucial to us all. The ACT Government is committed to further improving what is already a positive business environment. The Government welcomes new business investment which produces employment and exports, which complements the Territory's unique economy and environment and which makes best use of the skills and talents of the people of the ACT. Madam Speaker, the Government recognises that a positive and constructive relationship between the public and private sectors is crucial to our future. We have worked hard to develop that relationship. The results of this Government's policies can be seen in the strong

economic and employment growth in the ACT, with the private sector playing an ever increasing role in our development. By continuing with the constructive relationship we have fostered between the public and private sectors, we will achieve the goals that we share for Canberra. I present a copy of this statement. I move:

That the Assembly takes note of the papers.

**MR WESTENDE** (3.26): Madam Speaker, the Chief Minister has just delivered, as she said herself, a very lengthy address. It was based mainly on recommendations to get EPACT involved with the business community. Whilst I have a list of the members of EPACT, who are eminently suitable people, I would draw the Chief Minister's attention to the fact that, of the 11 members listed, only two are actually engaged in business. Are we really serious about getting business community involvement? As the Chief Minister has just announced, 53 per cent of the people are engaged in private enterprise and 47 per cent in government. Does the Chief Minister not agree with me that that is somewhat of an imbalance?

If you are really serious about working with business - and, after all, I do have some experience in that regard - you start to get the so-called level playing field by getting involved people who are actually at the coalface and have experienced business at first hand. I wrote to the Chief Minister last week, before hearing this speech today, and pointed this out. Unless you have to put up your own money, make your own profits and keep your own profit and loss account, all the theory in the world will not prepare you sufficiently for what business is really all about. As I said, whilst I do agree with the Chief Minister that these are very eminent and very well-qualified people, they do not actually experience the cold hard facts of business. You really have to work for the dollar in order to earn it and to be able to advance your business.

I will also draw the Chief Minister's attention to the EPACT paper, "The ACT Youth Labour Market", of May 1992. How many of those recommendations, of which there were 18, have been accepted? I notice that in today's paper we have 28 recommendations. I might just mention recommendation No. 14 of that EPACT paper in 1992. It was:

The ACT Government investigate the deregulation of trading hours, to bring them at least into line with those in NSW (and Queanbeyan in particular).

This last year we have had three holidays that were observed in the ACT and not in New South Wales. So how hollow is, for instance, recommendation No. 14? Recommendation No. 15 was:

The Government refer the issue of penalty rates and associated award conditions, within the retail, hospitality and associated service industries, to its Industrial Relations Advisory Committee.

Where, Madam Speaker, is the answer from this Industrial Relations Advisory Committee? To the best of my knowledge, I have not seen any recommendation or any advice from that body. I would like to refer the Chief Minister to page 3 of her speech today and specifically to the establishment of the ACT Supply and Tender Agency. The Chief Minister would be aware that certain organisations

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have made representations about the lack of opportunity even to quote for quite a few businesses. I would suggest to the Chief Minister that as long as 18 months ago we were told that this agency would be set up for certain products, and still nothing has happened. Is this another case of words, words, words, but no action?

I put it to the Chief Minister that one of the best ways to attract business to this town would be to reduce the oncost that happens in business, especially in the form of payroll tax. Payroll tax, after all, is a State tax; it is one that we could reduce or abolish. There are other oncosts that are much higher in this town than, for instance, in neighbouring New South Wales. In my own industry workers compensation is at least 6 per cent higher than the equivalent in New South Wales. The Chief Minister always talks about setting up a business advisory centre. May I remind the Chief Minister that when the Business Services Centre was opened in Kingston the Government, I must admit, very generously made premises available at no charge, but the organisation did not have enough money left to buy furniture. Private enterprise had to come to the party.

The Chief Minister talks on page 6 about 1,500 direct jobs as a result of the York Park development. It is my understanding from newspaper articles that less than 600 of those 1,500 are in fact jobs in the ACT. The others are interstate. My question to the Chief Minister is: What are the realities of the situation? Where is the actual work that has been put in? I put it to the Chief Minister that the best way to attract business is to create an economic climate in which business can operate profitably, and one of the first things would be to reduce the oncost, as I have said before. I have not had a chance to analyse her paper properly; but, as I said, EPACKT, in May 1992, made 18 recommendations. I am not aware of any one of those 18 having been put in place. Today we get a paper with 28 recommendations, and I just wonder how many of those will be put into place.

**MR HUMPHRIES (3.33):** I must say, Mr Deputy Speaker, that the Liberal Party does take some credit for some of the urgency which has suddenly infused the Government's activity in the last day or so on the question of business. We have seen this Government under pressure from the Liberal Party for some time on this issue. It will remain under pressure until it starts to show preparedness to grapple with the real issues in this debate, which is incumbent on a government facing the problems that this Government faces. I am referring particularly to the sort of economic pressure which comes on this Government through changes in Commonwealth Government funding arrangements for the ACT.

It was only last week that Mr Westende asked the Chief Minister what she was doing to attract business to the ACT. Her answer at that time was that she consulted regularly with members of the ACT business community. I think it is fair to ask just what, beyond window-dressing, beyond tokenist attempts at making the ACT a better place for business to work in, this Government has done in the last year or two, particularly in the last two years since it returned to office before the 1992 ACT election. To hear the Chief Minister say the other day that she consulted regularly with peak business groups in the ACT came as a great surprise, I think, to many peak business groups in the ACT. It was enough to make them choke on their corporate cornflakes, I suggest, to learn that they are in

regular contact with the ACT Government and its Ministers. Certainly that contact produced no valuable results on a whole series of issues of importance to that community over the last few years. To name but one, on the question of the size of workplace groups under the occupational health and safety legislation, the business community of the ACT was utterly and completely ignored.

Mr Deputy Speaker, this statement today represents something of the same kind of trick that one sees when one goes to an amusement park and stands in front of one of those distorting mirrors which make a fat person look very thin or a thin person look very fat. The fact of life is that the economic indicators in this Territory have been good for reasons entirely disassociated with the activity of this Government. I cite as evidence for that assertion the fact that the ACT economy has always performed better than the national economy. It certainly did during the period of the Alliance Government. During the period of the Alliance Government there was no appreciable decline or change in the ACT's economic position vis-a-vis the rest of Australia. In fact, for as long as I can remember, for as long as I have lived in the ACT, that has been the case; and I suspect that for as long as many others who have lived here for longer can remember that has been the case. To say, as the Chief Minister says, that the ACT - - -

**Mr Kaine:** I can remember longer than most, and, yes, it always has been the case.

**MR HUMPHRIES:** Indeed; and that goes back a long way. To say, as the Chief Minister says, that the ACT economy is growing strongly, reflecting the success of the Government's policies, just does not bear up to the cold hard scrutiny of day. I cite as an example of this incapacity of the Government to deal with this issue the fact that it has not really adopted any policies in this Territory which have made business in this town positively attractive when a person in another State, for example, is choosing a venue or a place to which to move, and therefore making the ACT competitive in a national market for mobile business.

I cite again, Mr Deputy Speaker, the facts which we have to bear in mind when looking at the underlying trends in growth in the ACT. In the six years from 1983-84 to 1989-90 Australia's total private sector employment grew by 28 per cent. That compared with a Canberra growth rate of 31.9 per cent. So there we are; there was strong growth in the ACT, at least by comparison with other parts of Australia. But, while small business accounted for almost 32 per cent of Australian employment growth in that six-year period between 1983-84 and 1989-90, in the ACT only 700 jobs were created in small business during that period out of a total growth of 16,100 new jobs. You do not have to be Einstein to work out that our performance in small business growth in the ACT is abysmal. We simply are not creating the environment in which small businesses will grow.

I think it is great for the Government to talk about attracting major enterprises to the ACT. We would all welcome that. But we all know that at the end of the day what will sustain the viability of this community in economic terms into the future is not the activity of large business; it is the activity of small business. In that area the signs are extremely disturbing. The Government really has not provided any basis to expect that those figures are going to improve.

**Mr Berry:** What signs are they?

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**MR HUMPHRIES:** You were not listening, Mr Deputy Chief Minister, but I will repeat them. Of the 16,100 new jobs created in the ACT between 1983-84 and 1989-90, only 700 were in small business, compared with a national average of about a third of all new private sector jobs created in this country over that period. In other words, almost all the new jobs created in the ACT in the private sector have been in, as it were, large business, in large enterprises.

**Ms Follett:** Your figures are 10 years old.

**MR HUMPHRIES:** No, they are not. These are figures up until 1989-90. Those are figures available in a publication entitled "Small Business in Australia 1990". There are, to my knowledge, no more recent figures than that. If the Chief Minister has more, she can cite them when she concludes this debate.

**Ms Follett:** They are 10 years old.

**MR HUMPHRIES:** Mr Deputy Speaker, the figures have not changed.

**Ms Ellis:** How do you know? You just said that they are not available.

**MR HUMPHRIES:** Well, how do you know that they have changed? Mr Deputy Speaker, the attitude of this Government towards small business is exhibited in all its glory by what has happened to two or three small proprietors of a shop in Woden, a matter which was raised earlier today in question time. Here we have two lessees of a business in Woden. They have been operating it for the last nine years. No doubt it has been there for at least that long, perhaps even longer; I am not aware. These people were advised earlier this year that their rent will increase by a massive 60 per cent since the last rent re-evaluation, which was in 1990.

**Mr Kaine:** Only three years ago.

**MR HUMPHRIES:** Only three years ago. So over a period of three years, during which time inflation has risen perhaps 5 per cent, or something like that, we have seen an increase in their rent of the order of 60 per cent.

**Mr Kaine:** If this was the private sector the landlord would be described as a greedy landlord.

**MR HUMPHRIES:** What did those opposite have to say about certain private sector operators who put up rents by those sorts of margins in other areas of ACT economic activity? They were scathing. I can recall the absent Mr Connolly making some very strong comments about the capacity of the private sector to bear that kind of ruthless behaviour on the part of landlords; yet here we have this Government, a large landlord in its own right, behaving more ruthlessly than any private sector operator would dare to behave in this Territory. That, Mr Deputy Speaker, is a matter of concern. These people were faced with a 60 per cent rent hike.

**Mr Kaine:** But that has been dropped in favour of straight-out eviction.

**MR HUMPHRIES:** We learn that it has been dropped. It is not going to be proceeded with. For what reason? The reason is that their lease is going to be terminated altogether. "We are going to save you the trouble of having to worry about rent increases in the future. We are going to knock you off altogether."

You are not going to be here any longer", says the Government, apparently because it wants to redevelop the bus interchange and it does not believe that some economic activity in the bus interchange would be conducive to keeping the place safer and making it more amenable to people, particularly late at night. The fact of life is that this Government does not give a damn about business, particularly small business, in this town. It could not care less what happens to the small people of this community.

If that was not indication enough, we have seen in this paper today a series of half-measures, of tokenistic attempts at window-dressing, much of it of very little consequence indeed, in my view, in creating an environment in which business really will flourish in this Territory. We cannot really afford half-measures.

**Mr Kaine:** It was a long speech, though. The longer the speech, the more sincere you are.

**MR HUMPHRIES:** It was a very long speech. It created a very strong impression, no doubt, to those weak in mind that something was going on on the part of this Government in respect of business and creating employment opportunities in the ACT.

**Mr Lamont:** So you mean that the Liberal Party accepted it?

**MR HUMPHRIES:** If I ran what I think was referred to by Ian Warden as his promise-o-meter over this little document it would barely flicker. There is nothing of any substance in it, that I can see, which would establish the credentials of this Government to say that it was creating business opportunities in this Territory. Mr Deputy Speaker, we cannot afford half-measures. We need stronger measures than this to make sure that the ACT economy is in strong shape. I do not think we have seen them from this Government. If it expects to get credit in the business community for its efforts to create jobs it needs to do a great deal better than this.

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

### **HOUSING DEVELOPMENT - BRADDON** **Discussion of Matter of Public Importance**

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

The need for an inquiry into the process, appeal mechanisms and impact of design and siting, with specific reference to the difficulties encountered in the development of section 22, Braddon.

**MR MOORE (3.45):** In a minute from George Tomlins, Chief Planner, to the Minister, which Bill Wood tabled in this Assembly on 13 May 1993, the Chief Planner recommended that there not be an inquiry into section 22, Braddon, because the prime purpose of the inquiry was about design and siting and concerns over solar orientation and integrated streetscape would be addressed.

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My understanding is that the design and siting application on blocks 6 to 9, section 22, Braddon, which was submitted on 15 January 1993, has now been withdrawn. It was not withdrawn because of the community pressure or the pressure put on the department to reassess what was going on in this situation but because the developers had been able to secure a further two blocks and are now reassessing how they are going to spread their development across more of Braddon. The problems are not resolved. The problems have simply taken a new turn.

It is inappropriate for the community to have to go through this process again. It is an unusual situation, Mr Deputy Speaker, when the Australian Institute of Planners, the Institute of Architects, the Conservation Council of the South-East Region and residents associations all object to a specific development. It is not just individuals within those groups but motions carried at meetings of those groups that found huge difficulties with not only the proposals but also the methods by which those proposals have been executed.

Section 22, Braddon, has become a symbol of what is wrong with planning in the ACT. It is certainly a symbol of inner city development. It has aroused the fear that people in North Canberra have about their changing environment. Their community will be changed irrevocably to the sorts of communities that we find in the inner suburbs of cities like Adelaide and Brisbane. It is not what is wanted and it does not fit in with the goals and aspirations of the people of North Canberra. We do not want inner North Canberra turned into a latter-day Kingston. Kingston does fulfil its role. That role is limited within the development of medium density housing in the Kingston area. The impact on the shopping centre, the impact on the schools, the impact on the local community is obvious. Compare Kingston, for example, and the development impact on the schools and shopping centres, with what has happened in Braddon and Reid - areas of the same vintage, where there is a growing number of families. In those areas the communities are taking on a much more normal profile as far as the demography goes.

Section 22 is also the symbol of the relationship between developers and government. Peter Phillips, the chair of the board of ACTEW, is one of the developers. Peter Phillips worked as a staffer in the Hawke Ministry. His relationship with the department as a whole, his ability to move in government circles and to understand government processes, and his close relationship with Jeff Townsend and Paul Whalan, who also worked as staffers in the Hawke Ministry, can be clarified by visiting the drinking hole at Kingston on appropriate evenings. This development process does involve a span of government because it involves the Housing Trust as well. It involves not only the Housing Trust but also better cities money.

Development proposals must be above board. I am not suggesting that anything illegal has happened with reference to section 22, Braddon. What I am wondering, and I think what the community wonders, is: Should it have been illegal? The one thing that we want to avoid in Canberra is having any part of our community driven by the New South Wales concept of "mates". A lobbyist like Paul Whalan ensures that he understands the system and that he has a positive working relationship with not only members of government but also members within the bureaucracy. That is the system, and that is why people employ lobbyists. Conversely, however, departmental representatives have to



ensure that they are appropriately distanced from people who are representing the interests of big business. They have to be appropriately distanced so that they can fulfil their prime role, and that is to make decisions and to support actions that are in the public interest.

Furthermore, of course, the chair of the Planning, Development and Infrastructure Committee, David Lamont, should also assess his role with the "mates". I am sure that Nick Greiner and Tim Moore felt that their behaviour with regard to Terry Metherell's appointment was normal and followed the accepted procedures of the day. Of course, that conduct has been found, technically, to be legal. However, recent past events have shown that this behaviour was considered unethical and bordering on corrupt. Both Greiner and Moore have paid a heavy price for their complacency. One would hope that this incident would have served as a warning to all in public positions to ensure that all government dealings were above reproach.

The community interest with reference to Braddon must be served and we must take into account what has actually happened in Braddon. Firstly, we have to take into account the interest of those members of the community who live around the development and who already have been put under intense pressure to sell their homes. Developers who think just in terms of dollars and cents can look at these people and say that they are very fortunate because they have the opportunity to make money to go and live elsewhere. That may well be one of the factors involved, but the reality is that people who chose to live in Braddon, or people who have been living there for perhaps three or four decades, may well enjoy the environment and the advantages of living close to the inner city. It may not be their intention to sell.

There will be those who have speculated on increased value in the land and who intend, therefore, to sell so that their lease can be changed to medium density and they can get a windfall gain. The vast majority of people in Braddon are interested in retaining the environment which is similar to that in which they live. That environment does not preclude medium density housing. Medium density housing can be observed with new developments around Ainslie, developments which have fitted in with the surroundings and which are to be commended.

There are also those who happen to live in public housing in the inner city. Those people have lived there for, perhaps, 20 or 30 years. One such person came to see me the other day, concerned after a developer had approached her, because the developer did not realise that she was living in public housing. Of course, had he been Peter Phillips, no doubt he would have been able to find this out through his networks and contacts as chair of the board of ACTEW. When this lady was approached she was very concerned about where she might be moved to and about her security of tenure. This woman, I must say, had the highest regard and the highest praise for the Housing Trust, who, she felt, had dealt with her appropriately over the last few years, and I have written to the Commissioner for Housing so that he can reassure her that she is entitled to some security of tenure. Terry Connolly indicated some time ago that, until such problems can be resolved, the Housing Trust would not support joint development ventures. Does this mean that they are withdrawing from Braddon, or are they participating in the bigger, brighter venture?

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The public interest has to be taken into account in how better cities money has been used in this project. We heard Bill Wood last week claiming, first, that there is no better cities money used in the project, and then later coming back to the Assembly and saying that he had inadvertently - I emphasise inadvertently - misled the Assembly, that he wanted to correct that situation before the matter was raised by any other member and that better cities money, of course, was being used within the area of the Housing Trust.

