



DEBATES
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

HANSARD

13 April 1994

Wednesday, 13 April 1994

Ministerial arrangements (Ministerial statement)	755
Ministerial achievements (Statements by members)	756
Petitions:	
Belconnen trash and treasure	769
North Watson residential development	770
Postponement of order of the day	770
Statutory Appointments Bill 1994	770
Rent relief scheme	779
Authority to record and broadcast proceedings	782
Questions without notice:	
Petrol station site	783
Heritage protection	786
Building approvals	786
Petrol station site	787
Below-the-line ticket voting	790
Assembly chamber - coat of arms	791
University of Canberra Council	792
Jerrabomberra development	793
Answers to questions on notice	794
Papers	794
Subordinate legislation	794
Government Service - quarterly staffing analysis	795
Scrutiny of Bills and Subordinate Legislation - standing committee	795
Planning, Development and Infrastructure - standing committee	796
Planning, Development and Infrastructure - standing committee	799
Land (Planning and Environment) Act - variation to the Territory Plan	808
Discharge of order of the day	809
Adjournment	809
Answers to questions:	
Housing Trust - O'Connor property (Question No. 1168)	811
Housing Trust - Scullin property (Question No. 1169)	812
Community policing - Bega Flats (Question No. 1170)	813
Housing Trust - rental rebates (Question No. 1199)	814

Wednesday, 13 April 1994

MADAM SPEAKER (Ms McRae) took the chair at 10.30 am and read the prayer.

MINISTERIAL ARRANGEMENTS

Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I seek leave to make a statement.

Leave granted.

MS FOLLETT: Madam Speaker and members, it is with great regret that this morning I have accepted the resignation of Mr Berry as Deputy Chief Minister, Minister for Health, Minister for Sport and Minister for Industrial Relations. As I made clear in the debate yesterday, I have complete confidence in him as a Minister. I believe that the facts he presented to the chamber demonstrated convincingly that he did not mislead the house.

Mr Moore: I raise a point of order, Madam Speaker. I think it is highly disorderly for the Chief Minister to reflect on the vote of the Assembly.

MADAM SPEAKER: Thank you for bringing that to my attention. I am sure that the Chief Minister knows the standing orders well. Proceed, Ms Follett.

MS FOLLETT: Madam Speaker, far from reflecting on a vote of this Assembly, I am in fact implementing it, in my view, and recording yet again that I did not agree with it - nothing more. However, Madam Speaker, as I say, my confidence has not been shared by this Assembly and, consistent with traditions of Westminster government, Mr Berry has now offered, and I have accepted, his resignation.

Wayne Berry has been a key member of the Australian Labor Party's ministerial team in both the First and Second Assemblies. He holds the honour of being one of the Territory's inaugural Ministers. I cannot let this moment pass without recording my own views of Mr Berry as a Minister and as a person. I have always known him as an honest and dedicated Minister who has acted in the best interests of our community. He has always considered the interests of the disadvantaged and powerless people who are most in need of help from government. He has presided over a very major physical and organisational redevelopment of Canberra's health services and put in place a new Medicare agreement and health complaints legislation. In short, Madam Speaker, he has created a great momentum of reform in our health system which will provide the community with quality services at a price the Territory can afford. In industrial relations he has brought about important reforms in occupational health and safety, overseen the transition to enterprise bargaining, reformed important aspects of our labour laws and presided over record low levels of industrial disputation.

13 April 1994

Much as I regret Mr Berry's resignation, the Government is determined to ensure the continued smooth and effective administration of the Territory. Madam Speaker, so as to enable the Assembly to continue to carry through its important business uninterrupted and for continuity in the exercise of executive business, I am announcing the new ministerial arrangements which will take effect immediately. I am appointing Mr Connolly as Minister for Health. He will also remain as Attorney-General. Mr David Lamont will be Deputy Chief Minister and will take responsibility for urban services, housing and community services, industrial relations, and sport, including racing. My own responsibilities and those of Mr Wood are unaltered. To ensure that the Government and the Assembly are able to continue to benefit from Mr Berry's experience and knowledge, he will remain as Manager of Government Business, will take on the role of Whip and will be Secretary to Cabinet.

Madam Speaker, the flexible way in which we have structured the ACT Government Service means that should any consequential changes be required to give effect to the new arrangements they will be minor only. In regard to Assembly committees, the Government's representation will change with Mr Lamont's move to the ministry. Details of these changes are yet to be worked out. As soon as possible the Government will seek to discuss this matter with other parties and put a proposal to the Assembly.

Madam Speaker, in closing, I record again my deep regret that I will no longer be working with Wayne Berry as a Minister. It has been a great pleasure to work with him over several years now. Nevertheless, the Labor team has talent to draw upon, and I welcome Mr Lamont's appointment to the ministry. I believe that it will remain an efficient and effective Executive, supported as always by a united and talented caucus.

MINISTERIAL ACHIEVEMENTS

Statements by Members

MR BERRY: Madam Speaker, I seek leave to make a statement.

Leave granted.

MR BERRY: Madam Speaker, I rise to speak in relation to the motion of no confidence which was carried in this place yesterday and to record again my disagreement with that motion. Of course, Mr Moore may rise again - - -

Mr Moore: I raise a point of order, Madam Speaker. I ask you to do your job and ensure the implementation of standing order 52.

MADAM SPEAKER: Mr Moore, I believe that people may disagree or agree with a motion passed - and I have accepted that before from all sides - without reflecting on the motion of the Assembly. Mr Berry, you may proceed.

MR BERRY: If Mr Moore had his way, it seems that you would not be able to vote along lines which were different from the ones that he suggested. I am on record as having disagreed with the motion, Mr Moore, and I will continue to be on record in that way.

In almost five years of ACT self-government I have always worked to advance the interests of the people of the ACT. Of course, I have fought to implement the policies of the Australian Labor Party, and I have fought hard. In all my actions I have been careful to maintain the highest standards of honesty and integrity. I note that Mr Cornwell supported me on that score last evening, but it was not reflected in his vote. That would have been a very valuable vote had it reflected your words.

I have been proud to work with my Labor colleagues to provide responsible and, as far as can be achieved in this place, stable government in the Territory. I do not accept that I have ever deliberately or recklessly misled the Legislative Assembly. I heard Ms Szuty this morning - and I think she agrees with me too - say that she supported the motion last evening because I had not told her about the break in the link with VicTAB. That is hardly, according to Ms Szuty - - -

Mr Humphries: I raise a point of order, Madam Speaker. You have said that Mr Berry should be able to disagree with the decision of the Assembly. He is now traversing the arguments that were traversed in last night's debate. That amounts to reflecting on a decision made by the Assembly. Under that standing order, I ask that you ask Mr Berry not to do so.

MADAM SPEAKER: You may proceed, Mr Berry.