**Mr Wood:** I did not say that at all. Put it on the record.

**MR MOORE:** Mr Wood interjects that he did not say that at all, but he certainly corrected the position about spending better cities money in the project. Mr Deputy Speaker, that certainly is not good enough. When Commonwealth money is being used in a project like this it must be made clear to the people of Canberra, and in fact to the people of Australia, how that money is being used, and, supposedly, what the benefits are.

The issue being raised, of course, is the issue of windfall gains. It is those windfall gains that attract developers. They encourage developments that are in the developer's interest rather than in the community interest. The developer's interests ought to be served not by the profit from the increase in the value of the land but by the profit to be made from the project. It seems to me that the way to resolve this is with a 100 per cent betterment tax, but that too should be the subject of an inquiry in dealing with what is in the community interest.

Mr Deputy Speaker, we could not consider this without considering the methods of the department. Why is that? Is it because of the mates that there was an initial use of section 7(3)(c)(ii) of the Land (Planning and Environment) Act 1991, which provided for consideration of the change of lease purpose to be done concurrently with the design and siting proposals without ever having the design and siting proposals put before the Assembly? I think that this Assembly, as a whole, ought to see a reconsideration of that provision. That provision is referred to in, I believe, a minute to the Minister which suggests:

... a different mechanism will apply whereby lease variations and design and siting applications will be subject to notification of third party appeal and an additional requirement is being imposed to ensure that applications are combined.

It seems that there is an attempt being made to address these problems. The difficulty is that in addressing these problems there will be an ad hoc approach. It seems to me, Mr Deputy Speaker, that the Planning, Development and Infrastructure Committee of this Assembly has worked incredibly hard to try to ensure that many of these problems are resolved in the work it is doing on the draft Territory Plan, which is to be the Territory Plan. Talking about the Territory Plan, Mr Deputy Speaker, I understand that the report will be tabled later this week. I do not wish to see that area revisited, Mr Deputy Speaker. It is appropriate that the correct process has been followed. Whilst it may be in the interests of the community to look at the Territory Plan perhaps in 18 months or two years, it is appropriate at this stage that any inquiry work within, and be restricted by, the process that has been gone through by this Assembly.

Mr Deputy Speaker, there is still room for recommendations in terms of process within the Territory Plan and perhaps to make a recommendation for appropriate changes to legislation from an independent and appropriately qualified observer.

**Mr Lamont:** How do you know, Michael? How does he know?

**MR MOORE:** I have there the word "perhaps". There is a need to remove the smell associated with this development. I think, Mr Deputy Speaker, that it is also important to deal with the methods that have been used, particularly by the Secretary of the Department of the Environment, Land and Planning, Jeff Townsend. One of the methods in dealing with this was to try to marginalise the people who are objecting. It is not a new method at all. I recall it being used by other people when I was president of the Reid Residents Association and chair of the City Residents Coalition.

He referred to the Dicksons, the people who were living next to this proposed development, as simply ratbags, and used various other terms. That is entirely inappropriate from his position of power. It is the action of a bully. It is an action that we have seen tried again and again. The same action was taken with Paul Smith when he objected to a breach of lease at Hume. After he had used the appropriate method to try to seek a change of purpose for his lease, somebody else simply breaches that lease. That matter is, at the moment, before the AAT. Similarly, with the Watson Residents Association, the Minister himself has attempted to marginalise the groups. This sort of bullying from positions of power is entirely inappropriate and does nothing to serve the best interests of the community as a whole.

Mr Deputy Speaker, the question really is, "What ought to be done now?". What ought to be done now is to call on the Minister to announce an inquiry, an inquiry to be conducted by somebody acceptable to the community who is seen to be well removed from the system of mates. I have recommended, in a letter to Mr Wood, Mr John Gilchrist. He was a principal planner with the National Capital Planning Authority whose master's degree thesis deals with the development of Canberra. He is now a consultant planner. In my letter to Bill Wood on 11 March 1993, which I tabled in this Assembly last week, I originally called for an inquiry and recommended Mr Gilchrist as being eminently suitable. I indicated at that stage, as I did in that letter, that I had never discussed the matter of section 22, Braddon, with Mr Gilchrist, and that remains the case.

Mr Deputy Speaker, it is appropriate that an inquiry be conducted which examines the difficulties encountered with the development of section 22, Braddon, with the aim of finding a way to avoid such problems in the future. It should assess how well these problems are addressed by the Territory Plan and proposed modifications to legislation. It should assess whether or not all potential developers in section 22, Braddon, had a level playing field and recommend how to deal with balancing developers' initiatives with the best interests of the community.

The inquiry should also assess whether the following are currently being adequately addressed in development proposals, using section 22, Braddon, as an example: Personal privacy; energy efficiency; solar access; open space; health and social impact; visual impact; transport and, particularly, the increased number of vehicles. It should consider the importance of section 22, Braddon, as a precedent

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for urban consolidation; assess whether new appeal mechanisms are adequate, quick enough, accessible and cheap; and consider how consultation processes can be improved. The inquiry should report to the Minister, as I would see it, by 6 August 1993, and the report should be tabled in the first week of sitting after that date. Mr Deputy Speaker, I foreshadow that at the end of this debate I shall seek leave to move a motion to that effect.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.59): Mr Deputy Speaker, it has been difficult over this period to keep up with Michael Moore. I said in this Assembly, and I said to Mr Moore on at least one occasion if not on others, that I had no in-principle objection to an inquiry; it was just that I had not been given any good reason to have an inquiry. That reason, however, has become evident today. The reason has nothing at all to do with design and siting, even though Mr Moore may claim it. It has nothing at all to do with the process that he has commented on today. I am convinced that it has nothing at all to do with concern for residents in that area. The reason he wants his inquiry, which has become clear only today, is one of bitterness or disappointment over the years, for whatever reason. He is attacking individuals, I think on entirely spurious grounds; certainly no grounds have been presented to this Assembly today.

Mr Moore said early in his speech that he is not suggesting that there has been anything illegal. Then he goes on later and says that there is a smell around this. He has cast aspersions, innuendos and inferences. On the one hand he says that there is nothing illegal, but on the other he is making all sorts of most serious allegations. All he has claimed as evidence is that there are three or four people - I do not know whether this is the case or not - who might occasionally, or more regularly - I do not know what he meant by that - drink together. That is the evidence he presents in this Assembly to malign a number of people and to call for an inquiry.

Mr Deputy Speaker, I think it is a disgrace. If Mr Moore has some evidence about improper associations, wrongful use of knowledge or anything of that nature to support an inquiry, this is the place for it. He said, for example, that Mr Phillips was able to have access to information - I do not recall whether he used the word "privileged" - that was not generally available. I think he has been influenced by Mr John Hatton in the New South Wales Legislative Assembly and wants to follow that mode. The proper course if you have those concerns is to give me some evidence. There is no evidence. What will we see tomorrow but claims of smells? I can predict the headline in the paper - "Moore wants investigation because of smells in the planning process". That is what will be the lead, and that will be a legitimate lead because that is what Mr Moore said. But the concerned citizen would be wanting then to read on to see what evidence Mr Moore presented to justify what he said, and there is not a bit of evidence.

I have been getting letters from people, as Mr Moore says, reputable people, about an inquiry, and there has been some talk about design and siting and some talk about process, but that is not Mr Moore's concern. None of those letters and none of Mr Moore's approach to me have ever mentioned anything about the suspicions that he is now floating in this Assembly and more broadly in the community. If Mr Moore had come to me honestly in February, whenever he made his first approach, and said, "I am very concerned", if he had been specific and had been prepared to put this down, I would have had to have an inquiry;

and, indeed, we have to. He has raised these matters, so we do not have any choice but to look at it. We will have an inquiry which will either show the integrity of the system or show that there is a problem, and I have little doubt that it will show the integrity of the system.

I am concerned about the way that this has been dropped today. I have had amiable conversations with Mr Moore in the last couple of days about this process as we seek to come to an agreement about what might be the best way to serve justice. Mr Moore has not served justice today. He never indicated to me anything of the nature that he was raising. He never gave me an opportunity to say anything other than some brief comments I made today about how I believed that the department was operating very efficiently, honourably, decently and with the greatest integrity. I made that point to Mr Moore - and we get this today. I am surprised by his approach. I have to come back to this point. I have probably said it twice and I am repeating myself. I would have expected some evidence. I would have expected something, not innuendos. All that background, all the information that I was likely to give to the Assembly, which it has heard before, is irrelevant. I can address the design and siting issues, but that is not what it is about. I can talk about the process which followed step by step what is legal, what is in the legislation, but that is not the issue. It is not there.

However, I will indicate some of the background about the proposal. Mr Moore asked in his letter to me whether all potential developers had an equal go. Let me say something about that. This is information given to me from ACTEW. In the first place the ACT Housing Trust were approached by the people who owned adjacent blocks to sell their blocks to the inquirer, and that was the company Bobundra. Bobundra said, "Look, we own these blocks; you have these next to us. Can we buy them from you?". The Housing Trust looked at the options for its blocks, including selling them; but, given the government policy on urban renewal and our better cities program, it believed that the site had potential for greater housing density.

The Housing Trust evaluated its options, including leaving the site just as it was, or selling the blocks, or a joint venture redevelopment - a sort of redevelopment common with better cities moneys. The joint venture option was selected on financial grounds and on the ability to achieve replacement public housing stock in the area while meeting urban renewal and environmental objectives. It was a sensible proposal for the Housing Trust; not to sell, because the Housing Trust accepts the policy that we want Housing Trust properties to remain spread throughout the ACT. We do not want to drive Housing Trust tenants out of highly desirable areas. So, given the advantages of a joint venture proposal, the trust decided to enter into such a venture with Bobundra.

The land-holding dictated the choice of partner in section 22. It was not as though the Housing Trust could go somewhere else and ask other people to come in with them. It was more the other way round because they did not own the blocks next door. Fifty per cent participation by each party simplifies amalgamation and ensures accountability on the development. So that is how it started - and what more reasonable way to develop than that, an approach to the Housing Trust? Mr Moore suggests that maybe there was privileged

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information - I use the word "privileged" - or special information or something like that. What a disgrace! There are people in this society of ours buying - Mr Moore might say "speculating" - from time to time, but that is their entitlement, and I do not think anybody would suggest that that is not an avenue that might be followed.

As to the involvement of Mr Peter Phillips, he is the chair of ACTEW and there has been a suggestion that maybe there is a conflict of interest; that someone who works in that way as a part-time chair, paid I am not sure what amount - something like \$20,000, I think - should not be involved in dealing with a government enterprise. I listened attentively to that. But we have a number of fine, upstanding ACT citizens, whose names I would not dare mention now, who serve on government boards. Look at the membership of EPACT. Would that not be a sensitive body to work on? I am sure that members opposite know a quite large number of names of people on other boards. Private enterprise or activity in the private area does not disqualify a person, nor should it, from helping in the public field. We have gained immensely from the work of many of those people. So I reflect on this. Certainly Mr Phillips should have nothing to do with anything that is to do with ACTEW. That would be a matter that I am sure he would accept instantly.

There are procedures for people, whether you are a public servant, whether you are a private citizen employed in the community area, or whether you are in private industry, working on any of our boards that are well known. First of all there is the Government's code of conduct that is circulated, as I understand it, to all members of boards. That spells out their obligations. I do not think it is necessary, but there are in the ACTEW Act the usual provisions relating to declaration of interest. If any matter arises the member concerned has to declare the interest and remove himself or herself from any debate. I think these are appropriate mechanisms, should there be need to declare an interest. But I am not convinced that there is any such need for Mr Phillips. He does not have the need to declare his interest in this matter.

On the advice I have and that I accept, there is no connection between ACTEW and this Housing Trust joint venture. Someone tried to draw a line with the sewerage connections. After today, that might be a reasonable sort of thing to get about, because that is where we have got to, I think; but there is no connection. Better cities money to the extent of about \$1m is being used for the main extension of the North Canberra sewerage line. It may be that eventually some of the outflow from this area will finish up in that main, but I do not think that that is a real connection. That has to affect every citizen in North Canberra. The North Canberra sewerage main is grossly overloaded, even now. It is going to have to be done up no matter what. So if there are concerns about the role of one person in this there are proper ways of dealing with it. In any case, in this circumstance, let me repeat, I do not think there would be need to acknowledge anything because the connection seems to me to be distant. Indeed, there is no connection.

Madam Speaker, we will have an inquiry. There is no question about that. It will not be into the mixture of things that Mr Moore spoke about when he wrote to me some time ago. Nor should it be, because his speech today has focused absolutely on personalities. That is what it has focused on and that is what we should look at. He has made an allegation - let me repeat it, and I hope that it is emphasised in the future - that is absolutely unsubstantiated.

To run a line that we need an inquiry that looks at design and siting and all these things - energy efficiency, solar access, health and social impact - is a nonsense, because that is not what Mr Moore has been about. We will have the inquiry when Mr Moore moves his motion. There will be some amendment to that motion. We will have that inquiry and, as a result of that, I am sure that justice will be done as much as possible to overcome the slurs that have been made today.

**MR KAINE** (4.15): I do not think that I need to say a great deal, because much of what Mr Wood said was the kind of thing that I would have said. I was a little puzzled when Mr Moore put this motion forward when he was calling for "an inquiry into the process, appeal mechanisms and impact of design and siting" in a general sense, because there has been such an inquiry going on for four years. It is culminating later this week in the submission to this Assembly by the Planning, Development and Infrastructure Committee of its recommendations for the Territory Plan. An integral part of that inquiry has been a review of the design and siting arrangements that apply in the Territory and I would have thought that that, being such a lengthy and comprehensive review, would have satisfied even the strongest critic. When the results come out later in the week people will be able to see the ways in which it is suggested to the Government that these matters should be dealt with differently from the way in which they have been dealt with in the past.

There has been some question at different times raised by people about, for example, their right to appeal against what others are doing next door, or down the hill or across the street. There has, indeed, been some concern expressed about the way the originally proposed building on these four blocks in Braddon might look from the street. People seemed to have some concern that it was not a very attractive building. I am not certain that any citizen has the right to object to something because they do not like the look of it, but that has been the case up until now and there have not really been any appeals mechanisms. That has caused some difficulty in some people's minds. There has been some concern about this. I would have thought that Mr Moore's concerns would have been satisfied by this other lengthy process that I referred to and which will culminate later this week.

But when I read on I saw that this is "with specific reference to the difficulties encountered in the development of section 22, Braddon". Then I started to get a little more puzzled. Who has had difficulty in the development of section 22? I do not believe that the proponents have had too much difficulty. They put forward their proposals, they were properly reviewed in accordance with the law, and approval was given for certain work to be done.

I am not privy to what this consortium or the joint venturers are doing, but I understand that that has been withdrawn now because they have acquired another couple of blocks of land and want to redesign what they are proposing. They are now, I understand, able to come up with a building that perhaps will be more energy efficient and which may remove some people's objections to what was originally proposed. They will now be able to address the question of parking in a different fashion, so that maybe it will look nicer from the street. Whatever the circumstances, there will now be another design and siting process that these people have to go through. They will be subjected to exactly the same scrutiny that they went through with their first proposal, strictly in

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accordance with the current law. If people have an entitlement to appeal they will be able to do so. I presume that there will be some sort of a public process where they can at least express an opinion, even if they have no legal right to appeal against what is being done. So I am even more puzzled, because I do not believe that there have been any difficulties.

To take a word that Mr Moore used, I do not believe that there is any smell whatsoever associated with this project. I have not detected any. I have detected a difference of opinion between some members of the public who do not think this ought to be done in the fashion in which it is being done - they have one opinion - and the people, including the Housing Trust, who are putting up all the resources, all the money, all the labour and all the work in order to achieve something beneficial there. There are differences of opinion, but I certainly am unaware of any smell.

Then we come to the nub of it. Mr Moore puts a few names on the table and suggests - I repeat, suggests - that these people are doing something illegal, something wrong; that there is something reprehensible about what they are doing. This is the first time I have heard this as well, and I know the players. I know them perhaps even better than Mr Moore does. If he is asserting that there is something improper going on because these people perhaps drink together once in a while, maybe I am guilty. I go to the Raiders game every time they play in town and two seats in front of me, coincidentally, sit Mr Phillips and his wife. I talk to him every time I go to the Raiders game. Is there some association here that suggests that I am involved in some improper fashion with Mr Phillips? I hope that Mr Moore is not suggesting that, because there are remedies for that kind of allegation. Quite frankly, I am surprised that Mr Moore is making these suggestions, because now these people have to disprove the innuendo, the insinuation, the suggestions that Mr Moore has put forward. One has to ask: How can they do that? They cannot have a legal remedy because Mr Moore has immunity from that.

So we come to the bottom line and whether or not I think that there ought to be an investigation or inquiry. I have to conclude that in order to allow these people a forum in which to put their case I have to agree with the notion that there ought to be an inquiry. They have no other remedy, as far as I am aware. While I agree with the Minister that Mr Moore has presented no evidence to suggest that there is anything improper being done, I believe that we have to have an inquiry to clear the air, to get rid of the smell; but the only smell has come from Mr Moore's innuendo, and his insinuation and his suggestion that these people have done something improper. I find that rather distasteful, Madam Speaker; but for that reason alone I will support an inquiry, but not necessarily of the depth that Mr Moore is proposing.

If you read the terms of reference that he has written, he is implying even greater collusion than the two or three names that he has suggested, because he wants people to look at the transport aspect. None of the people that he mentioned have anything to do with transport planning, so is there now somebody else in the transport area who has been involved in some sort of collusion to achieve an objective here? He talks about the health and social impact. Is there somebody in the health organisation who is part of this group of saboteurs who are out to destroy the fabric of the society in Braddon? It worries me. I do not believe that there is any purpose in going into the depths that Mr Moore is asserting, because, Madam Speaker, at the end of the day, when something like this comes up, I believe that the community are the losers.