MR BERRY: I will not offend Mr Humphries any more on that score. There are a few other things that I think I can probably guarantee him that he will be offended by, but on my side of politics we will quite enjoy it. Sometimes when I have spoken the truth as I see it, my answers or statements in the Assembly have not pleased the Opposition or the Moore-Stevenson group, the so-called Independents. That is what I would expect because - - -

Mr Stevenson: I take a point of order, Madam Speaker. With the comment "so-called Independents" Mr Berry continues to reflect on the vote yesterday. We can all stand up and seek leave to speak and we can all rehash the whole thing, but I think it is important that he not reflect on the vote and not make innuendos about it.

MADAM SPEAKER: Thank you for bringing that to my attention, Mr Stevenson. Mr Berry will proceed.

MR BERRY: I was not reflecting on the vote, Madam Speaker, and I think Mr Stevenson knows it. I think that what I drew attention to was the grouping of the Moores and Stevensons of this world. I would expect anxiety about some of my comments. I am usually very careful about the way I put them together and whom I target them at. I think all of the evidence that has been presented thus far demonstrates that what I have said is true. As you know, the role of Independents throughout this country has in many places been a cause of instability and confusion. I think that will continue to be the case in the Territory. I think the Moore group demonstrated a level of decency - or indecency, if you like - we have not seen before, especially in the light of the impartial inquiry which is already under way.

13 April 1994

There was a demonstration by the Moore-Stevenson group that the Labor Government was at risk. I expect that they would have pursued that path if I had not chosen to resign. I have done nothing wrong. At all times I think I have acted in the best interests of our Territory, and I think I have been honest in this Assembly. But, of course, it is clear to me and to others that the Moore-Stevenson group would plunge this place into another crisis.

I have decided, in the interests of our party and as sensible government as you can put together in an Assembly such as this, that the continued existence of a Labor government is more important to the ACT than my being a Minister is, and it is for those reasons that I have resigned. My record is something that somebody else will have to make a judgment about as time passes, but I had a look over some of the achievements that I have been involved in throughout the period of self-government in the ACT and I am quite proud of them. I know that some of the achievements have not been agreed with. I think the focus of attention on me in particular has something to do with some of these achievements. I intend to go through them because I think they are worth mentioning.

I want to talk about industrial relations first. In consultation with the Industrial Relations Advisory Committee members, we proposed changes to the discrimination legislation to prohibit age discrimination. These might all sound like small things, but when you add them all up, to me, they are significant. In collaboration with CONFACT and the Trades and Labour Council we moved to promote the rights and responsibilities of employers, employees and the general public with regard to sexual harassment in the private sector hospitality industry. I think that is a very important move.

The occupational health and safety legislation was introduced by a Labor government in 1989, and I was very proud to reduce the designated work group number of employees to 10 so as to ensure that there were more designated work groups in the workplace. There was a great struggle about that. The Liberals opposed that vehemently because they do not care about the safety of workers. They care about dollars. Everything is measured in dollars. You always measure things in dollars. This measure and other measures taken by government have led to ACT workers compensation rates now being amongst the least expensive in Australia. So do not talk to me.

The Parental Leave Act was enacted for the private sector. That was vehemently opposed by the Liberals. That legislation is a lead now being followed by the Federal Government. Change to public holidays legislation removed the problem experienced by workers not receiving public holidays, especially at Christmas. There was a development of proposals for an occupational rehabilitation scheme which is now well advanced, with an interim scheme proposed by the Minister and agreed to by the parties. Twenty-five ILO conventions have been agreed to by the ACT Government. We are now leading Australia in agreement to conventions. Another achievement is our active involvement in the resolution of industrial disputation in the building industry over redundancy payments. We have also made significant improvements to workers compensation legislation to improve benefits and remove anomalies.

In the area of sport there are a range of issues. This Government has been committed to increasing the participation rate of the community in sport, because there is a strong connection between sport and health and quality of life. It also has some impact in the business sector. Recognising that, I established the ACT Sport and Recreation Council in December 1991 to provide advice to the ACT Government in developing and implementing its sport and recreation policies. Among the many things that that council has advised me on, they were involved in the development of a draft strategic plan, "More than a Game", for the future of sport and recreation facilities and programs in the ACT. That will set the pace, I am sure, for the future of sport and recreation facilities and programs in the ACT.

As a result of Sydney winning the 2000 Olympic Games, in September 1993 the ACT Government established the ACT 2000 Committee to provide advice on the benefits, opportunities and strategies for the ACT arising from Sydney winning those games. That committee is now working at a hot pace, I am informed, on the development of activities which would be useful for the Territory.

I turn to sports drug testing legislation. I recall some activity from the Liberals when this was first talked about. Since it has become clear that it is good legislation, it is a matter of record that they have gone quiet on the matter. They have not said that it is good legislation very often. I have not heard them applauding the Government.

Mr Cornwell: You would not consult the community on it. We got that started for you.

MR BERRY: Get out with you. In June 1993 I introduced the sports drug testing legislation into the Assembly. The legislation enables the administration of drug sampling and testing functions on athletes representing the Territory or competing at the top level of their sport in ACT competition. To support the provisions of the legislation I also established an ACT Sports Drug Education Unit in a joint venture with the Australian Sports Drug Agency, and in May 1993 I jointly launched a drugs in sport education kit with the then Federal Minister for Sport, Ros Kelly.

A Sports Drug Testing Consultative Committee has been established to seek community opinion and to advise on aspects affecting the implementation of the drug testing program in the ACT. The committee has recently provided to me its report on the findings of the community consultation. That report will now be considered as a basis for debating the sports drug testing Bill. That Bill is scheduled, but we will have to see how it goes in terms of Government business.

The Boxing Control Act was introduced, not without dispute. I understand that some of the principles that were involved in the disputes about that matter are still in strife. But, from my point of view, we introduced it and we got it through. We did not get it through the way we wanted to get it through, but it is through.

The Tuggeranong pool is one of the most outstanding sport and recreation centres to be opened in this Territory for a long time. That outstanding new centre cost almost \$10m - \$9.95m. It was opened in May by the Chief Minister. It provides the Tuggeranong community and the rest of the ACT with excellent facilities for swimming, recreation and

13 April 1994

fitness programs. That was an initiative of the Labor Party. That project was one that was started early by another Labor sports Minister, and I was very proud to have been able to extract the money and get the centre built. I know that for decades the people of the ACT will enjoy that facility. Of course, we have also refurbished the Dickson pool.

We have been involved in new sportsground lighting. Narrabundah ballpark has had its final major stage constructed. Albert Hall has been provided with some additional facilities. Erindale Leisure Centre has had some new extensions. The Canberra softball centre has had work start on stage 1. The Conder playing fields have begun. Bruce Stadium modifications have been implemented to increase its flexibility.

Then we come to the ACT Academy of Sport. The Academy of Sport runs an elite program which the Government supports. It is our program. In 1993 I requested a review of the academy and its programs, to recommend strategies for its future directions. That was completed in January 1994, and those recommendations and strategies will have to be considered to develop the future of the academy. But that academy has been a gem for the ACT because it is the focus of elite athletes in the Territory. It is now not living in the shadow of the Australian Institute of Sport; it has broken out of that mould. It is succeeding in drawing local sponsorship. I congratulate all sponsors. The academy will play an important role in the development of sport in the ACT for a long time, and I am very proud to be associated with that.

I introduced the volunteers award as a result of the need to recognise the contribution that volunteers make to sport. The thousands who get out there of a weekend and at nights to look after their youngsters and look after themselves had to be recognised. It was Labor that recognised volunteers in sport in the ACT. In 1992 we also introduced a program to recognise and acknowledge the outstanding achievement by ACT sports people.

In racing, legislation for the three codes of racing is being developed. There has been much debate in this place about the TAB in the last little while, but it is now a statutory authority. We decorporatised it, much to the anxiety of the Liberals, to make sure that all this nonsense about privatising it was taken off the agenda. We can see what is happening in Victoria. They are going to sell the family silver for one meal. Because of the situation that exists in Victoria, they are going to sell the TAB. The income that the Government has received for useful social programs will be lost to the private sector. It will no longer go to those useful social programs.

Mr De Domenico: Absolute bunkum!

MR BERRY: That is where Mr De Domenico and the Liberals and Labor stand well apart. To the Liberals, if it does not have a useful social purpose, it is really not worth worrying about too much. The Liberals focus on dollars and money in their pockets. Over the past two years sport and recreation development grants were made to over 130 sport and recreation organisations for the development and capital equipment categories. Of course, we have maintained a sensible level of funding there. This Government has always demonstrated its commitment to sport and the useful social role that sport plays.

The participation rate by women in sport, though the highest in Australia, is still lower than that for males, and we have to encourage and develop that commitment further. In line with our past commitment, there has been some grant assistance to the ACT Association for Women in Sport and Recreation to develop a strategy for increasing the participation of women in sport. The report *Gender Equity in ACT Sport: Not Just a Women's Issue* was released in late 1993, and it has recommended a number of strategies. I know that they will be focused on. That grants program, of course, has been a gem for the development of sport.

In November 1992 I launched the ACT Junior Sports Council study, a mapping of participation rates in junior sport in the ACT. That study was the result of collaboration between the ACT Government, the Australian Sports Commission and the ACT Department of Education and Training. I am very proud to have been associated with that development. We have a job in front of us to develop the participation rates of young people in sport. The major job, of course, is to keep young women and young men involved and to continue to develop our focus in those areas.

I come to health. The Department of Health, of course, was established under the combined operation of the Health Act and the Health (Consequential Provisions) Act on 1 July 1993. That occurred as a consequence of the board chairman and others resigning, which of course flowed from the constant harassment by the Liberals in concert with the Moore-Stevenson group. Those people resigned, the board evaporated, and the Department of Health was established. The department's mission is to be responsive to community needs, to be accessible, to continually improve the quality of service, to provide value for money and to be a healthy organisation with a strong sense of purpose. All of those things are matters upon which this Labor Government has focused.

The new Medicare agreement, which covers the period 1 July 1993 to 30 June 1998, was signed by the ACT and Commonwealth governments on 29 January 1993. Mind you, we would have had some difficulty had the Liberals gained office in their claim to fame in the last Federal election. I am pleased to say that they did not, and Medicare survives. Medicare survives despite them. It will continue to survive, because I do not think the Liberals are game to talk about it any more. They did threaten it; they did not support it. Labor won, and Labor will continue to win on those grounds, because people will remember and distrust the Liberals for evermore on health care.

The Canberra clinical school was announced on 2 March 1993. I remember the brief period of Labor's office in 1989. There was some pressure then to establish the clinical school. Of course, we then went into the abysmal period of the Alliance Government, and under Mr Humphries nothing was done. By 2 March 1993 a memorandum of understanding between the ACT Government and the University of Sydney to establish a clinical school in the ACT was signed. That school will be affiliated with the whole public health system rather than one hospital alone. The school will begin taking students in 1995. The school will assist ACT Health to enhance health care standards for the community, and it will foster a learning and self-improving environment in the health system. It will also improve the ACT's capacity to attract and retain high-quality clinical staff. The inaugural associate dean, Professor Paul Gatenby, commenced his appointment on 11 April. That school will change forever the way that the ACT health system delivers

13 April 1994

its services in the Territory. I have not heard any applause from the Liberals on that score. I do not think they know how to applaud a good result. They have lost that ability. All they have left is a capacity to be bitter and twisted. I suppose that silence from the Liberals is applause.

The hospital redevelopment project is surging along and I have opened significant buildings, including the diagnostic and treatment block, on the site. The bricks and mortar part of the hospital system is developing well, but without things like the clinical school and developments in management the bricks and mortar mean nothing. I think the people of the ACT can be proud that they now have their own clinical school, something which will hold them in good stead for a long time. Activity across the public hospital system, which includes Calvary and Queen Elizabeth II Hospital for Mothers and Babies, was generally higher than for the previous year. That has been climbing, and it climbed rather steeply in 1992-93. It was funded this year.

Save for the awful doctors strike, we would have been at the usual high level of activity in our system this year. We have lost productivity. I regret that that problem has been handed over unsolved to my ministerial colleague Mr Connolly. It is not something that can be solved in just a few months. The impact of that strike will be with us for some time; it will cost us for a long time. I did not hear the Liberals applauding the Government for making a stand against those doctors who demanded to be overpaid when compared to the rest of Australia. In fact, I do not remember much support from them on any of the positives in the health system. There has been a painful period in relation to that strike. It was not pleasant for anybody. I suspect that it was not pleasant for the doctors either. It was a stand that had to be made.

I have seen figures that show that the cost of VMOs in the ACT is around \$6m above what would be the national benchmark. That is out of payments of around \$13.8m. That is a huge and outrageous position for us to have to tolerate here in the ACT. It is a problem that the Government inherited from the Commonwealth. It is a problem that was partly generated at least by the massive strike in 1987 and it is one that we are going to have to solve. As much as one can be happy with being involved in an industrial dispute, a strike, of that nature, I was content to deal with it. I was not happy about having the problem in front of me; I would have preferred to have the problem evaporate. It would have been much easier for me to do what Mr Humphries did - nothing - but it had to be fixed. This is another legacy that was left to us by the Liberals. There was no attempt to fix it.

Now, by virtue of strike action, court action and so on, the matter is before the arbitration process which was proposed by me earlier. We said to the doctors, "Do not take this action; go to arbitration; look after your patients". They said, "No, we are not going to arbitration; we are going to strike". They struck, patients suffered, and they are now in arbitration. The wheel has gone full turn. I trust that at the end of the day the doctors will accept the outcome of that arbitration. I know that the Government will stand by its commitment to do so.