In talking about a "level playing field" for potential developers, the motion suggests that when a developer puts forward a proposal he should then get in open competition to see whether he can get the contract for his own proposal. I would submit that no developer is going to put forward any proposal for redevelopment in Canberra if that is going to be the case. There will be no redevelopment, except what the Government can afford. No developer is going to spend a lot of his own money developing proposals and putting them to the Government if he is then told, "That is lovely, that is fine; but now you are going to have to get into competition with all the other developers in town to see whether we can put it into effect". That will work to the detriment of this community and this society.

The other way in which there will be some detriment is the one which, I think, Mr Wood referred to. If individuals from the private sector who get involved, very often on a voluntary basis, in the business of government are going to then be held up to ridicule, to criticism, to insinuation, to innuendo, that somehow or other they have their fingers in the till, you are going to lose the services of people who bring a great deal to the Government and do a great deal in the interests of this community. I do not believe that we, as members of this Assembly, can afford to have either of those two things happen. The air does need to be cleared and, for that reason alone, I will support an inquiry; but I certainly will not agree to one that goes to the depths and the lengths that Mr Moore is proposing.

**MR LAMONT (4.25):** Madam Speaker, it is somewhat difficult to deal in any logical order with the issues raised in Mr Moore's address. I say that because there was no logic in the way in which they were structured and the innuendo contained therein. I would suggest that it was more attuned to some satirical piece that would appear in the *Canberra Times* describing a mythical place called "The Bar" in Wandin Valley. If that is the sum total of Mr Moore's accusations and allegations about the need for an inquiry into section 22 in Braddon, then I believe that he has dismally failed to convince anybody in this Assembly that such a course of action is necessary.

However, I do agree with the comments made both by the Minister and by Mr Kaine, a member of the Planning, Development and Infrastructure Committee of this Assembly, that we have no choice but to have an inquiry. We have no choice but to allow those people who have been maligned in Mr Moore's comments at least a right to say to somebody that the innuendo, the character assassination which has occurred here this afternoon, is wrong and should be answered, and to have their views tabled in this Assembly.

What Mr Moore is suggesting, in a range of fairly veiled accusations, is that the Planning, Development and Infrastructure Committee of this Assembly has been corrupted in some way, that it has been got at or nobbled in some way. I might add, Madam Speaker, that the logical extension of the veiled innuendos and the character assassination that he has undertaken this afternoon means that the other 16 members of this Assembly - all except Mr Moore - are also involved, because every variation to the Territory Plan that has come before this Assembly since March 1992 has been dealt with by the Planning, Development and Infrastructure Committee. Mr Moore had the right to move disallowance, and I might add, Madam Speaker, that he did not do so in relation to section 22 in Braddon. If memory serves me correctly, Mr Moore did not even speak on the matter.

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**Mr Moore:** I think I spoke on it.

**MR LAMONT:** Well, it might have been very briefly.

**Mr Wood:** Not on this one; on a couple that went through at the same time.

**MR LAMONT:** It certainly was not a very memorable contribution if he made one. Let us have a look at the processes that apply for section 22 in Braddon. A particular course of action was authorised by the Minister in relation to the public notification and the design and siting arrangements for that block. Mr Moore, that was done pursuant to an Act that you, as a member of this Assembly, helped put through as part of the Residents Rally push - I admit that you were not a member of the Residents Rally at that stage - when the Residents Rally and the Liberals formed the Alliance Government. I have read carefully your contribution during the debates in relation to that legislation. They were significant and quite valuable, Mr Moore. Do you remember what your contribution was in relation to this particular section of the Act?

**Mr Moore:** No, I do not.

**MR LAMONT:** There was not one, Mr Moore, from memory. You were responsible for helping to pass into law the procedure that was adopted for this. The law that was used, whether it was used correctly or incorrectly, was a determination of this Assembly. The view of this Assembly and the Planning, Development and Infrastructure Committee is that the variation was an appropriate variation. It met the criteria determined by the law. Ms Szuty, quite rightly at the time, raised some concerns about the indicative plan, as did, I think, Ms Ellis, Mr Kaine, Mr De Domenico and I. That is all it was, an indicative plan. We indicated to the Minister that in authorising the variation we, as a committee, were concerned and that he should keep an eye on it. The Minister has done so. He has done so to the extent that he has refused to allow the design and siting procedures to be completed, Mr Moore, because he, as the Minister, is unhappy with the design and siting proposals.

What does your motion suggest? Your motion suggests that we conduct an inquiry into something which simply does not exist. There is not at this moment an application for design and siting for section 22 in Braddon. That makes it a bit hard to conduct an inquiry into it. If you want a witch-hunt, which I presume is what you are looking for after what you have said today, about whether or not it is appropriate that the particular developers are allowed to make particular propositions to government agencies such as the Housing Trust, I would suggest that you put that as a specific motion and have it debated in this Assembly. That is not what you have attempted to do this afternoon, however. You have attempted to dress up, in a motion such as this, the majority of which is obsolete, your desire for a witch-hunt in respect of section 22 in Braddon.

I have had discussions with the Minister in relation to your motion. I would concur that it be substantially altered to reflect the truth, Mr Moore, in relation to this development and to allow the opportunity for all of the views to be taken into account as to the appropriateness of the stage it is up to now, that is up to the point of approval by the Planning, Development and Infrastructure Committee. I believe that it would be inappropriate for any inquiry to be

conducted beyond that. I do not believe that this Assembly should authorise somebody to conduct an inquiry into a decision that we have made, and we - all 17 of us, Mr Moore - made the decision to vary the land use for section 22. Up to that stage I have no difficulty in relation to a number of the issues that you raise.

One of them is not, however, the design and siting. In relation to this question of mates, I do apologise, Mr Moore. Do you know what has happened? I have a mate. He is the bloke who works for the *Canberra Times* that I have a beer with every now and again at the Hotel Kingston. I apologise for having a mate who works at the *Canberra Times*. I am sorry; I have had a beer with the arts editor of the *Canberra Times* at the Hotel Kingston.

**Mr Kaine:** Is he charged with overacting?

**MR LAMONT:** Well, sometimes he does. That is probably why he is the arts editor and I am not. But let us go on. I have had a beer with the Chief Minister at the Hotel Kingston.

**Ms Follett:** You have not.

**MR LAMONT:** I am sure it was you, Chief Minister. I have actually had a beer with the current Leader of the Opposition at the Hotel Kingston, Mr Moore. Mr Moore, I am even prepared to have a beer with you at the Hotel Kingston.

**Mrs Grassby:** I would not go that far.

**MR LAMONT:** Well, I would, Ellnor, because I am generous. I happen to believe that it is probably the nicest little pub in Canberra. If that is an offence, I would like you to show me where it is an offence. If you can do that, I would have to consider not going there. But I tell you what; it would be hard to give up my "Kingo" mate. It would be hard to give up the "Kingo". It is the only decent country pub left in Canberra. Mr Moore, you talk about what I choose to do. I presume that that was the inference, because I cannot think of any other. If there was any other inference, I am sure that you would make it outside the chamber and not inside the chamber. Maybe I am being generous as well.

Let us look at what you have done over the last number of months. You have called for reviews of the whole development proposal for section 22. Not once have you raised these concerns publicly or with me as chair of the Planning, Development and Infrastructure Committee, or, dare I say it, with Ms Szuty, a member of the Planning Committee, your Independent colleague. Not once have you raised them with the then Leader of the Opposition, a continuing member of the PDI Committee, or with the current Deputy Leader of the Opposition or, indeed, with the current Leader of the Opposition. Yet you get up here this afternoon with a mantle, saying, "I am concerned about urban consolidation in relation to section 22, but there is this group of mates who are doing it all". If you have something you specifically want us to pursue, put it on the table. (*Extension of time granted*)

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Your whole proposition, as I understand it from what you have said this afternoon, revolves around paragraph (3) of your motion. This is what you really want to get to. You want to have an inquiry which "assesses whether or not all potential developers in section 22, Braddon had a level playing field and recommends how to deal with balancing developers' initiatives with the best interests of the community". What you basically want, Mr Moore, is a review of the leasing system in the ACT. That, basically, is what that is all about. That, basically, is the only thing that you can do to have a proper review of that particular point. If that is what you want to do, put it on the table, and flesh it out so that this Assembly can have a look at it. One would have presumed that you would have had at least the courtesy, if nothing else, to await the presentation of the report by the Planning, Development and Infrastructure Committee on the draft variation to the Territory Plan, which covers every single issue in that resolution, bar none. I am not going so far as to suggest that what you are proposing is improper - that is already being considered - but I would suggest that you have not done your credibility one ounce of good this day.

**MR DE DOMENICO** (4.36): Madam Speaker, I will rise briefly to get involved in this debate. As a member of the PDI Committee I also find it extraordinary that this matter has been brought up in the way it has been brought up today. I think it was Mr Kaine who said, "What a sorry state we would be in if any developer with any ounce of entrepreneurial blood in his veins had to go to his competitors and say, 'Listen, I have a beautiful idea, but in order for it to appear to be all right you can be part of it'.". How ludicrous that would be!

I recall what this Assembly did, Madam Speaker, not too long ago, in fact last Thursday, I think, when another member of this Assembly attempted - we knew about it in advance - to besmirch the name of another person, using this Assembly to do so. Quite reluctantly, might I say, people on this side of the house, who thought that perhaps no member ought to be denied the right to say whatever they wanted to, voted in a certain way, Madam Speaker. Mr Moore has attempted to do or has done a similar thing today, because not only has he named people who have been directly involved in this development, he also has named people who have been indirectly involved and people who have not been involved at all. Mr Lamont said that Mr Moore has named people on the basis that some of us - I also have had a convivial at that place, and will continue to do so - - -

**Mr Lamont:** I did not invite you there that day, Mr De Domenico.

**MR DE DOMENICO:** No, I know, but it does not matter. We happen from time to time to have a beer with one another. Let me tell Mr Moore, through you, Madam Speaker, that before being elected to this place I, as a lobbyist, even had beers with Mr Lamont, who was doing other things before he was elected here.

**Mr Lamont:** Yes, but I had to pay for them.

**MR DE DOMENICO:** That is right. I think that the names that Mr Moore mentioned were Mr Phillips, Mr Whalan, Mr Townsend and even Mr Dawkins. I believe that they are strong enough to look after themselves. But what also concerns me, as it did when Mr Phillips's son picked up the paper not too long ago and saw the headline that suggested that perhaps his father was doing something that might have been not correct and not legal, is that there are families involved. I also express concern about the families.

From time to time people on both sides of the house get to hear various things about other individuals in this town which may or may not be true. I dare say that I have heard a lot of things about Mr Moore and I dare say that he has heard a lot of things about me. That is fine; that is part of the process. But if I, or Mr Moore or anybody else, have any concrete evidence in relation to any individual where the law has not been complied with, then perhaps that evidence ought to be presented to the Minister responsible at the time, and therefore the Government, and the Government ought to do something about it. I am sure that the Government would do something about it. To take it a step further, if Mr Moore believed that that evidence was so concrete that it would stand up anywhere, he ought to have thought of going to the police as well and perhaps the police might have had something to say about it.

I also ask, Madam Speaker - I think Mr Lamont said this quite clearly: Where was Mr Moore when all these decisions were made? Where was the disallowance notice in the Assembly? Where was Mr Moore when the legislation was first passed?

**Mr Lamont:** Sitting there.

**MR DE DOMENICO:** Mr Lamont and I were not here; nor was Mrs Carnell. We were not even elected to this place. But Mr Moore was here. As Mr Lamont quite correctly said, what did he say about this part of the legislation? I believe that he said nothing. For Mr Moore all of a sudden now to say all the things that he said about individuals in this community is unfortunate. I, and a lot of members of this place, do not agree necessarily with the political stance of Mr Moore and he does not agree with us, and that is fine; but, quite honestly, I think Mr Moore does have a lot of good things to say and a lot of good ideas, although we might not agree with them. But I think that what he has done today is a bit of a worry.

No-one else has mentioned one other thing. We all, I am sure, were aware of Mr Phillips's involvement in this development. We were aware of that because Mr Phillips has been quite open about it. I believe that Mr Phillips briefed Mr Moore on a number of occasions before the PDI Committee even made its decision, up-front in the open book way that Mr Phillips does things from time to time. Mr Moore knew about it a long time ago. We all knew about Mr Phillips's involvement. I say to you, Mr Moore, that when I did know about Mr Phillips's involvement it made me, as a member of the PDI Committee, look even harder into whether the processes had been satisfied and whether the law had been satisfied. Once I was convinced that the processes had been satisfied I was prepared, with reservations on some aspects of design and siting, to go ahead and allow the change. As we know, the process comes to this Assembly, where any member of this Assembly can stand up and move to disallow it.

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Mr Wood also made some salient points. Before I was a member of this place I was invited by governments of both political persuasions to sit on various boards. I am aware of the code of conduct and I am aware of the declaration - so, I dare say, is Mr Phillips - before anybody can accept such an important role in the community, most of the time at no monetary favour for the people concerned. In this case we are all aware that Mr Phillips does get some remuneration, and so he should. Whoever the chairman or the chairperson is should, because they do a wonderful job.

**Mr Wood:** He puts in a lot more time, I understand, than the remuneration would suggest.

**MR DE DOMENICO:** That is right. There is a code of conduct and we are all aware of that. Mr Kaine said quite eloquently that it would be a shame if every other member of the private sector or the community - luckily, no-one else was named - sat back and said, "Hold on a tick; should I accept any position that is offered to me on any board? I also happen to be involved in business and there is no way known that I am going to accept any position if some member of the Assembly is going to name me, through innuendo, in the Assembly". That is the sort of thing that we have to be very careful about. I think that is what Mr Moore has done today. He has made a lot of people think twice, perhaps - - -

**Mr Berry:** You lot have a short memory.

**Mr Kaine:** It applies to trade union officials, too.

**Mr Berry:** What about the Health Board?

**MR DE DOMENICO:** No, no, hold on; just listen. That is not what we are talking about at all. Perhaps one should think about why Mr Moore did this. Is it because ACTEW does not have a row of windmills on the Brindabella mountain range generating electricity or something? I do not know. Is it because of some other motive that Mr Moore has done this?

Madam Speaker, to conclude my remarks, it is a pity that we have heard in this Assembly any member of any side of the house mentioning individuals and using innuendo in the way that Mr Moore has done today. Luckily, as I said, those individuals are big enough and ugly enough - I think that is the phrase - to look after themselves. The families, the onlookers, the partners and anybody seen with them, as Mr Kaine said, at the rugby or at the hotel or somewhere, are the people that I think we have to express concern about as well. I think it is going to be a sorry state of affairs if the reputation of any individual involved in any business dealing in this community who happens to be on a board or is involved in any way, say, as Ms Follett said, on EPACT, is automatically besmirched by a member of this Assembly, perhaps under privilege. We expressed concern last week about an attempt by another member to do something. The same thing has happened today. It is a pity because it is not the way this Assembly should operate.

**MADAM SPEAKER:** The discussion is concluded.

### Motion

**MR MOORE** (4.45): Madam Speaker, I seek leave to move the motion that I foreshadowed in the MPI. It has been circulated to members.

Leave granted.

**MR MOORE**: I move:

That an inquiry be conducted by the Government into planning development proposals which:

- (1) examines the difficulties encountered with the development of section 22, Braddon with the aim of finding a way to avoid such problems in the future;
- (2) assesses how well these problems are addressed by the Territory Plan and proposed modifications to legislation;
- (3) assesses whether or not all potential developers in section 22, Braddon had a level playing field and recommends how to deal with balancing developers' initiatives with the best interests of the community;
- (4) assesses whether the following are currently being adequately addressed in development proposals using section 22, Braddon as an example:
  - (a) personal privacy;
  - (b) energy efficiency;
  - (c) solar access;
  - (d) open space;
  - (e) health and social impact;
  - (f) visual impact;
  - (g) transport/increased numbers of vehicles.
- (5) considers the importance of section 22, Braddon as a precedent for urban consolidation;
- (6) assesses if new appeal mechanisms are adequate, quick enough, accessible and cheap;
- (7) considers how consultation process can be improved.

The inquiry to report to the Minister by 6 August 1993 and that report to be tabled in the first week of sitting after that date.

**MS SZUTY** (4.45): Madam Speaker, I would like to remind members that in September 1992 the ACT Planning Authority commenced the draft variation process with regard to section 22 in Braddon, which included a period of consultation. The draft variation proceeded to the Planning, Development and Infrastructure Committee for consideration in the usual way, and the variation was approved by the committee in December 1992. When report No. 8 of the Planning, Development and Infrastructure Committee was tabled in the Assembly the following comment from the committee in relation to section 22 was included:

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The Committee draws attention to the fact that some objectors, while supporting development in this area, have concerns about aspects of the original design and siting requirements applying to the proposal.

I think, Madam Speaker, it is clear that the committee had a clear expectation that the views of the objectors to the proposal for section 22, Braddon, would be taken into consideration by the Minister and the Executive when considering the final design and siting of the proposal. I have been heartened today to hear the Minister say that there has still been no final determination on the design and siting of the development.

Madam Speaker, I have taken the opportunity to look at the plans which are on display at the John Overall Offices, and these, Madam Speaker, are little different in content from the indicative drawings which raised the original concerns of the objectors. I might note also that the said drawings actually site the development on section 21, Braddon, not section 22 - a minor error which I did draw to the Minister's office's attention. The objectors had hoped to meet with the Minister, Mr Wood, to discuss their concerns. However, the meeting did not eventuate because an application had been lodged with the Administrative Appeals Tribunal to appeal against the decision to allow the variation to proceed. The application has subsequently been withdrawn; so it would still be possible for the objectors to meet with the Minister to discuss their concerns. I personally hope that the issue can be resolved to the satisfaction of all involved without further confrontation.