One other matter which I think is important was the accreditation of Woden Valley Hospital. Even in the course of the construction work that was going on at that hospital it was able to achieve accreditation. I think, by any standard, that was a great achievement. I do not think there was much applause from the Liberals on that either. In fact, I think they complained that the chocolates I handed out were not made in Australia. How miserable! I think all of the staff who worked to make that accreditation a success are to be congratulated, and they have been.

Our Community Nursing Service became only the third major community nursing agency in Australia to be awarded three years' full accreditation by the Australian Council on Healthcare Standards. The accreditation survey took place in 1992 and covered all areas - administration, education, quality assurance and so on. Accreditation was also granted for two years for the mental health post-basic nursing course. Calvary Hospital was surveyed and awarded a continuation of its accreditation status. On 15 March clinical services and teaching in obstetrics at Woden Valley Hospital achieved accreditation. There was no applause. Jindalee Nursing Home, the one the Liberals want us to sell, also achieved three years' accreditation by the council. The breast screening clinic also worked towards accreditation by the national accreditation committee and 12 months' accreditation has been granted. The health advancement service has been reviewed and we are working on that one. So on it goes.

Accreditation has been awarded in many areas in health. Whilst I cannot take credit for all of the hard work that has gone into it, I am proud to be associated with a health system that is working towards those sorts of aims and objectives. They are doing it under Labor and they are supported under Labor. The workers out there know that the Labor Party is a consistent supporter of the public hospital system. We will not abandon them and we will not sell off those profitable bits to the private sector. They know that that is not the case with the Liberals. There have been public health legislative reforms. There are the public health regulations. The Food Act was sorted out under Labor - something that could not be dealt with by the Liberals - and so on it goes.

We managed, as a result of the closure of one of our hospitals, to accrue a great deal of surplus equipment. Vietnam is topical at the moment because of the visit by the Prime Minister. We were able to ship out about eight container loads of surplus equipment to Vietnam. That was coordinated by the project officer of the redevelopment project and Vietnam Outreach. We have also provided excess books to the people of Lithuania, and so on. So we are world players as well. There are people in need who are not so well off. It has been my pleasure to be able to approve those things going to help other people. The list becomes quite long.

The ACT methadone program has been expanded to over 300 places. I cannot remember, aside from the VITAB issue, anything that I was criticised over more than the methadone program, and here we are with 300 places. Mr Moore at least has said that it is okay. I am not sure that his mate Mr Stevenson would agree. Mrs Carnell has not been helpful in that program. Those people in need do not need controversy.

Mr Humphries: What did you do in opposition, Wayne?

MR BERRY: They would not get it from us, but they certainly got it from the Liberals.

13 April 1994

Mr Humphries: And from Labor in opposition.

MR BERRY: There are 300 places now. While Mr Humphries had it, nothing happened. What we were doing was improving it. You were doing nothing, as usual.

Mr Humphries: People were treated when I was the Minister.

MR BERRY: You were doing nothing, as usual. What did you do? What did you do, except leave a mess behind you for me to clear up? Most of it has been cleaned up. Financial management has improved within the health system. Mr Humphries did not know, or he claimed that he did not know, what was going on in ACT Health. I think the inquiry into health showed up other matters. There was a whole mishmash of misleading information that came out of Mr Humphries in those days, and, dare I say it, by Mr Kaine, an inquiry and so on and so forth. Mr Humphries left behind him a disgraceful mess. The ACT health system has improved out of sight. In fact, significant improvement in the state of ACT Health's financial systems has been acknowledged by the Auditor-General.

There has been the completion of the extensions to the Dickson Health Centre, extended hours at the Dickson Day Care Centre, extended day care hours at Burrangiri, the amalgamation of the home and community care funded program, introduction of the patient master index for community nursing and a child health occupational therapy service for children. Changes have been made to minimise the length of waiting times in the dental service, and so on. The list goes on. There have been massive improvements in the health system, all of which I have been proud to be associated with. I know that Mr Connolly too will be proud to be associated with those because the work goes on. I know that he shares the same commitment to a strong public hospital system. This list is so long, Madam Speaker, that it would soak up all of today's business. There have been many significant achievements throughout the system.

One other matter which I want to focus on is the approach that has been taken by this Government on tobacco consumption. I think we have stood out in Australia as the leaders in this regard. Nobody has had as much of a victory with the New South Wales Rugby League as we have. North Sydney took them on but were not able to get anti-smoking messages on their football paddock, but in the ACT we were able to. We were the first in New South Wales - I will not advertise the product; I think the Giltinan Shield is the proper name for it - to get anti-smoking messages on. I do not think that has been applauded by the Liberals. That was a major battle and an important one. We did not want permanent tobacco advertising in the ACT, and that is what the New South Wales Rugby League sponsors wanted.

As we promised the electorate, we moved to introduce our smoking in public places legislation. We introduced that and the Liberals and the Moore-Stevenson group fell all over the place. There was not a word from them in response to the election promise as we developed it, but when it came to the crunch they fell all over the place. It is off at a committee now. I expect that Mr Moore has been fairly seriously embarrassed by his performance on that score. I still feel the barbs because I think I succeeded in stinging him. He deserved to be stung. So did Mrs Carnell. Their behaviour was deplorable.

Of course, there remains much work to be done because, as a result of the consumption of tobacco and as a result of people folding in front of the lobbying of the tobacco companies, people out there in the community are suffering, and we are paying for it in our system.

The draft Mental Welfare Bill has been introduced into this Assembly. Nobody has been able to address that issue, except Labor. It is in and it will be dealt with in the normal course of events. There has to be mental welfare legislation in the ACT which is an improvement on what currently exists. We know that. While the Moore-Stevenson group and the Liberals flop about over the issue, people are waiting for better care. At least it is on the way. We have achieved that and I think that is a major.

In the area of women's health services, I think we have done well. Our first major achievement was to repeal the Termination of Pregnancy Act and that was welcomed.

Mr Humphries: Yes, and not tell anybody about it beforehand. It was a sly little move.

MR BERRY: It has been a long-standing policy of the party and one which we were widely known to support. There are a few right-to-lifers here who would seek to oppose it. In good conscience I could not sit back and see a situation where ACT women were discriminated against and forced to go interstate for a service which could quite easily be provided in the ACT.

That law was thrown out, and congratulations to everybody who supported the repeal of that legislation. For those who opposed it, shame on you. Shame on you because it is that sort of discrimination which we can well do without out there in the community. There will be a facility in the ACT to provide terminations. The money is there and the work is going ahead. That will happen. It began in a period when there was much reaction out there in the community from a small group who stood up to try to prevent ACT women from having access to that service. It is a sensitive issue, I know; but in good conscience you cannot have a situation where you discriminate against your own community. As a result of this Government's commitment, the Labor Party's commitment, the delivery of those services is changing in the Territory. It would never have happened under the conservatives. Mrs Carnell and her mob flip-flopped all over the place on the issue, trying to grab a cheap political point here and there - on one day, off the next - and we never knew which way they were going.