The objection, as I have said before, is to the design and siting of this development. It has been put forward as a better cities agreement project and discussed in glowing terms. I quote from the schedule to that agreement:

It -

the section 22 development -

will constitute a demonstration model of well integrated medium density residential development providing a benchmark for the private sector to follow.

The range of likely benefits - I quote again - was to have included:

Better solar orientation of buildings to improve energy efficiency; the use of cost effective building materials and techniques; achievement of a mix of public and private housing; and sensitive design to create an integrated streetscape unifying this development with adjacent land uses.

Since the agreement was signed in December, and in the wake of criticism of the project, it has been suggested that better cities money will not be used in conjunction with this development. The better cities agreement sets as a criterion for selection of proposals strategic urban changes that can be achieved, but which would not occur, or not occur as soon, without joint Commonwealth-Territory support. Once criticism of the project was made public, the joint venturers stated that they were not dependent on better cities support. So why, then, was this project included in the schedule?



The private sector developer has stated that his company will proceed with or without assistance. It is basically a commercial venture which the Housing Trust hopes will reap it some increase in dwelling units. Even then the Housing Trust has apparently had to forgo some of its "better public housing" criteria. In several forums the Government has stated its commitment to solar orientation and energy efficiency, and in its own guidelines the Housing Trust lists such things as environmental sensitivity, private open space, winter sun penetration, security, convenient waste disposal, communal open space, and satisfaction of adults' and children's needs as some of the criteria for good medium density dwelling. In section 3 of the better cities agreement outcomes section, at page 12 of the schedule, the Government agrees to "the adoption, 'as appropriate', of AMCUH (AMCORD URBAN) and AMCORD principles for the ACT after community consultation". Under an AMCORD style of development, Madam Speaker, this development would not proceed, as AMCORD, and its complementary draft code, AMCORD URBAN, set principles for sustainable development which take into account social structure, residential amenity and convenience.

Since this project has been in train, property speculation has become a problem for other property owners on section 22. Developers and their agents have approached residents, paradoxically, to warn of the dire prospect of being surrounded by three-storey residential developments, explaining to residents that their amenity will be lost, that there will be no sunshine in their yards, that their yards will be overlooked by three-storey buildings and that there will be increased noise and traffic. This is a farcical situation, Madam Speaker. These are the things that the Territory Planning Authority has assured residents that its building guidelines prevent.

The Government, to its credit, has stated that it will move to stop speculation on properties adjoining Housing Trust properties; but how do we ensure that residents who purchase their homes with certain expectations of the neighbourhood they are moving into are not frightened into selling their homes because our planning process offers them no way of securing their own residential amenity? I understand that Canberra cannot stand still and that development will happen and should happen, but residents can be powerful allies when they are informed, consulted and allowed access to the process. Without these essentials we have government and bureaucrats in conflict with ratepayers, and expensive and time-wasting resistance to change. Madam Speaker, I call for the planning processes within the Territory to be made transparent; that is, made readily understandable to residents. It is no consolation to have planners state that they understand the process. They are not lay people coming to planning issues for the first time, and that is the situation that most objectors find themselves in. Most people do not experience more than one or two occasions on which they object to developments.

In conclusion, Madam Speaker, I would like to comment on the need for an inquiry into the redevelopment of section 22 in Braddon. This inquiry is timely in that it raises a number of issues which will be elaborated on when the amended Territory Plan is tabled by the Planning, Development and Infrastructure Committee on Thursday, and Mr Kaine has already commented on that. However, Madam Speaker, I believe that it would be a useful exercise to revisit the processes which occurred in relation to section 22 in Braddon in order to ensure that in future the process better meets the needs and expectations of all concerned.

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**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.52): Madam Speaker, I move:

Omit all words after "planning development proposals which:", substitute the following:

- "(1) examines any difficulties identified with the development of section 22, Braddon with the aim of finding a way to avoid such problems in the future;
- (2) considers how the consultation process for similar developments can be improved.

The inquiry is to report to the Minister by the first sitting day in June 1993 and the report of the inquiry is to be tabled in that sitting week.

The inquiry is to be conducted by a person nominated by the Minister, not being an officer of the ACT Administration."

This matter has been discussed for an hour. Mr Moore did not speak when he moved his motion. I presume that he will exercise his right of reply. I want to indicate, further to what I said in the MPI debate, the way things are done in Canberra. I was aware when I came into this Assembly that there was some level of anxiety about development proposals in the ACT. I was not involved enough at that time to know whether or not those anxieties were justified. But two-and-a-half years later, when I became the Minister responsible for planning and lease management, in effect responsible for all those factors to do with development proposals, I suddenly developed a very fine antenna and a close interest in what was happening in various agencies of my department.

I scrutinise everything carefully. I have explained elsewhere that I keep an arm's length approach from developers. Only in three or four circumstances now, in two years, have I actually spoken to someone about a proposal, and this was one. I sought to talk to Bobundra, not because I had anxieties about where it came from but because I wanted to stress the importance of the design and siting issues. I did not ask to look at the documentation leading up to the proposal or anything of that nature; but I did want to see their plans and see how they proposed to do it. This was after talking to Mr Moore, when he expressed concern about the solar orientation. His views and mine are quite the same on that matter.

As a result of my discussions I required the Planning Authority to go back and do some other work on solar efficiency; to look, for example, at the six pack model, that is, turning the proposal at right angles to Torrens Street to see whether that would give them better solar orientation. In fact, it would not have, because of overshadowing in midwinter. We went into it very thoroughly. In the end I became convinced that the proposal, in its last form, which was never agreed and approved, was probably superior to anything applying in Kingston. I believed that it had reached a very high standard. But I am digressing, because what I wanted to indicate was that I very seldom meet with developers.

That requires that I have a high level of confidence in the various agencies of my department, and I want, in this short speech, to indicate that I have that confidence. I believe that the secretary of the department has acted effectively to ensure integrity in that department. I have that confidence not just in the secretary but also in the range of officers in the department. I believe that they perform their functions to the benefit of the ACT. In every discussion I have the central theme is, "What is best for Canberra? What can we do that is most useful to advance the programs that we have to look after the interests of the people?". I believe that that department and its head have delivered a high-quality service to the ACT. We now are to have an inquiry following the allegations that have been made. I cannot pre-empt that inquiry. I cannot say what it will bring, but I want to indicate at this stage that I have every confidence that the ACT has been extraordinarily well served by these officers. I think it is important that I say that.

**MR LAMONT (4.57):** I rise to support the amendment and to speak against the motion moved by Mr Moore. Part of the reason for that was outlined in the discussion on the MPI. In particular, I believe that Mr Moore's motion seeks to address questions which are rightfully the province of the Planning, Development and Infrastructure Committee inasmuch as it is currently conducting a review of a variation forwarded to it by the Executive known as the draft Territory Plan. That document contains the consolidation of 1,100 policies of the NCDC. It constitutes a review of an extensive public consultation period. It encompasses every policy in relation to design and siting in the Territory, for single dwellings, multiple dwellings and commercial dwellings. It identifies land use controls and policies in every town centre, precinct and urban area in the ACT, as well as public land, open space, ridges, hills, buffers, et cetera.

The questions that are raised substantively in paragraph (4) of Mr Moore's motion are covered by any review of the Territory Plan. They must, by their very nature, be covered in the review of the Territory Plan currently being conducted by a committee of this Assembly. In relation to Braddon as a precedent for urban consolidation, that also is a question currently being considered by the Planning, Development and Infrastructure Committee inasmuch as the general issue of urban consolidation is concerned. The appeal mechanisms were the subject of extensive submissions to the Planning, Development and Infrastructure Committee - they are on the public record - by organisations as disparate as the Conservation Council, the Belconnen Community Council, the Business Council, Argyle Consultants - a name which probably is familiar to Mr Moore - and a whole range of other groups and individuals.

What is being proposed is that we do not duplicate the efforts that this Assembly and elected members of this Assembly are already involved in. What is proposed by the amendment is to have a well-focused, short, but appropriate review into those issues in his motion - not the allegations, not the innuendo, not the slur, not the besmirching contained in Mr Moore's debate on the MPI - that we should come to grips with. The amendment says:

- (1) examines any difficulties identified with the development of section 22, Braddon with the aim of finding a way to avoid such problems in the future.

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That, specifically, was a question that he raised in a number of ways. If there is any question that Mr Moore believes has not been identified and needs to be included, the Minister has indicated to me that he would be prepared to ensure that it is taken into consideration. The second point is:

(2) considers how the consultation process for similar developments can be improved.

He has said, quite simply, that that was a significant problem; that people knew that the plan was going to be varied, but the design and siting issues were not necessarily subject to formal discussion, or appropriate discussion, or discussion at the right level with the people around. The proposal is that this report be required to be returned to the Minister by the first sitting day in June and tabled in this Assembly that week. I believe that that is the appropriate way to allow the people who have been named in this Assembly this afternoon at least to have their day in court. Even if it is a kangaroo court, determined by Mr Moore, at least it allows them that right of reply.

I turn now to whether or not the inquiry should go further. Paragraph (3) of Mr Moore's motion calls for a general inquiry into the leasehold system and the relationships between the ACT Housing Trust and any neighbour, and whether, or when, or should they ever be allowed to do anything. That basically is what paragraph (3) is all about. If there is a basis for review, Mr Moore should specifically flesh out what he intends to do in relation to that review of the leasehold system, if you like, and bring it back before this Assembly to consider in detail the substance and the merit of his argument. He should then refer it to the appropriate committee of the Assembly.

I must admit that as the chair of the PDI Committee, as an individual, I would have some difficulty being involved in this review, following on from what Mr Moore said this afternoon, because I could not have great faith that Mr Moore would accept that I could impartially review and investigate such matters. Maybe that is not the inference that he was attempting to make earlier on. I am sure that he will correct me if that is the wrong inference when he speaks to his motion in closing the debate. I believe that if that is the substantial part of his motion we can deal with it, seeing that a committee of the Assembly is basically dealing with most of the other matters, except for those contained in the amendment that Mr Wood has moved. If that is the case, then let us look at it; let us flesh it out; let us debate it in the Assembly and argue it and determine it on its merits.

I am, I must say, extremely disappointed with the way that Mr Moore has proceeded with the matter in the context of his speech on the MPI. In dealing with Mr Moore and in working with him on a range of issues, very closely over the last 15 months, I have come to have great respect for the way in which he regards his own integrity and the integrity of others, and I am somewhat surprised, to say the least, at the way in which some of those names were mentioned this afternoon. Mr Moore believes quite passionately in a range of issues associated with urban consolidation. It is unfortunate if that passion gets in the way of a rational assessment as to where we should go if there are perceived problems and how we should address them. I certainly believe that the

amendment this afternoon goes some way towards that. The Minister has indicated that, if there is a particular issue in association with paragraph (3) that Mr Moore wishes to further consider, it will be given favourable consideration. I believe that that is the appropriate way for us to proceed from the MPI and this motion.

**MR MOORE** (5.05), in reply: Madam Speaker, I was assessing whether anybody else wanted to speak.

**MADAM SPEAKER:** It seems not.

**MR MOORE:** Madam Speaker, I have listened, in particular, to Mr Lamont from his position as chair of the Planning, Development and Infrastructure Committee. He points out that the issues raised in paragraphs (1) and (2) will be dealt with on Thursday by the Planning, Development and Infrastructure Committee. I accept that. He also said that the Planning Committee of the Assembly would be open to looking into whether or not they would consider paragraph (3). I must say that I would have preferred to have had it in this inquiry, but I understand that that is not where the numbers are. I am quite happy to have the Planning, Development and Infrastructure Committee look at it.

Mr Lamont also raises at this stage whether I would consider it appropriate for him to be part of that committee or whether I would think it appropriate for him to stand down. Madam Speaker, I believe that the intensity of feeling that has come from my comments is inappropriate but understandable. The comment that I made was meant to imply that it would be appropriate for Mr Lamont to be careful. That was not said in an accusatory way. I clarify that I would have no difficulty with him remaining as chair of that committee for such an inquiry. I think that it is important that I clarify that, Madam Speaker. I will oppose the amendment, Madam Speaker, but I accept that the motion as a whole will be carried, and I shall look forward to the results of the inquiry.

Amendment agreed to.

Motion, as amended, agreed to.

**Sitting suspended from 5.08 to 8.00 pm**

**LEGAL AFFAIRS - STANDING COMMITTEE**  
**Report on Crimes (Amendment) Bill 1993**

**MR HUMPHRIES** (8.00): Madam Speaker, pursuant to order, I present the report of the Standing Committee on Legal Affairs entitled "Crimes (Amendment) Bill 1993", together with extracts from the minutes of proceedings. I move:

That the report be noted.

I am pleased to present the report of the Legal Affairs Committee on the Crimes (Amendment) Bill 1993. The Bill was presented by Mr Moore on 17 February this year. It introduced a concept which is still fairly new in the ACT - that some criminal offences should be dealt with, in certain circumstances, rather like traffic offences. The Bill, as presently drafted, presents police with the

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option of either charging offenders, as now, with a particular offence under the Crimes Act or issuing an on-the-spot fine in respect of that offence. This applies to a range of what we might call minor offences under the Crimes Act.

Madam Speaker, the system has a number of obvious advantages and benefits. It saves police time in proceeding to lay charges against offenders. In cases of public disturbance such as, for example, at Aidex, the Summernats and so on it will be a considerable saving in time and effort to allow police to do the paperwork, as it were, for a particular offender and a particular offence on the spot rather than take that offender back to a police station, involving at least two policemen in most cases and occasioning a great deal of inconvenience and red tape in the process. It also, of course, saves court time in that in the vast majority of cases these matters are dealt with by the payment of a fine imposed by the police person rather than the imposing of a fine by a court. The system also saves offenders the stigma of criminal conviction. For young people, in particular, who become subject to the sorts of offences covered by the Bill, this may be a very important advantage.

One witness before the committee, the former Judge Kelly, made the very important point that on balance it is better to avoid the involvement of young people in the criminal justice system if that is at all possible. Of course, the proposed system provides the possibility of a more contemporary and more relevant response to certain minor criminal offences. The offences which are covered in the Bill are street fighting, misbehaviour at public meetings, possession of offensive weapons, offensive behaviour, indecent exposure, noise abatement offences and public mischief.

The point was made that there could be some difficulties with the operation of the Bill, some in-principle difficulties, some administrative difficulties, and as a result the Bill was referred to the Legal Affairs Committee in what I hope will be the first of a series of such references which take advantage of that committee's position to analyse the legal implications of Bills that are brought before the Assembly. The committee received seven submissions and heard from four witnesses during a public hearing a couple of weeks ago. In particular, it heard from the Australian Federal Police, representatives of the Attorney-General's Department and the Hon. John Kelly, who, at present, is chairman of the Community Law Reform Committee. The report that I have tabled this evening draws heavily on the inputs of these individuals and the submissions which were presented to the Assembly.

Madam Speaker, the Legal Affairs Committee gives broad support to the concept inherent in this Bill, for all of the reasons which I have already stated. There are 15 recommendations set out in this report which indicate that in the opinion of the committee there is considerable capacity to improve the Bill and to deal with potential problems inherent in it. This may appear to be a surprising number of recommendations in such a small Bill, but the principle that is inherent in this Bill is still a reasonably radical one and therefore deserves to be carefully canvassed before it becomes a permanent feature of our criminal law landscape in the Territory.

Let me identify some of the potential problems and dangers in the Bill. On-the-spot fines are administrative devices, not judicial ones. It follows that the rigorous scrutiny of a court of law and, in turn, the criminal standard of proof which is applied at the present time to all these offences might, in some circumstances, not be applied by police out on the beat who are administering this new law. That, Madam Speaker, is not for one moment a reflection on the integrity of our police force; but if you know that your actions as a matter of human behaviour are not going to be scrutinised in most cases, either by other officers at the police station when a person is brought back for a charge, or by a court of law, it is a human response, a natural response, that there should be a certain relaxation of the strict standards which apply in these circumstances to the handing out of these offences. In one sense the policeman becomes the judge and the jury. I do not need to add that a judge and a jury have behind them a very much greater body of precedent and law and of experience and expertise than does the average policeman.

Of course, Madam Speaker, it is possible under the Bill as presented for a person hit with an infringement notice to appeal to a court. On the vast majority of occasions that particular right will not be availed of. The centre of gravity, as it were, in these particular offences shifts from the six or seven magistrates and the three judges of our magistrates and supreme courts to the 500 or so policemen that the ACT currently employs, and that means that a special care is required.

For these reasons, Madam Speaker, we have made a number of protective recommendations. First of all, we recommend that a sunset clause should be imposed to provide for mandatory review by this Assembly of the operation of this law after a period of two years. We have also suggested that evidential matters be put on the infringement notice to ensure that people are well aware, fully aware, of the rights that accrue to them in these circumstances. Indeed, we have suggested that there should be a review of the notice system that is used in the ACT now for an increasing range of offences. We have suggested that a better records system should be established and maintained. I think it is true to say, Madam Speaker, that we were disturbed by the lack of information about these offences which was available to the committee, and we found the data available in this form to be somewhat rudimentary.

Madam Speaker, infringement notices are a tool of increasing importance to governments all across the country. Professor Richard Fox of Monash University, in a letter to the *Age* of July 1991 - that letter was drawn to our attention by the ACT Attorney - drew attention to the burgeoning of cases in Victoria where penalties are imposed through this notice system. At the time of that letter being written there were, according to Professor Fox, some nine Acts and some 500 different offences, ranging from \$10 fines to \$350 fines, for which an infringement notice could be issued. That clearly is a very significant shift from the imposition of penalties by courts to the imposition of penalties by other officers, principally policemen, in our community. Notices are cheap, they are easy to administer, and they are, in one sense, more acceptable by recipients of the notices because it is attractive to dispose of a matter, in many cases, through the relatively painless and probably in many cases cheaper method of paying the fine which has been imposed.

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That is particularly so in this case because the choice of paying the fine as opposed to going to court is enhanced by the fact that by paying the fine a conviction is avoided, whereas if a person takes a matter to court and the offence is found to be proved the person then has a criminal conviction against their name. This is an attraction, obviously, to guilty people; but it is also an attraction to innocent people, because those people may prefer the convenience and the lack of trauma entailed in paying rather than fighting. This is an issue, Madam Speaker, of major importance in the operation of this Bill.

For this reason we have recommended - this is the last recommendation of the report, but it is perhaps one of the most significant - that the Government give consideration to the establishment of a computerised information system for recording criminal convictions and all infringement notice offences. This is because it is essential that the Assembly and the Government have accurate information about the way in which these offences are being administered under the new scheme. It would be quite unacceptable for us not to be able to trace, for example, a very large increase in the number of people being charged or being prosecuted under this system as a result of it coming into force and therefore not tracking the rise in the use of these particular provisions in the Crimes Act against individuals in our community.

The system, on top of that, will be in need of an administrative framework. The system supporting the charge arrangements at present and the system supporting traffic infringement notices at present are both unsuitable for the use proposed in this Bill. They contain different information. They are for a different purpose. The Australian Federal Police have suggested that a considerable investment would be required in computerised information systems for recording infringement notice offences as a result of this Bill. They suggest that the order of expenditure will be in the vicinity of \$300,000. I do not think Mr Moore foreshadowed that when he introduced his Bill, but it is an issue which is being properly raised as a result of the Bill's introduction. It has also been suggested that just a handful of charges at present are laid under these seven Acts. The figures were not very clear. They suggested somewhere in the vicinity of a maximum of 200 offences per annum in the ACT. I think we would all agree that that would be a very small number of offences to justify an outlay of \$300,000.

I might point out, Madam Speaker, that there is an infringement system already in place in the ACT in respect of criminal offences. That is the system put in place to accommodate the new cannabis arrangements which the Assembly passed last year. Notices under that system are called simple cannabis offence notices - SCOns, for short. SCOns are issued by the police now in respect of those cannabis offences, but they are very small in number and would not be suitable as a basis on which to proceed with this larger system. Those notices are handled presently through a manual system, not through a computerised system.

It has been suggested, in this case by the Australian Federal Police, that the concept be expanded to cover not just the seven offences referred to here but a large number of other offences sufficient to justify the outlay of \$300,000, or whatever the figure may well be on close analysis. The logic of that submission is hard to resist. That sort of bid for resources and for additional scope in this legislation would have been predicted by Professor Fox of Victoria, and it does present us with a number of problems. The committee has recommended that



a list of possible offences which might be covered by the proposal put forward by Mr Moore should be compiled by the Attorney-General's Department and referred again to the Legal Affairs Committee for further consideration. We would look at that list of possible offences, both at the time of introduction of the Bill and also at the time of the review of the Act pursuant to the sunset clause.

Madam Speaker, I mention briefly a couple of other matters which have been recommended by the committee. It recommends that the indecent exposure offence be withdrawn from the ambit of the Bill. This is because people who regularly commit offences under this particular provision would need to be carefully monitored by the legal system and by the police. The concern is that we do not have the range of coverage to monitor offenders because infringements would be laid by individual policemen rather than by a central authority. I understand that Mr Moore has agreed to withdraw that provision in any case. It was recommended by the committee that there be a power in police to demand the name and address of persons suspected of having committed offences. (*Extension of time granted*) I thank members, Madam Speaker. The power to demand name and address would be necessary in a system which depends on being able to issue a notice in the name of a person who has committed an offence. Clearly that power will have to be considered in conjunction with this legislation.

It is recommended that there be a review of the number of offences being committed each year in each category. An analysis would be done over the last five years so that we have information of a less rudimentary kind than that available presently to the committee. We recommended that a separate list of infringement notice offences against individuals be kept - a sort of a sub-criminal record - which would not constitute part of the criminal record of individuals but which would be available for the use of courts in circumstances where a person was appearing in court charged with an offence which had some relationship to previous infringement notices that person had paid. In other words, it would be a tool to be used by the police, and to be judged and weighed by courts. It was also recommended that the Juvenile Justice Committee of the Territory consider the application of the Crimes Bill to young people below the age of 18, and it was further recommended that a system of standardised infringement notices be developed.

Madam Speaker, to conclude, this is a fairly interesting piece of law reform. I believe that all members of the committee saw very quickly the advantages that the proposed system would bring in saving our police and our courts considerable time. The extent of that saving could not be determined with the information available to the committee, but I personally believe, Madam Speaker, that it could be quite considerable. Providing we are able to develop a system which prevents abuses and which maintains a relatively high standard in respect of its application, particularly as far as police are concerned, there is, on the part of the committee, a feeling that this proposal can provide a considerable saving and considerable benefit to the citizens of the ACT. We trust that the Government will accept the recommendations dealing with its own processing of some of the issues here, and will come back to the Assembly and allow the passage of this legislation with suitable amendments in the relatively near future, although I expect, Madam Speaker, that that will not be long before the end of this year, if at all. I commend the report to the Assembly.

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**MS SZUTY (8.19):** Madam Speaker, the Legal Affairs Committee has responded to an important issue raised by my colleague Mr Moore. I regret that it was necessary for Mr Humphries, the presiding member of the committee, to seek an extension of time for the tabling of this report. It was due last Thursday, 13 May, and it has been presented in the Assembly today. The committee found time to call for submissions addressing the content of the Bill and to hold a public hearing to hear the views of interested people. I would like to thank the representatives from the Attorney-General's Department and the Australian Federal Police and the Hon. Justice John Kelly for appearing before the committee and expressing their views.

The list of 15 recommendations included in the report is indicative of the depth and range of issues which committee members considered to be relevant to our discussions regarding the Bill. The report sets out very well our discussion of the issues, beginning with discussion of the purpose of the Bill. Certainly, the submissions, witnesses attending the hearing and committee members all felt that the rationale for the Bill was very sound, as Mr Humphries has described. It is important that our society have available to it a range of options to deal with what are, by and large, minor offences by our citizens. It is also desirable that the Magistrates Court become the province for the hearing of more serious matters rather than having its time taken up again by more minor matters.

There was considerable discussion regarding the range of offences which the Bill includes. There was some discussion about those offences already selected by Mr Moore for inclusion in the Bill, and the committee agreed with him that indecent exposure should be removed from the list. In addition, the offence of possession of offensive weapons generated some discussion as to the appropriateness of including it among the list of those offences nominated for handling by the infringement notice system. However, the committee felt that there was potentially a wider range of offences which could be included under the new system. The committee has asked the ACT Attorney-General's Department to conduct a review of these potential offences promptly, to facilitate the introduction of amending legislation as soon as possible to bring the alternative arrangements into being.

The issues of the level of the fine and its affordability for people financially disadvantaged were also discussed, the outcome being that the \$100 fine seemed appropriate and that financially disadvantaged people would be best served through the granting of an extended period to pay the fine. The content of the infringement notice was discussed at length, a number of recommendations having been put forward by the Commonwealth Attorney-General's Department. The committee felt that the standardisation of infringement notices relevant to a number of Acts was most desirable, to facilitate the introduction of this legislation and also to improve the administrative process with regard to a number of other Acts.

This amending legislation has profound consequences for the rights of the accused. When charged with an offence two options present themselves for the handling of the matter - the first a summons to appear in court to defend the charge, and the second the issuing of an infringement notice to be paid with no criminal conviction recorded. Obviously the actions and behaviour of police officers in selecting the course of action to be proceeded with are critical in determining what actually occurs. If and when legislation is introduced the appropriate training of police officers will be an important consideration in achieving a consistency in approach by police officers to offenders.

In situations where repeat offences of the same type occur it is important for police officers to have the power to withdraw an infringement notice and proceed by summons. I believe that it is important for magistrates to have available to them information about similar and related offences which may have a direct bearing on the case proceeded with in court. Although I believe that these offences should not be regarded as criminal convictions, it is important that they be recognised as antecedents and taken into consideration as appropriate in determining sentence. It is equally important that all citizens have an awareness of their rights at all times. The two options previously described have specific ramifications. Where someone believes that they do not deserve a \$100 on-the-spot fine they need to know that they can choose to defend their actions in court and be legally represented. The committee also believed that people should be able to recover their property when it has been confiscated by police, where that property is not illegal, illegally owned or stolen. Also, consideration needs to be given to the potential impact the introduction of the legislation would have on young people under 18 years of age. There was also some discussion of the impact the legislation would have on police resources, especially as it relates to the computerisation of records, again as Mr Humphries has described.

Madam Speaker, the Legal Affairs Committee has considered Mr Moore's Crimes (Amendment) Bill 1993 thoughtfully and carefully. It remains for the Assembly to further decide the future of the legislation. I am sure that my committee colleagues would be happy to consider the Bill more fully once additional information requested becomes available. I commend my colleague Mr Moore for presenting this Bill to the Assembly. Its contents have generated much discussion and debate which I believe still needs further consideration which will ensure justice for all. In conclusion, I would also like to thank Ms Judy Starcevich and Ms Karen Pearce for the secretarial support they have given the committee in assisting us with our task.

**MR LAMONT (8.24):** I rise also to support report No. 1 of the Standing Committee on Legal Affairs. Madam Speaker, most of the issues that have been raised have gone specifically to the recommendations and Mr Humphries has discussed some of the detail as to how we arrived at some of those outcomes. I suppose the essential question which we needed to address was whether or not it was appropriate, in terms of the rights of the citizenry of the ACT, to allow for a system to be introduced, as proposed by Mr Moore, that could, if accepted on the basis on which Mr Moore presented it, lead to either abuse of proper process as far as particular offences under the Crimes Act are concerned or abuses in relation to police conduct, which, thankfully, are very few. I emphasise that on only very few occasions has this Assembly had to deal with abuses of the law as far as the police are concerned. That was not a matter which occupied a great deal of the committee's time in coming to the conclusions that it did. Nevertheless, we were concerned about the rights of an individual.

One issue that I think needs to be addressed further if the Assembly adopts this report, and then the Government adopts it, is the question of whether a person who receives an infringement notice under these proposals and defends the notice and is subsequently found guilty is then guilty of a criminal offence. If they pay the fine they are not regarded as having committed a criminal offence.

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I suppose the difference is whether or not a person who decides to defend one of these types of notices, which are in fact summary offences, is in a context different from a person charged with a criminal offence. That is a question which was not properly answered by any of the witnesses who appeared before the committee and is a question on which the committee found some difficulty in arriving at unanimity. It is, in my view, one of the essential questions that need to be asked, and is one of the central points that need to be considered, particularly when the recommendation at paragraph 3.14 is being considered by the Attorney-General's Department and the Attorney-General. To refresh your memory, Madam Speaker, the recommendation at paragraph 3.14 is that:

the ACT Attorney-General's Department promptly conduct a review of all legislation with the view to recommending summary offences to which the infringement notice system could appropriately apply; and

when the review has been completed the Committee examine the proposed list of offences to be included in the Bill.

That is Mr Moore's Bill. Again I raise this question. What we are looking at are basically criminal offences identified by Mr Moore. As one of the witnesses before the committee said, if we are going to use the country police view of a good swift kick in the bottom for some offences, and that good swift kick in the bottom is an infringement notice as opposed to hauling somebody off to court, which is the general underlying philosophy, I believe, in what Mr Moore is proposing, should we then go on to say that, if they believe that they should not have got the good swift kick in the bottom and they wish to defend it and are subsequently found guilty of the offence, they then are guilty of a criminal offence? My view, on the basis of equity, is that if they are found guilty after defending an infringement notice they should not be found guilty of a criminal offence and therefore attain a criminal record.

There was also some debate within the committee over one other question in relation to infringement notices. It is the question dealt with in the recommendation in paragraph 4.18, which states:

the payment of previous infringement notices of a similar nature be included as part of antecedent reports for court cases.

While there is a range of offences to which we are proposing to have infringement notices possibly apply, only offences of a similar nature should be included in antecedent reports. In other words, if a person received an infringement notice for, say, abusive language, and that was some time ago, a report of payment of that fine should not be used in a court case which may involve another dissimilar offence. At the moment no reports such as this apply, I understand, and we are proposing a change in the way in which the antecedent reports are put together.

There are questions as to the record keeping necessary to enable the police and the court system to do this. That is why, in considering paragraphs 3.14 and 4.18 in particular, the committee went on to recommend that the question of the resource implications of this Bill be given appropriate examination by this Assembly should these matters come back before it, and certainly by the Attorney-General's Department prior to any formal recommendation being made to the Assembly to vary the current practice.

The proposal by former Judge Kelly that there be a sunset clause built into any proposed legislation is an appropriate one. That, to some extent, will allow us to assess the cost implications within this Bill, at least, and within the current strictures. It may also allow us to assess the cost across a range of other Bills. Indeed, the recommendation in paragraph 5.10 says:

The Committee recommends that:

the Government give consideration to the establishment of a computerised information system for recording criminal convictions and all infringement notice offences.

One would presume that there would be a substantial cost in doing so, but maybe there would be efficiency dividends through computerising the process and allowing a broader range of offences to be treated as summary offences. Consider the current costs associated with clogging up the courts where, at the moment, you could have at least two police officers, a barrage of very highly paid barristers and solicitors, if not people looking like dead sheep, queen's counsel, also being involved in some of this process.

**Mr Humphries:** You are jealous.

**Ms Follett:** He wants his own dead sheep.

**MR LAMONT:** I want my own dead sheep; that is right. There is a response, Mr Humphries. Whether the cost savings to the community in general from going through this process are substantial enough to offset the increased cost as far as administration is concerned is a question that needs to be tested. I think the committee was of the view that the freeing up of the court system by a process of summary offences is an appropriate one to consider. In conclusion, I think it was generally agreed by the committee that we need to be extremely careful in how we proceed; that the Bill as originally presented by Mr Moore, if allowed to proceed, would be dangerous. I also have much pleasure in recommending the report to this Assembly.

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

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -  
STANDING COMMITTEE  
Report and Statement**

**MRS GRASSBY:** I present report No. 8 of 1993 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I ask for leave to make a brief statement on the report.

Leave granted.

**MRS GRASSBY:** Report No. 8 of 1993 contains the committee's comments on four pieces of subordinate legislation, five Bills and two government responses. I commend the report to the Assembly.

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**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -  
STANDING COMMITTEE  
Report on Draft Variation to the Territory Plan**

**MR LAMONT** (8.34): I present report No. 13 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan - Kingston, section 26, blocks 32, 33, 50 and 54, the former Canberra Women's Bowling Club, together with a copy of the extracts of the minutes of proceedings of the committee. This report was provided to the Speaker for circulation on Monday, 17 May 1993, pursuant to the resolution of appointment. I move:

That the report be noted.

This is a quite straightforward proposition in relation to a variation of land use purposes for the area which generically is known as the former Canberra Women's Bowling Club. The committee was satisfied that the appropriate investigation had been undertaken by the ACT Planning Authority, that the appropriate requirements pursuant to the Land (Planning and Environment) Act had also been undertaken by the ACT Planning Authority and the proponents, and indicative design and siting proposals - I emphasise the words "indicative design and siting proposals" - were presented to the committee for discussion by the ACT Planning Authority on behalf of the proponents. The committee unanimously endorsed the variation, and I recommend this variation to the Assembly.

Question resolved in the affirmative.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -  
STANDING COMMITTEE  
Release of Report**

**MR LAMONT** (8.37): I seek leave to move a motion concerning report No. 12 of the Standing Committee on Planning, Development and Infrastructure.

Leave granted.

**MR LAMONT**: I move:

That notwithstanding the provisions of standing order 241, the Standing Committee on Planning, Development and Infrastructure is authorised to release, prior to its presentation in the Assembly and pursuant to embargo conditions and to persons to be determined by that Committee, copies of its Report No. 12 dealing with the draft variations to the Territory Plan known as the Draft Territory Plan.

Madam Speaker, this motion will allow for the presentation of report No. 12, which is on the draft variations known as the draft Territory Plan, to the media prior to the formal tabling and presentation in this Assembly on Thursday. The reason the committee has suggested that we proceed in this manner is that, as you would appreciate, the report is extremely complex. To deal with the issues required to be dealt with and, as I said earlier on this day, to have a document

which replaces 1,100 policies of the former NCDC, requires an extremely comprehensive document. To ensure that the widest and best informed views about the report are able to be made by the media, it is proposed that we provide these copies on an embargoed basis. The committee will determine to whom they are given and the conditions upon which they are given. In general, that will include a requirement that the report not be reproduced, transmitted, distributed or in any way broadcast prior to the formal tabling of that report in the Assembly.

**MR KAINE** (8.39): Madam Speaker, what the chairman of the Planning Committee is suggesting is a little unusual, but it is quite clear that the plan, when it is tabled, will generate a great deal of public debate. I can see the point that, when that debate begins, it is better that it be informed debate and that it get off on the right foot rather than have some uninformed and perhaps destructive comment made in the early stages. For that reason, although it is an unusual step, I support Mr Lamont's motion.

**MS SZUTY** (8.39): I also indicate to the Assembly that this motion has my full support. I believe that it is unusual for a standing committee of the Assembly to request that copies of a report be made available to the media before the report is tabled. I think this is such a significant event for the Assembly that the motion is very sensible, and I support it wholeheartedly.