Madam Speaker, for my part, this has been a pleasure. The job is still in front of the Executive. I have been supported well by all of my Labor colleagues, and I welcome that. The Chief Minister and my former ministerial colleagues were of great support. That does not mean that we always agreed. It is not a Cabinet if you always agree. You have to have a disagreement or two; otherwise it would not be worth going there. You have to work for a decision; otherwise it is not a decision that you would really want to implement. The Cabinet process has been an enjoyable one. I reckon that I might be back there one day. The people that I have worked with have been a joy. Sometimes we have disagreed; some days they have not been as much of a joy as they have been on others, and I suspect that I have been the same. My caucus colleagues have been loyal at all times and still are, and so have my staff.

13 April 1994

MR KAINE: Madam Speaker, I seek leave to make a short statement on this matter.

Leave granted.

MR KAINE: After a long day yesterday, a late night, and a short time in bed, I came in this morning feeling that I would need to go soft on Wayne Berry and that the hard nose-to-nose confrontation might not be appropriate today; but I can see that that is not necessary. Wayne is still as pugnacious and as belligerent as ever. Like Muhammad Ali, he is still dancing like a butterfly, and I presume that he has a sting like a bee. It is obvious that neither I nor any of my colleagues need to go soft on him today. We know what the ground rules are, and that is fine.

As to the future, I think that those of us who aspire to have a long career in this place need to have some personal attributes such as the ones that Greg Cornwell talked about yesterday - integrity, commitment and perseverance. I think Wayne Berry has those, so I expect to see him around and to be working with him for some years yet. If the Chief Minister is interested in what she might ask him to do, I would be happy to have him on the Public Accounts Committee. I think he would make a great contribution there.

In the list of achievements and things that Wayne hopes for the future, there was one notable omission. I hope that, as Secretary to the Cabinet with still some influence there, he puts on the list the provision of a \$3m stadium for the ACT's AFL team. I cannot think of anything better than to have the Canberra Lions playing at Jesaulenko Oval somewhere in Canberra; so, in anticipation of Wayne still being around for a while, maybe he might put that on his list of things to be done. Madam Speaker, I know that we are eating into private members time, but as one who has had the experience I have to say to Wayne that there is life after high government office. I know of your interest in old cars and I am restoring an old car. If you have some spare time you might come down and help me fix my Valiant.

Mr Stevenson: Did you say "a Valiant"?

MR KAINE: Mine is even older than Dennis's. Finally, I offer Wayne an invitation to meet me, either in his office or mine, whenever it is mutually convenient, with the objective of forming a new club, the Featherdusters Club. At the moment there would be only a limited number of members, but I am sure that in the future there will be others who would want to join us. We can consider things like the logo, which would probably be a bunch of ostrich feathers. I have already invented a new secret sign that we might adopt in this Featherdusters Club.

MR STEVENSON: Madam Speaker, I also seek leave to make a statement on the matter.

Leave granted.

MR STEVENSON: First of all, I should comment on how enthralled I am that Mr Kaine is working on a Valiant. I have had different opinions of Mr Kaine over the years but that statement has markedly increased my understanding. I mainly want to talk about Mr Berry's claim of some form of collusion or conspiracy on the vote that we took last night. Mr Berry said that he would resign because of the threat to the Government. The Chief Minister said, "Consistent with traditions of Westminster government, Mr Berry has now offered, and I have accepted, his resignation". One of these statements is false. One of them is false and misleading.

There is no doubt that the best form of government if you want full control is a dictatorship. It simply brooks no opposition. If someone dissents they are dead. I can understand why people who think that they are born to rule feel that they should not brook any opposition. Fortunately, total power is not in some people's hands. Mr Berry suggested that Independents are the cause of the machine parties' problems in Australia, not only in this Assembly. I want to make a couple of points on that. First of all, there are not enough Independents in any single parliament in Australia to make a vote successful. There simply are not enough. Any time there is a vote Independents vote one way on you will always find the Labor Party or the Liberal Party voting on that same side to pass a particular motion. The Labor Party did not mention that when Greiner came undone it was not because of the Independents. They had only a few votes. It was the Labor Party that did it. So why make a false and misleading claim? Why make false claims in this Assembly? In this Assembly nine members said that Mr Berry had misled this house. Anyone reading the evidence will agree, unless they are biased or cannot - - -

MADAM SPEAKER: Mr Stevenson, order! You were the one who raised the point of order, Mr Stevenson, in relation to alluding to a vote. I refer you to your own point of order and I ask you to take care when you are referring to these matters. You are on your feet with leave to make a statement about the resignation of Mr Berry, not the debate that we had yesterday. Please proceed.

MR STEVENSON: Madam Speaker, the reason I sought leave and the reason I am on my feet is that when Mr Moore and I both took a point of order on Mr Berry claiming collusion you said, and I am not disagreeing with your ruling, that that was fine. If it was fine I must now have the same opportunity to counter what is a serious allegation, the allegation of collusion that he repeated again and again throughout his speech, with no point of order being upheld; but I thank you for your comments.

Mr Berry suggested that it was appalling that we had an opportunity to have a dinner break and that the Liberals would lobby us. The truth of the matter is that I was not lobbied by any of the Liberal members during the dinner break. I did go and see Mr Humphries on one legal point. I went up there.

13 April 1994

Mrs Grassby: You are kidding yourself.

MR STEVENSON: Mrs Grassby says, "You are kidding yourself". No, I am not kidding anybody. Listen and you will find out why. However, I was lobbied by someone from the Labor camp, someone in the bureaucracy. I do not mind that. I welcome anybody at any time, as I had done. I spoke to Mr Berry on that matter.

Mr Berry: He asked me to lobby him.

Mrs Grassby: Yes. He came to see Wayne in his own office.

Mr Berry: He said, "What about this?". I was not going to talk to him.

MR STEVENSON: I was there to look at your office and we had a chat about the matter coming up before the Assembly. You certainly would not disagree that I gave you an opportunity to have your say, would you?

Mrs Grassby: How generous of you, Dennis.

MR STEVENSON: That is petty, Mrs Grassby, and it does you and this Assembly and the people of Canberra no service. As I said, I was lobbied by someone in the public service, on behalf of the Government, and I spent considerable time on the matter. Let me mention something that hardly anybody in this Assembly knows about. I brought up various points exactly as I saw them and I stated why I saw them that way. I was given some information that made a difference to how I felt, but I did say that that information must be in writing. I said, "If that is the way it is, get it in writing". I was told that it may not be possible in some cases. I said, "If someone has made a statement, get an affidavit". They were the affidavits that were tabled in this house. I suggest that they were prepared - I totally agree with it - because I made the suggestion; not because I had made up my mind and did not want to hear the evidence, but because I gave every opportunity to everyone in here to listen. The break in the sittings of the Assembly last night was fortunate. It did give us time. To suggest that that was wrong is an absolute nonsense, and one wonders why the statement was made.