Question resolved in the affirmative.

### **CANBERRA IN THE YEAR 2020 STUDY Ministerial Statement and Papers**

Debate resumed from 25 February 1993, on motion by **Ms Follett**:

That the Assembly takes note of the papers.

**MR KAINE** (8.40): Madam Speaker, in looking at the document tabled by the Chief Minister some days ago, on first impressions one might assume that, because there is plenty of quantity, there is also plenty of quality. However, a careful review of that paperwork raises some questions about where this study is going. Ms Szuty made a quite long rejoinder to these documents the other week and she raised some questions about it. One of them, for example, was the question of the population projections where, even after decades of experience in population projections, we still cannot get it right. An interesting comment was made to me the other day about the fact that there are different projections of population in different papers and that we cannot seem to get it right. It was that at least our variances are getting closer. I would have thought we would have been past the stage where our variances were getting closer and we could be getting some fairly accurate projections.

My concerns about this study stem from some fairly fundamental points. In a publication issued not long ago by the Commission for the Future called *21C*, an article by Martha Garrett makes some interesting comments. When you read this you discover that there is no reason for people in the ACT to start this study from a vacuum. It notes, for example, that in 1992 there were some 75 teams in

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the world calling themselves national twenty-first century study teams and carrying on studies into the future of their countries. When we started this study a few months ago there was no reason to begin from the notion that we were inventing the wheel. A great deal has been done. The article poses the question: What exactly is a twenty-first century study? It answers that rhetorical question in this way:

It is a serious analysis of long-term alternatives for a nation or a region, with a number of specific characteristics -

characteristics, I think, that the Government ought to note carefully -

it is multisectoral, stressing the connections between sectors; ... it is aimed at finding sustainable strategies, in terms of both environment and social justice ... it takes a longer term look than the standard five-year national plan ... and it seeks to provide opportunities for people to participate in democratic choices about their future.

There are fairly basic characteristics about such a study. It also states:

To be a competent futurist, ... three things are essential -

and I want to emphasise these -

to be able to think long term and imagine things that we may never experience ourselves; to think in a systems way, spotting the connections and feedbacks between different phenomena; and to have a global perspective - not just seeing things in terms of one country or one culture.

And, in our case, not just seeing things in terms of one region or one culture. They are fairly fundamental things, and they were said by the Australian Commission for the Future only a year or so ago.

When we look at our study, where do we find those characteristics and those fundamentals reflected? The answer is that we do not. In other words, this is supposed to be reflecting a vision for Canberra 30 years downstream, and it is reflecting no vision at all. What we have is a bunch of papers which are not multisectoral but are written in isolation each from the other. There is no cross-fertilisation at all between the authors of those papers. The multisectoral thing went out the window.

I think my greatest criticism of it is that it lacks vision. It lacks that ability to imagine things that we may never ourselves experience. If we are not doing that, what are we doing? The major thing that is missing from this paper is a recognition of the fact that the major catalyst for change is change in technology and that we need to be predictive and imaginative about that. I suppose you could say that there is an exponential rate of change in technology in the world. If you looked at the last 50 years, you could say with some degree of certainty that that rate of change will be replicated in the next 30 years, since the rate of change is becoming more rapid.



Let us look at the last 50 years. Let us go back to 1943 and look at the change that has occurred in Australia since then. We did not have jet aircraft in 1943 and we had no TV. There was some TV in North America and some basic TV in England, but we had no TV until 1956. We had no such thing as microwave ovens, we had no washing machines, essentially, and we certainly had no dishwashing machines. We had a totally different lifestyle. If you project that order of change at the same rate over the next 30 years, what is Canberra going to look like? These papers do not even begin to address the problem.

In terms of the rate of change, I want to make reference to a book that was published only five years ago - in 1987. There are some interesting statements here that make you wonder about this rate of change and where we are going to go. The book is called *Building Bridges: An Australian Guide to Making Technology and People Work Successfully Together, 1987*. It reflects the thinking, even as recently as that. In a section headed "The Aussie way", it states:

Research into successful companies, both in Australia and overseas, has shown that Australian business values different things from overseas companies. Surveys on the most successful businesses in America, for example, asked the managers to define the secrets of success. Answers almost universally included comments on human relations programs, staff training, and creating environments designed to attract the right people. Successful Australian companies asked the same questions completely left out such items. Their emphasis was on investment and marketing. People weren't mentioned at all.

This was only five years ago. If you asked the same question today, I submit that you would get the same sorts of answers they got from Americans then. They go on to refer to Japanese companies, as follows:

Japanese use collaboration. They discuss decisions with all the people involved in implementing them.

That was the difference between Australia and Japan only five years ago. On page 33, and this is an interesting one, under the heading "The technology bomb", it talks about office technology, as follows:

Most companies introducing word processing realise that the secretary only spends part of her day typing.

The rest is spent screening phone calls, making appointments, filing and so on. So the sensible thing to do is to have a terminal shared by a number of secretaries who have to leave their desks to use it. While they are word-processing, they aren't there to screen calls, make appointments and do their other tasks. This may cause problems for the managers, who will certainly find it annoying. So companies put in a typing pool with the secretaries farming out their typing to specialist word-processor operators.

How far away from today's world is that description, and that was only five years ago? At pages 71 and 72 it talks about the introduction of computers, under the heading "Technocrats, please read". Referring to computer managers, it says:

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The research shows that there is:

(a) A high degree of anxiety on the part of first time users -

that is, of computers. This is only five years ago. Look at the order of change in technology even from five years ago, let alone the 50 years I was talking about. Where is all this reflected in these papers? It is not. It starts off well. (*Extension of time granted*) In the covering paper, which is headed "Key Global and Local Trends and Issues: An Overview", under Global Influences it correctly identifies the very first global influence as technological change. It says:

Possibly the most pervasive and least predictable impacts on our lives to the Year 2020 will be in the area of technological change.

They got that right. It continues:

Changes in information and communications, and industrial, medical and transport technology will affect almost every aspect of our everyday lives, and advances in these areas may continue at a rapid rate.

But when you get to the rest of the papers, what do you find? The first paper is entitled "Urban Form". The only reference to technology, and I will read it, is in a dot point, with about 10 others, which says:

. advanced infrastructure technologies have been introduced.

This is talking about 30 years from today. What advanced infrastructure technologies? There is not a mention of them anywhere else in that paper. In the paper "Infrastructure Development", there is only this one brief reference:

As Canberra's economy is service based, improvements in data processing and telecommunications have had profound effects on growth in this sector. Further opportunities for growth exist, and initiatives such as a Multi Function Polis may have a role to play in Canberra's economic future ...

I could go through every one of the papers, but that is the sort of reference you find. I submit that what is really needed, right up at the front of these papers, is one that deals with changes in technology and the impact they are going to have, before you even begin to address the other issues. The question has to be posed: Where is the imagining of things that we may never experience ourselves? If we cannot do that, this is a waste of time.

I wanted to make a couple of other points quickly. The first is in terms of transport. Surely the form of transport is going to have a major impact on the way we live in Canberra 30 years from now; but, in the paper "Urban Form", this is the reference to transport:

The solution seems to lie in:

- . planning to leave open a wide range of options for transport systems.
- . developing preferable futures rather than projecting from the status quo.

It does then refer you to another paper, but that does not say much more. What the hell does that mean? What is the future for transport technology in the ACT? Mr Deputy Speaker, I submit that we need a little more than that. I can only hope that the appointment of the 2020 committee, with Dr Peter Ellyard chairing it, will lead to the point where some forward thinking is injected into this study, at least during the remaining short time until August, when it is supposed to be finished.

I have only one other point, and it has to do with the financial aspects. Where on earth this came from or what it is based on I cannot imagine. In the paper entitled "Finance and the Economy", at page 7, under the heading Key Trends and Developments, there is a table which shows that from the year 1988-89 through to 1991-92 taxation receipts went up 11.7 per cent, 18.8 per cent, and 23.1 per cent respectively. In the projection from 1992-93 on, it shows only a 7.9 per cent increase in 1992-93, a 1.8 per cent increase in 1993-94, a 1.7 per cent increase in 1994-95, and a 0.4 per cent increase in 1995-96. Why a sudden break at the end of 1991-92? It is averaging around a 20 per cent increase in taxation receipts and suddenly it drops below 10 per cent and starts to go in the opposite direction. It starts to go down instead of up. It notes that the figures in italics are only estimates, but I think they must be pretty poor estimates. Maybe the Treasury should go back and have another look. Mr Deputy Speaker, I think I have made my point. There is a major fundamental deficiency in where this study is going, apart from the other relatively minor matters I have drawn attention to.

**MR DE DOMENICO (8.55):** Mr Deputy Speaker, I went through the papers, as Mr Kaine did, and I stopped at a paper entitled "Economic Development and Employment". At page 9 I found perhaps the most important and challenging comment I saw in all the papers, namely:

The Canberra economy will have to generate at least 4,800 additional jobs per year.

On my very quick calculations, that is 144,000 jobs by the year 2020. It made me think that we should not be believing what economists, regardless of their political persuasions, are saying about unemployment. Even if Australia's bust turns to boom, there will never again be enough jobs to go around. There is hope, but it involves taking a pragmatic look at what is generating unemployment and then making pragmatic changes to our social system. Forget economic theory and get out your pocket calculator to see the elegance of the solution for yourself. When the solution has been accepted and implemented, we will have a country that is internationally more competitive and a people who have a high quality of life. The work-share initiative increases social justice along the way, and it seems that everybody wins. With all these things, there is doom and gloom first, and sunrise later.

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There are four factors, in my view, that are making unemployment an impossible problem to solve by using the economists' fiscal and monetary solutions: The move to an economy open to the world; technology; the participation rate in the work force; and the quality of products. Let us take them one at a time. If we are to have a high standard of living we must take part in the world economy, where countries and enterprises specialise in manufacturing products and, through the process of competition and volume of production, reduce the price to the consumers. As enterprises compete, they must reduce the cost to be able to offer inexpensive goods. A recent trend is to reduce the number of middle and senior managers in the enterprise. Reducing layers of management usually has little effect on the shop floor, where the productive work is done, but greatly reduces costs. The euphemism "rightsizing" actually means fewer positions. Unemployment increases, especially in the older established firms, where traditional practices have built layers of middle level managers over past decades. Making the choice to stay in business in the face of relentless international competition means ruthless culling of people who are not necessary to meet production goals. Unemployment increases.

Secondly, technology is rapidly displacing people, and Mr Kaine's comments bore that out. When I was a boy in Melbourne, for example, I can remember the farms of the 1950s. I can remember horse-drawn implements and kerosene lamps. My friends would find employment pumping petrol, and as bank tellers, typists, shop assistants and production workers. These days, huge tractors farm large paddocks, and we pump our own petrol, extract what few savings we have from an ATM, use a PC based word processor to type our own letters, shop at supermarkets, and supervise robots to make goods. Technology increases unemployment, or it may. My mother stayed at home and looked after dad and the kids - the kids were not ours, because I was an only child, but the kids of other people. Girlfriends, as some of us remember, worked until they married, resigned, and stayed at home to look after their husbands and children. I asked a friend's two daughters the other day whether they would leave the work force to care for husband and children. I received a very curt "get real" message. With improvements in social equity, more women and disadvantaged people enter the work force, competing for available work. This trend will be encouraged by changing attitudes to child-care and recent improvements to child-care allowances. While the trend to full and equal participation should be applauded, the inevitable outcome from the increased participation rate is that unemployment will increase.

Quality may seem to be a strange factor to bring to the unemployment debate, but I can remember thinking that you had received good value for money if a car lasted 80,000 miles, or 130,000 kilometres, without overhaul. There was a huge industry of mechanics and firms such as Repco supplying this market. Paints peeled and flaked in a few years; washing machines, if they were there, rusted out. These days, consumers scream if their car fails below 200,000 kilometres, paint is expected to last a decade, and washing machines have stainless steel or plastic tubs. The net result is longer lasting goods and a much diminished service industry. The improving quality, therefore, also increases unemployment. The trends are there: Increased international competitiveness, technology expanding, participation rates rising, quality improving. The result is unemployment rates that rise faster than any growing economy can produce new jobs.

That was the doom and gloom. Now for some sunrise. Let us start with one of those trite statements that nonetheless point the way. There are about 10 million people employed in Australia. If each person gave up just one day each fortnight, there would be one million years of employment opportunities. If each unemployed person took up these opportunities, there would be no unemployment - none, zip. Whilst there would be practical problems with this concept, it does indicate that there is a way of substantially reducing unemployment by sharing the available work. Most of our memories extend only to a time in which the standard working week was five days, or 10 working days per fortnight. However, there was a time before World War II, I am told, when a standard working week was 48 hours and many people used to work half a day on Saturday. Before that, people worked six and even seven days per week. Annual leave was two weeks per year and long service leave was an unheard of concept.

Is it time to take advantage of increased productivity and work fewer days per week? This is the essence of the work-share initiative. How could it work to the advantage of all? Who are the stakeholders in the proposal? Consider these: The presently employed, the enterprises offering employment, the unemployed and, last but not least, the Government. Suppose I said to you, or to anyone, "Have I got a deal for you! How would you like to have a three-day weekend every second week? You will receive 90 per cent of all your present pay and entitlements, but for taxation purposes you will pay tax on only 80 per cent of your current pay. Similarly, if you take a three-day weekend each week, you will receive 80 per cent of your present pay and entitlements but pay tax at the rate of 70 per cent of your full pay. The only limitation is that you can hold down only one paid job". My betting is that a quite large number of Australians from a diverse range of situations would give up one or more days per fortnight. One group could be young two-income families where the parents share the child-care responsibility by part-time work. Another could be older executives who are comfortably off but who are feeling stressed and in need of more leisure time. Middle managers whose jobs are presently under scrutiny could choose to concentrate their work into fewer days of employment, increasing their productivity and hence their value to their employers.

If an enterprise found savings in a number of employees giving up work, it could add more part-time workers directly involved with production of its products. When goods are involved, this means greater enterprise productivity as overheads are reduced. For service industries, for example, customers receive a better deal as more people are available to meet their needs. The deal could be that some of the time given up would not be replaced, reducing overhead costs and increasing profitability. The rest would be offered as part-time employment opportunities for the presently unemployed. The Government could sweeten the deal by offering the enterprise a bonus of \$500 per year, for example, for each year of new employment offered, this grant being offset by the higher administrative cost of part-time employment.

What is in it for the unemployed? Obviously, part-time jobs which would provide exposure to the process of working, plus, in most cases, more income than unemployment benefits.

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**Mr Berry:** What do the rich give up in all of this, Tony? Nothing.

**MR DE DOMENICO:** You will have your chance later on. What do you say to an unemployed person who says, "Listen, mate, it is not worth going to work because it costs. You have to buy new clothes, pay the bus fare and buy your lunch". The reply is, once again, "Have I got a deal for you! You stay on your unemployment benefits until your income exceeds your entitlements, plus you get an extra \$20 per day for the extra costs, up to \$50 per fortnight". That is fair enough, I am suggesting.

So far, it looks as though the Government takes a big hit, paying out all those incentives and costs. Actually, it does not work that way; quite the converse, in fact. Using a mathematical method to model the financial effects of the work-share policy initiative, and given a few assumptions about the distribution of people leaving and entering the work force and so forth, the results are quite staggering, from a national point of view. After all the tax losses and gains are added and the costs of the benefits to the enterprises and the unemployed are totalled, there are substantial savings to be made.

The fiscal outcome is not the only benefit to all the stakeholders. Those people exchanging income for leisure will be more rested and less stressed. Their quality of life will increase. The presently unemployed people entering the work force will have more income to spend and will have the benefits of working, acquiring skills and self-esteem. Businesses will enjoy having a rested, motivated, flexiforce where changes in business activity can be accommodated through a change of working hours. The Government will benefit not only from a reduction in outlays but also from a reduction in the collateral costs of unemployment. There you have it. It is a work-share initiative. Everybody seems to win.

As Mr Kaine said, there was no thought even of presenting in the paper anything that had any vision. It made a few motherhood statements. I am not saying that this is the be all and end all. I am not saying that it will definitely work. But at least it is presenting an alternative point of view, which any vision statement or any statement looking into the future should be all about, after all. As Mr Kaine said, there was nothing in the papers Ms Follett presented that said anything about future vision.

**MRS CARNELL** (Leader of the Opposition) (9.06): While I commend the Government for putting up a strategic plan at all, and I agree that it is required, I am concerned about the reality of such a plan. I think Ms Szuty made some very good comments in her long and detailed speech. I am concerned about its implementation, the data upon which it is based, and also the Government's real agenda. The four stages set out in Ms Follett's tabling speech are logical and, on the surface, are a move in the right direction. But, in all honesty, can we trust this Government either to work to a plan or to base any future direction on sound facts and figures rather than on mere ideology? While the contents may be well intentioned, I suggest that they are somewhat unrealistic.

**Ms Follett:** That is not what Trevor said.

**MRS CARNELL:** It is what Trevor said. It is exactly what Trevor said.

**Mr Lamont:** It is not what Ms Szuty said, either.

**MRS CARNELL:** It is exactly what she said, as well. What has Ms Follett's Government done to date which indicates that the Government has the capacity to deliver? The Government has not even kept this year to its planned budget reduction of 2 per cent a year in each portfolio. In all honesty, can we trust the Government? I suggest not. The Government's record to date is anything but satisfactory.

**Mr Berry:** Everybody else thinks we can be trusted.

**MRS CARNELL:** Which people?

**Mr Berry:** People out there. They love us.

**MRS CARNELL:** How can the 2020 proposal, as put forward, be believed, and how can we trust the Government, given its past record? We need to look at only a few areas to see just how poor is this Government's ability in developing plans and its ability to manage them. The fact is that this Labor Government is a poor manager. I believe that the Canberra community has every right to feel sceptical not only about this Labor Government's vision for Canberra but also about its ability to achieve that vision. There really is reason for concern.

This Government is ideologically driven, which prevents it from making a realistic and accurate assessment of actual requirements. This ideological bent prevents the Government from addressing the very real needs of Canberrans, both now and in the future. Planning requires far more than just words, far more than just ideas and paper. It requires management skills - skills which Ms Follett and her Government lack. Take the health portfolio, for instance.

**Mr De Domenico:** Who would?

**MRS CARNELL:** That is right; who would? Not only has the health budget failed to meet its 2 per cent expenditure reduction, as Ms Follett promised when handing down her budget last year, but also she has allowed her Health Minister to preside over a massive blow-out of \$10m - and I stress this - again. It is obvious that her Health Minister cannot cope.

**Mr Berry:** And treated 2,000 more Canberrans. Would she have stopped me treating 2,000 more Canberrans? Or should we have forced them into the private sector?

**MRS CARNELL:** I just wanted him to say that on the record. I was very keen for that to go on the record. It is obvious that her Health Minister cannot cope, yet she allows him to carry on, despite his poor management skills. Some would say that the real reason Ms Follett keeps Mr Berry there is that it takes the heat off her. It certainly does that at times.

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In a recent radio interview, Ms Follett's Minister for Health gave the most garbled explanation I have ever heard about his method of calculating the health budget. Mr Berry virtually admitted that the health budget was a sham, that it was not based upon real figures and it did not need to be, because he could run back to the Treasurer for an advance. Mr Berry also said:

A reasonable estimate was made on what last year's performance would be. We knew that we would be able to approach Treasury if there was a change, but we had to do it on the basis of accurate figures.

**Mr Lamont:** Mr Deputy Speaker, I draw your attention to the appropriate standing order in relation to relevance.

**MRS CARNELL:** This is exceedingly relevant.

**MR DEPUTY SPEAKER:** Leader of the Opposition, I am sure that you are moving to relevance, but I do have to uphold the point of order. We are discussing the 2020 report.

**MRS CARNELL:** The basis upon which I am making these observations is that it is absolutely impossible to plan for the year 2020 if you cannot manage this year. If it is impossible for the Health Minister at the moment to manage and to be able to predict from one budget year to the next budget year and to keep the budget under control, then how in heaven's name can you - - -

**Mr Lamont:** Mr Deputy Speaker, can I try for a pair on the point of order as far as relevance is concerned?

**MR DEPUTY SPEAKER:** The Chair does not recognise you now, Mr Lamont, because you are not sitting in your place. I allowed you one latitude; I will not allow you any more.

**Mr Lamont:** I rise on a point of order in trying to get a double up on relevance. I do think it is - - -

**Mr Kaine:** You will get a double up on suspension if you keep this up.

**Mr Lamont:** That is fine. Relevance is a problem.

**MR DEPUTY SPEAKER:** Mr Lamont, I can recognise you now. I think the Leader of the Opposition is addressing the question, though I would ask her to concentrate a little more on the 2020 report.

**MRS CARNELL:** Again, the point I am making is that it is very difficult for this paper on health to be taken in any way seriously if at this present moment it is impossible for the Government to budget from one year to the next and come up with any reasonable data on what is going to happen in our health system, even 12 months down the track.

The health paper brings forward a number of interesting ideas. I would be interested to know how the paper was written. It seems to me that a number of people sat down and thought of all the interesting things that might happen at some stage in the future, but nobody actually put those interesting possibilities



into any context at all. This paper has absolutely nothing in it to suggest what might be in our health system in the year 2020. Mr Kaine made some interesting comments about looking back 27 years or 30 years.

**Mr Kaine:** What is in it for 1994? That is a good start.

**MRS CARNELL:** That is right. That is what I was talking about, Mr Kaine, on the basis that we cannot work out what is in it for next year, let alone what is in it for 27 years down the track. It is very hard to see the relevance of the paper. Again, the paper talks about a number of very interesting ideas and things that are not all that far down the track at all, things that are actually in place in many overseas countries. But it does not take the next step of looking at what our health system might be like in the year 2020 - the things we will need to be planning for. One of the more interesting comments in this paper is this statement:

"More of the same" will no longer be good enough.

I could not agree more. That really means that from this year on we must take that statement on board. More of the same will no longer be good enough. We will not be able to run our health system or, for that matter, anything else exactly the way we have in the past - just cut 2 per cent, or whatever we are planning to do - and expect this vision statement to be anything like correct down the track. Again in the health area, there are comments that seem to have been totally overlooked. For instance, it is said that we will desperately need to have a much closer working relationship between the private sector and the public sector. I suggest that, if that is the case, we might need a new Health Minister because that is not a likely scenario.

Mr Kaine made some interesting comments about what life was like 50 years ago in Australia. Even 27 years ago, in the health area the contraceptive pill was only in its very early stages of use. When you look at the quite dramatic change that has meant for women, not just in health terms but in the work force, in the family and so on, there are no projections of that nature in this paper. A number of very interesting medical breakthroughs are about to happen. (*Extension of time granted*) A lot of very interesting medical breakthroughs are currently being trialled around the world - not things that have not been invented, but things that have been. None of those issues has been brought up in this paper.

The area of information technology takes up all of one paragraph in this paper. Information technology is the one single issue that will have the most definite effect on health and health provision all over the world. Already we are seeing in America information technology - patient records, treatment by computer and so on - actually in use. This paper has one paragraph on that, and then does not take it through to its ultimate conclusion. There is also one paragraph about the need for proper resource management and the need to look at the use of QALYs, or quality adjusted life years, and how to appropriately ration health care. Again, this is not carried through to any ultimate conclusion.

I think it is important to have a long-term strategy, but it has to have a conclusion. This paper does not seem to have the end bit, the next step, which says what the health system might look like even next year, let alone in 27 years' time.

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**MR WESTENDE (9.17):** I have only a few comments to make in this debate. I am all for planning for the future. It is absolutely essential. We need to know as a community what we are aiming for. We need to know how we want things to be. However, we have to be careful. It is always much more interesting to talk about the future than to focus on the present. While laying down a plan is important, the issues that face us now are a part of that. If we do not respond decisively to the issues that confront us now, there will not be a future.

It is largely what we do now that determines what sort of future we are going to have. To give an example, the very last sentence of issues paper No. 10, "Economic Development and Employment", states:

Significant diversification of the economy, and the development of an export orientation will be crucial to developing a healthy economy and sustained job growth.

What a prediction! Unless we export now, we are absolutely on our knees. How can we talk about having to develop an export orientation in 2020 unless we do it now? As Mr Kaine so eloquently put it, technology changes every so often. In the industry I am connected with, you would have to replace your equipment every four years - not because the equipment was worn out but because the technology had changed. If you want to be up to date, you would have to change your equipment. That means that by 2020 I will have had to change it six times, so how can I predict what my output will be between now and 2020?

It is a mistake to see this export orientation as something achievable in the distant future. Policies to encourage businesses of this nature need to be set in place now. It is not good enough to say, "Wouldn't this be a good thing to do?". Governments have been talking about the importance of developing export oriented industry for years and years. This is not a new thought. However, when one is still reading this in papers years after it was first mooted, one has to ask why it is that it still seems like a novel idea. It could mean that governments and private enterprise have not responded strongly enough to the call.

It is true that the recession has demanded that a restructuring process occur, and this has happened to some extent. Businesses have become more competitive. However, the Government also needs to be sensitive to the requirements of business for industry to be able to look forward and take risks. While we have governments that see business more as a source of revenue than as a means of providing a future for our country, industry will not move forward. It will not have the confidence to move forward and, before long, the year 2020 will be upon us and we will still be talking about the brave new world instead of being part of it.

Mr Deputy Speaker, nowhere have I seen in the documents in the Canberra in the Year 2020 study, and I went right through them, any reference to reducing or abolishing taxes. Nowhere have I seen any evidence of a proposal that would attract industry to Canberra or the ACT. Nowhere have I seen evidence of any input from the business world into the forward-thinking process involved in this study. For this study to have any credibility, it must show that it can be flexible

and that it can respond to change. Any thinking we have now about the year 2020 will be completely different, I expect, in even a few years' time. I would not like to see a situation arise where we were sitting around working out some fine words about our future aspirations and overlooking the pressing matters that require action right now in order for us to have any chance of a future.

**MS FOLLETT** (Chief Minister and Treasurer) (9.22), in reply: Mr Deputy Speaker, I thank members for their comments on the second stage of the Canberra in the Year 2020 study. Could I say at the outset that I would not want members opposite to proceed down the track, as they appear to me to be doing, of believing that the issues papers which have been released are definitive papers. They are, in fact, designed specifically to set out some key issues, certainly not all key issues, and to stimulate discussion. So, to the extent that they appear to have stimulated members opposite, I guess they have been successful. But their purpose is not to set out a definitive position. They are to form the basis for discussion. Each of the documents examines some of the important economic, social, environmental and technological issues or trends that are likely to be important to, or likely to have an impact on, Canberra's future. The papers set out some of the choices, but by no means all of the choices, that might face the community, might face governments, as we move well into the next century. I think members have perhaps been under a misapprehension that these papers set out the Government's position or set out a definitive position. There is no such intention. They are discussion documents.

Mr Deputy Speaker, later this week I will be tabling the third progress report on the 2020 study. I take the opportunity to remind members that in fact the process and the very basis of this study were matters on which the Assembly itself passed a motion. The Assembly motion was to the effect that the Government inquire into and report on strategic planning in the ACT, addressing the key question of what Canberra would be like in the year 2020. Members opposite who have taken the opportunity to rubbish the entire process should remember that in fact it was this Assembly that resolved upon the question and resolved upon the process.

I reiterate that the papers are for discussion. In fact, the reference group that has now been appointed to continue with the 2020 study has been using these documents for some very extensive debate in the community. I am told that the reference group, under the chairmanship of Dr Peter Ellyard, has in fact been in touch with some 50 community groups, and the reference group itself has met four times to date. They are seeking views from a very wide range of people in the community. The reference group itself is drawn also from a wide range of community interests. The business, multicultural, environmental, Aboriginal, youth and community service sectors are represented on the reference group.

I advise members that that reference group's activity is continuing. It has been a very energetic process. The reference group's tasks are to review the goals, the issues and the options that are set out in the issues papers with the second stage report, to articulate community views concerning key issues for Canberra in the period to the year 2020 and to provide advice to the Government in the formulation of the final report to the Assembly. I reiterate that the papers before us at the moment will be subject to a great deal of change following a great deal of consultation with all sectors of the community.

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When I present the third progress report on this study I believe that the chair of the reference group will take that opportunity to provide a preliminary report on the consultation process. That report will also be tabled in the Assembly. The reference group's deliberations with the community will of course be reflected in the final report that will be presented to the Assembly in August. The final report, the fourth report, will draw together all of the issues and conclusions that are based on the issues papers and community consultations and will also develop some goals, some implementation strategies and evaluation and review processes, as was called for in the Assembly's original motion which initiated this study.

Madam Speaker, I again thank members for their comments. I think it might be wise if those comments were to be added to the consultation process that is under way at the moment. I look forward to presenting this week the third report on the 2020 study and of course, in due course, to the culmination of all of this work.

Question resolved in the affirmative.

**LAND (PLANNING AND ENVIRONMENT) ACT -  
VARIATION TO THE TERRITORY PLAN  
Papers**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members, I present an approval for a variation to the Territory Plan for Kingston, section 26, blocks 32, 33, 50 and 54 - the former Canberra Women's Bowling Club - pursuant to section 29 of the Land (Planning and Environment) Act 1991. In accordance with the provisions of the Act, this variation is tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required.

**AUDIT (AMENDMENT) BILL 1993**

Debate resumed from 25 March 1993, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

**MR KAINE** (9.29): Madam Speaker, the Liberal Party opposes this Bill in its present form. It opposes it on the basis of what we currently understand to be the Government's position in respect of it. The Bill, if approved, would place trust fund moneys with private investment experts for investment in what might be high yield derivative investment products. Investments are currently made in the short-term money market by the Treasury on behalf of the Government. Those investments are made through and with the advice of experts in the private sector, and the returns to the ACT have been consistently good, if modest, over the years. But because the Treasury maintains a high level of supervision and involvement in managing those investments the risks have been kept low. Bear in mind that we are talking here about trust fund moneys and, specifically, superannuation fund moneys. This Bill proposes to take a more aggressive but more risky course of action than has been followed in the past. It could be expected to be a higher return course of action.

Debate interrupted.

## ADJOURNMENT

**MADAM SPEAKER:** Order! It being 9.30 pm, I propose the question:

That the Assembly do now adjourn.

**Mr Berry:** I require that the question be put forthwith without debate.

Question resolved in the negative.

## AUDIT (AMENDMENT) BILL 1993

Debate resumed.

**MR KAINE:** It is a course that expands current options and is a course pursued by some superannuation fund managers in the Commonwealth and the States and in major public institutions. But because there are a number of adverse precedents for this Bill or the action that is proposed in it, I do not believe that it should be supported. The benefits from this proposal are arguably a lot higher than the Government's resources could produce on their own, but with higher returns there is also higher risk. In the ACT's financial situation, entertaining higher risks is not prudent, even if the risks are somehow containable - and I am not convinced that they are. This short Bill totally lacks reference to any investment strategy or any management structure to ensure that returns are within acceptable levels of risk.

What is proposed in this Bill is a scheme that removes the Executive from the management of, responsibility for, or ability to foresee, the consequences of investment of trust funds. That, in fact, was the root cause of the financial disaster in Victoria and South Australia. In both those States the management of community funds was divorced from direct control, high gains were sought without proper or adequate accountability, the money managers were not properly overseen by the Executive, errors and corruption occurred without detection and the appropriate controls were not in place. The Ministers responsible had no idea of what was happening to the funds supposedly under their control. This Bill will put our Executive in that same position. The managers made mistakes and the community suffered. The Government had given up its responsibility to experts who failed it without the Government having the wherewithal to know that they had failed. That simply must not happen here, and it certainly must not happen with our superannuation funds. We must not and we cannot ignore the warnings we have in Victoria and elsewhere.

I am not simply acting conservatively. The risk of inadequate controls is real. It has been demonstrated in other places. The Bill imposes no requirement for reporting to the Executive; it makes no reference to the provision of management guidelines for the investments that might be made on our behalf; it sets out no rules or procedures for ensuring a basic level of protection for funds.

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The Chief Minister tabled a belated second explanatory note the other day in an attempt to cover these gaps, but that does not do it either. The need for an investment management strategy is glaringly obvious. We do not have one. It is proposed that government trust funds be put in the hands of people not subject to the Audit Act or to the direct control of the Assembly, and indeed not subject to the direct control of the Executive.

The Treasury has admitted that it wants to pursue this activity because there are bigger profits to be made than are currently being earned, and they have admitted that they do not have the expertise or manpower to become involved in these investments themselves. If they do not have the expertise to make the investment themselves, how are they going to have the expertise to control what somebody else is doing on their behalf? They cannot. Already there is an admission that, in the absence of a legislatively required, Assembly endorsed management framework, the Treasury is operating with a reduced technical capacity and to some extent on faith. I suggest that in this business faith is too risky a basis for investment.

That is particularly true when the performance of private investment experts - even the best of them - has been questionable over the long term. Most of them can produce good results in the short term, but let us have a look at their results over a 20- or 30-year term. They are not very good. It is the long term that is being discussed here. We are not talking about the short term. Moreover, we should remember that the experts we might employ do not have the same level of personal responsibility as do, for example, the members of this Assembly or the Treasury officials. Essentially, they provide expertise for a fee, and it is commonly one per cent. If they err in their judgment, our money could be gone. In that case, what will the Minister say to our retirees or prospective retirees? Will the Minister say, "Sorry, your retirement benefits have gone; we have had a bad day on the market"? That is no consolation to people retiring from the public service.

Madam Speaker, I see enormous risks and not too many benefits in this Bill. If we must, of economic necessity, become money and market oriented in some sort of an aggressive way, then the Government should come back to the Assembly with a Bill that incorporates a proper structure for managing such investments. It must also establish some strong prohibitions enshrined in legislation - for example, that investment should not be speculative. We are told in the second explanatory note that we are not going to get into the business of speculation, but that is no guarantee. It has to be set in legislation or set in operating procedures.

Another shortcoming in this Bill is that it does not satisfy me that there will be any requirement to spread the risk. There is no legislative requirement to specify, in advance, investment guidelines that ensure spread of risk and diversity of investment. There is no mention of a requirement for range in asset allocation in the portfolio. There is no recognition of the need to require some security from dealers or some form of other insurance.

The Government has an obligation, Madam Speaker, to inform the Assembly of, and obtain its approval for, the selection criteria for funds managers. How are they going to go about this process - just call tenders and take the first one that turns up? I do not think so. Operational guidelines containing oversight

provision - who is to be responsible for managing the experts and prohibiting speculation - are essential. The Assembly must be satisfied with these guidelines, in my view, before it can endorse this course of action on the part of the Government.

The accountability structure in the Audit Act must be reviewed to ensure that the Assembly retains direct oversight of investments of this kind. The Government simply must not engage in this newly proposed activity without knowledge and approval of the security criteria for these equities. Equities should be assessed on the basis of such matters as good management; diversity of location of investments, whether onshore or offshore; diversity of income streams - for example, property, shares, other share market products, and the like; a low debt to equity ratio; a long-term track record. That does not mean that only blue-chip investments perform well or provide sufficient levels of security, but the investment vehicles need to satisfy these criteria so that there are no fly-by-night investments, so that no unnecessary risks are being taken. In this vein, margin trading should be limited, say, to less than 10 per cent of the portfolio. That is just a figure that I pull off the top of my head.