I have been out surveying this morning, and I was also phoned up yesterday. What people said to me is interesting. I did not start talking about the vote in the house, but a number of people mentioned that they were glad. Someone rang up and said, "Vote for the no-confidence motion". Some people this morning and late last night, when I stopped at a place on the way home, said, "It is good that he has gone because he was arrogant". They did not say "because he misled the parliament", or whatever, but "because he was arrogant". I think the statements this morning only confirm that, and it is unfortunate.

The Chief Minister said, "I have complete confidence in him as a Minister. I believe that the facts he presented to the chamber demonstrated convincingly that he did not mislead this house". That is unadulterated nonsense, as a reading of *Hansard* and looking at the evidence will show. It is nonsense to say that, though some people in this parliament - - -

Ms Follett: Stop shouting.

MR STEVENSON: You are a lot further away. I want to make sure that you hear. It is nonsense. Just because you are a member of a party you think you have to stand up for somebody is one of the worst traditions that has ever befallen this nation. The sooner people sack people who do that, people who will not stand up in this Assembly, look at the evidence and give people a fair hearing instead of voting along political party lines, the better.

PETITIONS

The Clerk: The following petitions have been lodged for presentation:

By **Mr Kaine**, from a resident, requesting that the Assembly legislate to ensure the security of tenure and the licence of the Belconnen Trash and Treasure, and to do so in a manner that defines the rights and obligations of the organisers, Belconnen Rotary, stallholders and the public.

By **Ms Szuty**, from 286 residents, requesting that the Assembly not approve the draft variation to the Territory Plan for North Watson.

The terms of these petitions will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Belconnen Trash and Treasure

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: That we, the undersigned are in favour of the Trash 'n' Treasure run by Belconnen Rotary continuing to operate in its present location on Sundays 6am - 1pm.

Your petitioners therefore request the Assembly to:

Legislate and/or enforce existing legislation in such a manner as to ensure the security of tenure in respect of the venue and licence and to do so in a manner that clearly defines the rights and obligations of the organizers, Belconnen Rotary; stallholders; and the public; and with particular regard to the curtailment of meddling by those with but a spurious interest in the market.

13 April 1994

North Watson Residential Development

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that we are opposed to housing development at North Watson.

Your petitioners therefore request the Assembly not to approve the Draft Variation to the Territory Plan for North Watson.

Petitions received.

POSTPONEMENT OF ORDER OF THE DAY

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

That order of the day No. 1, Assembly business, relating to the presentation of the report of the Select Committee on Euthanasia, be postponed until the next day of sitting.

STATUTORY APPOINTMENTS BILL 1994

Debate resumed from 23 February 1994, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR CONNOLLY (Attorney-General and Minister for Health) (11.35): The Government will be opposing the Statutory Appointments Bill. We believe, for reasons that I have previously stated in this place, that this is an undesirable move by an Australian Westminster-style parliament towards a more American-style political system that would be unique in Australia. The Liberal Party, of course, are supporting this. I will be very interested to see the landslide of support that this gets from Liberal Party divisions in other parts of Australia which are in office in the States. I can just see Premier Fahey saying, "Gee, Mrs Carnell, aren't you clever. I would love to have every New South Wales statutory appointment exposed to Reverend Fred Nile and Clover Moore, and all the rest of it". John Fahey is going to say, "This is a great idea; I am right into it"! I can just imagine Jeff Kennett saying the same thing in Victoria!

I can just see the Tasmanian Government, who not only have problems with the Independents and the Labor members; they have problems with their own peculiar conservatives in their upper house. I can just see the landslide of support that this Bill will achieve from Liberal Party divisions in government. It just goes to show that the attitude that people take when they are in opposition is often different from the attitude that they take when they are in government.

The potential for damage that this Bill will produce, I think, will become apparent to the Assembly in due course, and I suspect that at a future time it may well be revisited. As I say, we oppose it in principle for the reasons that we have stated. I probably need to go into them again because I do want to alert members. I can sniff the political wind, particularly at the moment, and it is clear that this Bill will get support in principle; but I would urge that members take a deep breath, go away and have a good think about it, and that we come back and look at the detail stage of it again.

I will be writing to all members setting out some major problems for the detail stage. I am not in a position to propose amendments yet. You need to think up the policies before amendments occur. When Mr Moore proposed this Bill he was targeting it at what are generally called in shorthand statutory appointments, the boards. He was saying that he did not like the sort of people that we had appointed to some boards. There were people present in the house who were appointed by the Liberals to a board, people who had spouses appointed to boards. That is the sort of thing, no doubt, that Mr Moore is targeting. You probably would say that you do not like some members of the trade union movement that we have appointed.

Everybody knows what Mr Moore had in mind. I recall him being on the Matthew Abraham show. We said that there is a danger in this because Canberra is a small community. Most of the boards that we appoint people to are unpaid. Many members of this Assembly have served on those sorts of unpaid boards in the past. Even if you are associated with a political party, if you are serving on a board it is a lot of time out of your day. It is a major contribution to make. You probably do not want to have to go through a process. If there is a particularly hot political debate in the Assembly because of some issue or another and the Opposition of the day thinks that it has just been done over by the Government of the day on a particular issue, the Opposition of the day would go for somebody who seemed to be a friend of the Government, drag them through the Assembly committee process and ask them all sorts of questions.

We have seen this to the ultimate stage in the United States where the current popular thing is to quiz people as to whether their domestic assistants, their maids - in a more egalitarian society we might say the person who comes and does the cleaning every fortnight - have a green card, and what their taxation or naturalisation status is. There are absurd situations. We do not want that sort of game to be played here. If the precedent is that that game is played here, again, as I have said publicly, we in the Labor Party are a pretty tough bunch. Mr Berry demonstrated that today. We can play that game just as hard as you people, if not harder, and it would get very nasty and people would not want to accept statutory appointments. That is our objection in principle.

13 April 1994

Mr Moore was referring to boards, but the definition in the Bill at the moment refers to "statutory office", meaning "an office or position (whether as a member of a Territory authority or otherwise) established by or under an Act". That, in our view, is so broad as to catch everything from a Supreme Court judge down to a public servant at the ASO1 level who may hold the statutory appointment of dog collector or litter inspector. So there are some substantial policy questions. Members of the Assembly may today vote in principle and say, "Yes, we think the legislature should have the right to scrutinise appointments to the Executive". We say that that is a bad principle. It is an Americanisation. It is a departure from the Westminster traditions that our system of government is based on where the buck stops at the Minister's desk. We have just had a demonstration of that, so I cannot see why you are wanting to depart from those principles. If you do want to depart from those principles you really need to think very carefully about where we draw the line.

I am not in a position today to propose amendments that will fix the problem, because I do not know what the problem is. I do not know what the will of the Assembly is. Does the Assembly want to hold it to Mr Moore's original proposal, which we might in shorthand refer to as the boards, and see whether it works - we would suggest that it probably will not - and how it works, and if it works maybe take it further? Does the Assembly want to cover the boards plus secretaries of departments, but not the litter collector or the myriad of public servants from the lowest level through to very senior SES officers who, as well as being public servants and in most cases winning positions through an ordinary public service merit promotion process, happen to have a statutory appointment?

An example of that is the Commissioner for Consumer Affairs. It is a ministerial appointment. I appoint to the position of Commissioner for Consumer Affairs. That position was recently upgraded - an ordinary bureaucratic process - and there was a merit selection process that the applicant for that position went through before being confirmed. In a circumstance like that there is an ordinary public service merit selection process, and the norm at the end of the day is that the Minister just signs the piece of paper to appoint the successful applicant to that statutory office. Does the Assembly want to catch those in its net? I suspect that members may say no, they do not; but members would certainly acknowledge that it is a hard policy issue that needs to be thought about.

Today we will vote on the in-principle stage, which the Government significantly opposes as this is a dangerous departure from Australian parliamentary traditions. I can assure members opposite that my Labor colleagues in opposition throughout Australia will be pressing Liberal governments perhaps to follow your lead on this, and we will be interested in the results. We say that it is a bad Bill in principle, but if the Assembly is determined to pass it, which I think it is, at least let us take a deep breath and sort out these policy issues. I will write to members setting out what we see as the policy problems and perhaps a range of alternative positions and where lines could sensibly be drawn, and we may be able at some stage in the coming weeks to sit around the table and come up with a sensible outcome.

I cannot promise that we can have this matter resolved by next week. The Government can smell the political wind. If it is the view of the Assembly to pass this Bill in principle, if there is clear Assembly support for the proposition that appointments are subject to scrutiny, the Government obviously would be foolish if it did not proceed with extreme caution in the period between the passage of the Bill in principle and the final solution. It is a significant issue. We understand what Mr Moore intended with his boards. For the first stage in such a radical departure members may be comfortable that we hold it to the boards. Once you go beyond the boards it really does cover a huge gamut of positions, from the Supreme Court judge - I can just imagine the views of the Law Society at Assembly committees going through confirmation hearings for Supreme Court judges - through to the ASO1 position at a comparatively minor level of the administration in a totally non-political area; that because a dog inspector exercises certain statutory powers, Mr Wood has to sign an instrument to appoint the ASO1 to be a dog collector or dog inspector or whatever.

I suggest to members that if you are determined to go down this path, which we suggest is a dangerous and silly path, at least let us take a deep breath after the in-principle stage, adjourn the detail stage and allow the Government to come up with some policy options. Then we will sit around the table and see whether we can come up with something sensible.

MR HUMPHRIES (11.44): It is certainly very clear from Mr Connolly's speech that the ALP really love their bogymen and are not willing to put them aside lightly. The bogymen today is American-style politics and the idea that we should do anything that the Americans do. I think we have heard great exaggeration from the Government about the potential to become like what we would all be happy to call the American circus of congressional appointment committees. I think Mr Connolly does a disservice to the traditions of the Westminster system and also rather exaggerates the extent of interest by members in bringing down statutory appointments. You might bear in mind that in the American system members of Congress are not, generally speaking, potential members of governments. Their role in life is to play that kind of spoiling role. Well, some might be - Mr Connolly points across the chamber - but, for the most part, members have an interest in protecting the integrity of the process because they hope to be overseeing the process themselves, potentially, after the coming election, whatever it might be.

I think it is a gross exaggeration to suggest that members in opposition, whether Labor or Liberal, are going to behave like packs of wild animals, hunting down government appointments, and that in government they are going to dramatically change their point of view. I believe that all members will see the value of having an orderly process, and I believe that Mr Moore's Bill, essentially, does provide that orderly process. What we have seen with Mr Connolly's remarks is a great reaction from the Labor Party to the suggestion that other people should be involved in the processes of making decisions which affect the operation and the functioning of the Territory's important organs of public administration. There is a very totalitarian streak in the ALP in that respect - the desire that all power should rest with the Executive Government; that checks and balances are some sort of nineteenth century anachronism which should be done away with; to get rid of the Independents; do not have any processes that might stop the Government making its decisions; upper houses, oh no, definitely out; viceregal appointments, no way.

13 April 1994

Mr Connolly even described last night's affair as proof of the principle that the buck stops with the Minister. I point out that every member of the Government voted against the motion that was moved last night and had there been nine members of the Government it would not have succeeded. So it is not proof of the principle that the buck stops with the Minister; quite the contrary. As far as you people are concerned, it is proof that the Minister should be able to shuffle off responsibility to somebody else.

Madam Speaker, Mr Connolly made the point that he does not expect to see a landslide of support from other States for the principles that are being enunciated here. One Minister opposite - I cannot think who it is at the moment - is often heard to say that the ACT leads the way in respect of certain things that it does. It leads the way in its treatment of environmental matters; it leads the way in all sorts of other areas. I cannot think which Minister it is, but I think that Minister should talk to Mr Connolly, because there is obviously a different point of view coming forward from the Government benches on the matter.

Mr Connolly: Our ideas usually are leading the way. It is these other ones that cause a few problems.

MR HUMPHRIES: I see. When you do it you are leading the way. When we do it, or the Independents do it, it is a step back into the Dark Ages.

Mr De Domenico: He has a monopoly on good ideas.

MR HUMPHRIES: Yes.

Mr Kaine: He has just taken on the mantle of Health Minister, after all. He has to perpetuate this -
- -

MR HUMPHRIES: Yes. Who will inherit Mr Berry's mantle? That is a very good question. Madam Speaker, I must make it very clear that there is a great difference, an enormous difference, between the demonstrated policies of the Liberal and Labor parties when it comes to appointments to statutory offices. Let me make it clear, first of all, that we are not opposed, and never have been opposed, to the concept of appointing people to statutory authorities merely on the basis of their membership of a political party, or that criterion at least being a factor. We have never said that people who belong to political parties should not be members of statutory authorities or hold statutory appointments.

The Government of which I was a member, the Government of Mr Kaine, made such appointments. The difference between our approach and the approach pursued by the Labor Party is that we have always strictly made appointments based on merit - the most appropriate person for the job. Whether that person belonged to the Liberal Party or to the Labor Party, we made that appointment. Our Government appointed members of the Australian Labor Party to statutory offices when we believed that they were the most appropriate people. We also appointed people of our own party when we felt that it was an appropriate appointment.

I might point out that I cannot recall any appointment made by members on that side of the chamber that has been successfully or even remotely challenged on the basis of their being a member of a political party. There was one retrospective attack on Mrs Carnell's appointment to the Board of Health in 1990, but members opposite choose to put to one side the fact that she was not at that point a member of the Liberal Party. Having appointed her, I had no idea that Mrs Carnell was a Liberal. That may surprise members opposite, but it is the truth. There was also some comment by Mr Connolly about appointing the wives of certain people, which I assume was a reference to the appointment of Mr Westende's wife to the board of ACTEW. There was no criticism about her appointment at the time it was made.