Madam Speaker, this Assembly must seriously consider whether futures trading is appropriate for trust funds. At question time today I asked a question about where the speculative element came into this kind of trading. The Chief Minister cannot answer it, and I suggest that the Treasury cannot either, because when you get into futures trading it is entirely a matter of trying to second guess the future. Many a good merchant banker has had his fingers burnt in dealing in futures. I think that we should seriously consider whether futures trading is appropriate for trust fund moneys at all. Secondly, we should determine whether derivatives, in whatever form, should be perhaps only a minor part of the portfolio mix rather than a major part. Again, there has been no prescription as to just how much of the investment can be in derivatives. The Government must recognise that, in the use of external funds managers and the use of high risk, high return investment vehicles, it is playing with other people's money and that demands a higher duty of care than might otherwise be the case. Superannuation money is other people's money.

To ensure that the Assembly is satisfied and informed, I suggest that the Government should consider reforming the ACT Borrowing and Investment Trust. It should be a more independent body with its own board of directors. The directors should be drawn from the Government, principally the Treasury and Treasury officials; from Assembly representatives, perhaps, if they are qualified; and from external representatives with financial management expertise. It should be required to report regularly and comprehensively to this Assembly on what it is doing with this trust fund money. Without these provisions for security, accountability and prudence, this Bill is a recipe for disaster. It will not give the community confidence in the Assembly or in the Government, and it will not enhance our prospects for developing a strong economy.

Madam Speaker, the Bill is a very small Bill. On the face of it, it makes two minor changes to the Audit Act, but I cannot overemphasise that those two minor changes mean massive change. If it is not properly done and if the arrangements as to how this is to be done are not set out clearly beforehand - who is to do it, who is to oversight it and what the risks are - then it simply is not good enough.

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I will be satisfied only when, amongst other things, the Government comes back to me as an individual member of this Assembly and tells me what its investment strategy is. It does not have one now. I will be satisfied only when it tells me that it is putting in place competent oversight and management of these investment strategies, and I suggest that the revised ACTBIT is perhaps the way to go. I will be satisfied only when they can show me that they have a full set of operating procedures that explain fully and in detail how these transactions are to be carried on and how accountability is to be ensured. Until that is done, I will certainly not agree to this Bill being voted in as an Act.

There is only one other point that I want to make, Madam Speaker. In the explanatory memorandum we are told that the revenue cost implications are nil. If the Chief Minister and Treasurer can tell me how she is going to get some external manager to manage this money for a fee of less than 0.7 to one per cent, I will be interested to know. There is a cost associated with management. I presume that we are talking here about money in excess of \$50m. If you take one per cent of \$50m, you are talking about a hell of a lot of money. That is money which, if we invest ourselves, we do not have to pay to an investment manager. There is a cost. For the Government to presume to tell us that this a no-cost option shows that they clearly do not understand the matter or that they have been misled. When they come back with the prescription that I have set out, which might encourage me to support their Bill in the future, I would also like clarification of how you can do this for nothing, because I do not believe that you can.

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

## **PUBLIC ACCOUNTS - STANDING COMMITTEE**

### **Reference**

Motion (by **Mr Moore**), by leave, agreed to:

That, notwithstanding the provisions of standing order 174 -

- (1) the Audit (Amendment) Bill 1993 be referred to the Standing Committee on Public Accounts for inquiry and report by 15 June 1993; and
- (2) on the Committee presenting its report to the Assembly, resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next day of sitting.



## **RADIATION (AMENDMENT) BILL 1993**

Debate resumed from 25 March 1993, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

**MRS CARNELL** (Leader of the Opposition) (9.43): Madam Speaker, the Opposition will be supporting the Radiation (Amendment) Bill 1993. However, I want to make some general comments on the Bill. Madam Speaker, the question of public health legislation is one that often does not present itself in a prominent way in the Canberra community. Legislation establishing, amending and governing the use of councils and bodies to implement public health standards rarely makes the front page of the newspaper or even an item on the news, but this legislation is important. The Government has a duty to legislate to protect the health of all Canberrans.

In the case of the Radiation (Amendment) Bill, the Minister for Health has a duty to ensure wide representation of the community on the ACT Radiation Council. Ensuring that appointees from the Australian National University and the CSIRO have suitable qualifications of a scientific nature is a sensible move. I know that none of us would question the scientific knowledge of members of the council who have been appointed by the CSIRO or the ANU, but ensuring that the qualifications are required is a move as much to protect the appointees as to protect the ACT community.

The use of community representatives on public health management boards is a concept that is strongly supported by the Liberal Party. It is important to ensure that the weight of scientific knowledge is balanced by the provision of an objective assessment of community attitudes and wants. Often a scientist is playing too subjective a role to be able to balance this assessment against the scientific expertise provided by the appointees nominated by the CSIRO or the ANU.

Madam Speaker, one aspect of this Bill which does concern me is the length of time it has taken for it to be brought before this Assembly. I understand that this Bill was completed during 1991 but brought before this Assembly on only 1 April 1993. In fact I could quote from a Board of Health paper of 12 June 1991 which actually states that the Bill was ready for presentation at that stage. While this Government parades it priority legislation, it has thrown such legislation as this onto the backburner for just too long. If this Bill was completed and ready in 1991, even assuming some amendments to that draft, presenting it to the Assembly should not have taken nearly two years - that is, until April 1993.

Madam Speaker, the Radiation Council serves a valuable purpose in our community. It ensures safety and technical standards for the use of radioactive and irradiation materials. As we all know, radiation technology serves a purpose to the community in terms of health care. Equally, the control of the use of this technology remains a vital issue in terms of standards of public health. An effective council will assist that process. I commend the Bill to the house.

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**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (9.47), in reply: I am pleased that this piece of legislation has brought a sparkle to the eye of the Opposition. It is quite obvious that they are now replete with a warm inner glow. Their glowing acceptance of the Bill is probably appropriate, given that it is a Radiation (Amendment) Bill. We could probably turn out the lights and the illuminated members of the Opposition would be able to give us some direction.

Madam Speaker, this legislation is important in the scheme of things but, like any other legislation, it has to be considered against other priorities. It is all right for Mrs Carnell to bleat about information that she has in relation to this Bill being ready in 1991, but those of you who were around then - and Mrs Carnell was not - will know that the government changed at about that time and priorities changed, as everybody would expect on the change from a Liberal government to a Labor government - and changed dramatically. There was a big mess to be cleaned up on the change of government, and it took us a long time. It took us a long time because we had in front of us a mammoth task. Of course, we rose to the occasion and got on with some very important work which had to be done in this Assembly, and of course this piece of legislation found its way through the legislation system to be submitted in this chamber.

Madam Speaker, all that needs to be said was said on the introduction of the Bill, so I will not drag it out any longer. I have merely drawn attention to a few facts about the performance of the Liberal Party.

**Mrs Carnell:** To the fact that it took you two years to find the Bill.

**MR BERRY:** Mrs Carnell says that it took two years to present this Bill. But look at all the good work we have done in between. That is what galls the Liberals most - the good work we have done in between. This has been a class act, and that is what upsets you the most. Madam Speaker, all I can do is say thank you to the members of the Opposition. I thank them for their support for this important piece of legislation. I can see that it has brightened up their day. I am sure that we will see this Radiation (Amendment) Bill passed this evening without amendment.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clauses 1 to 4 agreed to.

Clause 5

**MR STEVENSON** (9.51): I move:

... ..

**MADAM SPEAKER:** Order! That amendment is out of order.

Clause agreed to.

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

Bill agreed to.

**ABORIGINAL ADVISORY COUNCIL**  
**Ministerial Statement**

Debate resumed from 25 March 1993, on motion by **Ms Follett**:

That the Assembly takes note of the paper.

**MR HUMPHRIES** (9.53): I want to talk briefly on the matter of the ACT Aboriginal Advisory Council which was recently announced by the Chief Minister. Broadly speaking, the Opposition is supportive of the concept inherent in the appointment of the council. According to the Chief Minister, the council is a device for providing mechanisms for consultation with the Aboriginal and Torres Strait Islander community of this Territory and to address their particular needs and to enable the community to participate in decisions which affect them. Presumably the Chief Minister is referring to the Aboriginal community in particular.

There are a number of particular focuses at the present time which bring our attention to the needs of our Aboriginal community, only two of which are the International Year of the World's Indigenous Peoples and the decision by the Standing Committee on Planning, Development and Infrastructure earlier this year to recommend the provision of a keeping place in the ACT for Aboriginal people. In both those particular respects the council which the Chief Minister has appointed will play an important role. It will be a conduit between the Government of the Territory and the people of Aboriginal descent who live in the Territory; and it will incorporate the mechanisms provided by ATSIC, and the Bogong Regional Council in particular, to ensure that that consultation, that conduit, is a fruitful one and that it provides necessary mechanisms to ensure that we do what is appropriate and what is in the interests of those members of our community.

There has been discussion in this place before about the appropriateness of some activities, some expenditure, on the part of the Government. I repeat my concern that the Aboriginal deaths in custody issue is an unresolved question for the ACT. There have not been any deaths of Aboriginal people in custody in the ACT, and we hope that that will remain the case. But in those circumstances the question remains of whether we are putting expenditure of money on the royal commission's findings to the best use by directing it specifically towards reforms associated with gaols and remand centres when they pose a very small problem indeed in the ACT.

I believe that any questions which clarify priorities in areas of expenditure would be appropriate, would be useful, and I see this council as a way of doing that. I hope that it will be an opportunity for issues to be grappled with fairly and squarely by this Government and not an opportunity, as it were, to duckshove issues into another forum - namely, this consultative council - as a way of avoiding the consequences of difficult decisions. I believe that some consultative bodies established by the Government in the past have fallen into that description, and I hope that this body is not a mere device to be seen to be consulting with the Aboriginal community but does in fact achieve the important goal of bringing these people into the mainstream of decision making in the Territory and does allow them a real say in the way in which moneys dedicated to their needs are actually spent.

Question resolved in the affirmative.

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## ADJOURNMENT

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

That the Assembly do now adjourn.

### Answers to Questions Without Notice

**MR STEVENSON** (9.57): At question time I asked Mr Berry a question that I gave him notice of. It concerned staff appointments. He did not answer that question, despite having had notice of it for two months. Before the sitting I gave notice to Mr Berry's office that I would be asking the question. When I finally asked the question Mr Berry popped up and said, "Well, fancy that! Fancy asking a question that I have already tabled the answer to". The reason that I give notice - - -

**Mr Berry**: I know why you do it.

**MR STEVENSON**: Why do I do it?

**Mr Berry**: I will explain later.

**MR STEVENSON**: He knows, but he is not prepared to tell anybody else. If he knows it will make sense, and if he says something else it will make nonsense. The reason I do it is fairly obvious. It is to give the Ministers time to get a reasonable answer to the question, so that there will be no need to make statements irrelevant to the question because they are not sure of the answer. I have done this for some considerable time. I do not do it in every case. There is the occasional case, such as the question I asked Mr Connolly the other day concerning a declaration, when I do not do it. The reason I did not do it on that occasion was that I knew that the Federal Government had already approved of the declaration. When I asked the Minister, he said that he did not know anything about it. I had guessed that that was what he would say.

The ACT is supposed to be consulted. If the ACT is supposed to be consulted, why are we not consulted in this Assembly? The suggestion that the matter is not important is nonsense. They carry weight behind them. Nevertheless, Mr Berry is not prepared to talk about the reason that I give notice of my questions without notice. I do it so that we all win, so that the questions will be answered some time in this part of the year, instead of some time later on in the year or next year.

**MADAM SPEAKER**: Order! It being 10.00 pm, in accordance with amended standing order 34, the debate is interrupted.

Motion (by **Mr Berry**) agreed to, with the concurrence of an absolute majority:

That so much of standing and temporary orders be suspended as would prevent the adjournment debate continuing until its completion.

**MR STEVENSON:** Mr Berry said that if I looked at page 644 of *Hansard* I would find that he had tabled the answer. He said that I was not in the Assembly at the time. If he turns to page 645, the next page, he will see that about four minutes later, at 3.31 pm, Mr Kaine spoke on a standing committee membership. He will also find that at 3.33 pm Mr Stevenson spoke about something.

**Mr Berry:** How come you do not remember that it was tabled, then? You must not have been here. There is only one answer.

**MR STEVENSON:** I agree that I was not here, could not hear you talk, or whatever. Nevertheless, in that particular time you should have read a little bit further in the notice paper that you got us to pay attention to. I think it is a damn poor show when someone gave you notice. You might think that is funny. One can be more vindictive and more childish in the use of language, but I leave that for other people. I think it is a damn poor show that you should do that. No sense comes from it.

I raised another point. I think it is well known why I raised the point. I tried to bring it up in the proper forum at the proper time as a motion on the notice paper. In an unprecedented situation for this parliament, and for the Commonwealth Parliament in Australia, that was removed by a vote of 16 to one by the Assembly - an appalling situation. I would have also had the opportunity - - -

**Mr Berry:** Madam Speaker, I demand that Mr Stevenson withdraw that. We have already established in this place a precedent whereby members do not reflect on a vote of this Assembly. He is not allowed to do that, and I demand that he be ordered to withdraw his remarks.

**MADAM SPEAKER:** Mr Stevenson, I believe that that is correct. Please withdraw that reference to the vote.

**MR STEVENSON:** Indeed, I do.

**MADAM SPEAKER:** Thank you, Mr Stevenson. Your time has expired, Mr Stevenson.

### ***Lock, Stock and Barrel Magazine***

**MR MOORE (10.03):** Madam Speaker, *Lock, Stock and Barrel* is a magazine that is racist in the extreme, incites violence, encourages people to break the law by showing them how to convert their semiautomatic guns to machine-guns and gives them instructions on how to make explosives in the kitchen. Understandably, this magazine has been banned. In fact, the police have been alerted to take action against the publishers and distributors of the magazine. It was not banned Australia-wide because of its white supremacy articles, including its reproduced letter, complete with swastika-like emblem from the white supremacist group, the AWB in South Africa, calling for gun power to arm the AWB against President F.W. de Klerk and the ANC.

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The Afrikaner Weerstandsbeweging - or the Afrikaner resistance group - was described in the *Canberra Times* recently as a neo-fascist group of thugs and racists headed by the infamous Eugene Terre Blanche. The magazine was not even banned because it is possibly one of the most frightening magazines seen since Hitler's regime. Article after article is blatantly anti-Semitic, alarmist, violent and racist.

It has been banned Australia-wide by the Chief Censor, John Dickie, because of its regular articles giving instructions on converting semiautomatic guns - or self-loading rifles, as they are sometimes called - to machine-guns and making explosives. Although the censor's office agreed that it probably would not pass the test following the Racial Vilification Act, it was only within their charter to ban publications if they contained active encouragement for violence and murder. Just before one turns the page giving advice on how to first kill sniffer dogs trained to find illegal weaponry and, as a bonus, how to kill the handler as well with a booby trap is a letter of congratulations to the publishers, Owen Guns of Gympie. This letter reads:

Dear Jimi,

I loved your magazine.

WELL DONE.

I'm sure people found it most helpful to know how to correct that auto-fire problem.

Keep assisting the community. Let me know if I can help.

Very best regards,

Dennis Stevenson MLA ACT.

Apparently the auto-fire problem dealing with semiautomatic guns being converted to automatic machine-guns appeared in the regular column entitled "How to stop your gun machine-gunning" - a thinly disguised "How to turn your semiautomatic into a machine-gun". The editor, Jimi, is incidentally the same Jimi who added a postscript to the letter from the AWB, the Afrikaner resistance movement, which read:

Don't feel too guilty about sending these guys money as all the churches are sending it to the ANC who are buying their guns from communist countries.

He encourages those with guns to take a stand, with the slogan "Take our weapons and we will take your life!". Jimi passionately attacks the Racial Vilification Act as being the result of a Jewish plot. He is outraged that it is an offence to distribute threatening or vilifying material if it is intended to publish it in order to promote hatred of, or to intimidate, a racial or religious group. Is he defending his right of expression to publish this sort of material?

I am not surprised that Mr Stevenson congratulates this editor and supports this magazine and its attitudes. What I do find extremely horrific is that this man, who shares the same views as the Ku Klux Klan and espouses the paranoiac "one world order" philosophies, is the same man who argues that he represents the people. Which people - the ones with the guns or the ones without, Mr Stevenson? He has stated time and again that porn magazines incite assault against women. If that is true, Mr Stevenson - through you, Madam Speaker - what does this magazine incite people to do - to take out machine-guns and kill those who "appear to be tyrants", to booby trap and kill any customs officer or a policeman who enforces the gun laws, not by innuendo, not by a quantum causal leap in logic but by direct advice? X- and R-rated magazines are not permitted to give instructions on how to assault or rape a woman. Indeed, they are controlled, rather than banned, to ensure that any message of coercion does not come through. But this magazine gives advice and blatant encouragement. It is a how-to manual for violence and racial hatred.

How does Mr Stevenson justify his warm support of this vile and illegal magazine? It is blatant support for the fundamental civil right to take guns out onto the streets. Mr Stevenson says:

WELL DONE.

He says:

I loved your magazine.

I'm sure people found it most helpful to know how to correct that auto-fire problem.

Let me know if I can help.

Mr Stevenson stated on radio last week that he could not serve on a committee as he was needed to show up all the corruption and duplicity rife in our corridors. I trust that Mr Stevenson will be pleased, then, that I have brought this matter to the attention of the people of Canberra so that they can make their own judgment.

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

That the publication to which Mr Moore referred be tabled.

Original question resolved in the affirmative.

**Assembly adjourned at 10.08 pm**