Mr Connolly: She is a very competent person, but I can imagine what you would say if we appointed - - -

MR HUMPHRIES: It was raised, presumably, to make some kind of point.

Mr Connolly: It is the sort of thing that you would raise. You imagine what would happen if we did that.

MR HUMPHRIES: If a member of this Government wanted to appoint his or her spouse to a board we would certainly have a lot to say about it, but that has not been the case in your Government; nor has it been the case in ours. With respect, little cheap shots like that can be dispensed with in this sort of debate. We have not refrained from criticising appointments that we have seen as being purely political appointments, where the person has been chosen principally because of his or her connection or friendship with the Australian Labor Party. I will refer to three such appointments - the appointment of Mr Williams to the board of ACTTAB, the appointment of Mr Wright as head of the Tourism Commission, and the attempted appointment of Mr Aliprandi as a member of the Pharmacy Board. We considered all those appointments inappropriate because we did not see the credentials of those people to hold those positions, and we will stand or fall on the strength of those appointments. If you catch us in government appointing people purely because they are members of the Liberal Party and you have us dead to rights, you can get us.

Mr Wood: You have never done that?

MR HUMPHRIES: We have not. Never. You tell us where it has happened, Mr Wood. I am open to interjections from Mr Wood on where we have made such appointments in the ACT.

Mr Wood: I will not embarrass the people.

MR HUMPHRIES: No, he will not embarrass us. Thank you very much. Mr Deputy Speaker, we believe that this Bill is very appropriate because it sets a standard with which I think the ACT can cope. I happen to think that review by parliamentary processes is not a bad thing. I must say that if ever I am an administrator in a government in the future I will be quite happy to see my appointment stand up to that kind of process, providing it is fair, and I believe that it will be a fair process under the Bill put forward by Mr Moore. If the process does become corrupted by politicians taking pot shots at

13 April 1994

particular people they do not like, then that is obviously a matter to be regarded; but I do not believe that it is likely to be the case. I think we are all likely to understand the implications of the process. If particular members who have no interest in being in a future government happen to want to defeat that process, we would have to deal with that by making sure that those sorts of people were not involved in the process of making those appointments or considering those appointments. That is my view on the subject.

Mr Deputy Speaker, I must confess to sharing some of Mr Connolly's reservations about the possible scope of the Bill. I put it on this basis: I need to be persuaded that we should include judges and magistrates in this process. That is not my view at this stage. When this Bill was first explained to me it was not to include judges or magistrates. That is why I considered the Bill from the outset to be a good Bill. On the basis that there is some argument about the scope, I welcome the move to adjourn debate on the Bill so that we can consider exactly what it does cover. I am not saying that I am totally opposed to the concept. I am saying that I need to be convinced about it.

Mr Deputy Speaker, I commend this Bill to the house. It will have the support of the Liberal Party because we are not afraid of the processes it opens up. We are not afraid to put up with that process of scrutiny. We believe that it is an emerging part of the role of parliament. If it is the emerging role of parliament only in this Territory, so be it. I think we can provide a process which, whether other States follow it or not, is going to be a good process.

MS SZUTY (11.54): I think it is useful to remind members of what we are talking about. Mr Moore's Bill proposes that all appointments be subject to consultation with an appropriate Assembly standing committee. We are not saying that the Minister involved in the process will not have the ultimate responsibility for the appointment, apart from the disallowance provisions. We are really talking about a consultation process within the committee structure of the Assembly, which we are all familiar with. Mr Moore has provided in his Bill that, if no standing committee is considered appropriate for that purpose, the Public Accounts Committee will have that role. Appointments are to have regard to the recommendations made by the appropriate committee.

The language of the Bill is very much in line with the consultative process that Mr Moore envisages for these appointments. The instruments of appointment will be disallowable instruments. Mr Moore, in his remarks about this Bill, indicated that this is, I guess, a provision of last resort and that most appointments presumably would not get to the stage where they would be disallowed in the Assembly. Mr Moore also said that the Bill does not apply in relation to the appointment of a person to a statutory office the only function of which is to advise the appointing Minister. So provisions have been made for statutory appointments of that kind.

Mr Moore referred in his speech to the controversy about several appointments which have been made during the life of this Assembly and previously, and specifically to appointments to the Pharmacy Board and the Tourism Commission. He did point out some examples of an appropriate process which has been followed in this Assembly. One example was the appointment of Dr Joe Baker, the Commissioner for the Environment. The argument has been put by the Government that people would not feel that they were able to put themselves forward for appointments, perhaps because of fear

of the scrutiny process; but I would ask members to consider that the process to be followed here in this Assembly has yet to be tested. Given the very good work and the fine work of the Assembly standing committees, I cannot see that it is going to be a major difficulty. It is up to the standing committees to decide on the appropriate process in terms of considering appointments. As I have said before, we know that the standing committees of this Assembly have worked well, and we have no reason to believe that the new process will not work well.

The disallowance provisions are appropriate and, where they have been introduced in particular pieces of legislation, as Mr Moore spelt out, they have not proved to be a problem. For example, disallowance provisions were introduced for appointments to the ACTTAB board and for the Commissioner for the Environment, but the appointments were not disallowed in this Assembly. Mr Moore concludes that appointments should be made on merit, and we heard from Mr Humphries that it is the Liberals' intention that such appointments would also be based on merit. To conclude, Mr Deputy Speaker, the process proposed by Mr Moore with regard to the determination of statutory appointments is an appropriate one for this Assembly to be considering at this time. The process will ensure greater accountability with the Assembly, a tenet in which both Mr Moore and I strongly believe. I commend the Bill to the Assembly and I look forward to participating in further deliberations about the scope of the Bill.

MR MOORE (11.58), in reply: Mr Deputy Speaker, I would like, first of all, to thank members who have supported the Bill and then take some time to comment on the issues raised by Terry Connolly. There is no doubt, Mr Deputy Speaker, that this is a move away from the Westminster system and that it would be unique to the ACT. It is very interesting that when Labor wants to do something that is not consistent with the Westminster system it is okay, because it is important for us to look ahead and to try in some way to be a leader; but if somebody else wants to do something like that we must rely entirely on the Westminster system. It is appropriate that we take small steps when experimenting with how our system can be developed, which is exactly how the Westminster system itself was developed - by a transition from an advisory body to kings. Therefore, it is appropriate that we also move to improve our systems wherever we can. That is something we ought not be frightened of.

Mr Connolly raised a concern about the broad definition, and he is quite correct. When I originally floated this idea I pointed out that my intention was to take in the appointments that are generally made to boards and certainly not to apply this, as Mr Connolly suggested that his advice indicates, to the appointment, for example, of secretaries of departments. It was a disappointment to me that it did not apply to the Head of Administration. That would have been a useful exercise. I am given to understand that an open process is under way with reference to the appointment of the Head of Administration, although I have not looked at the process. The question for us is whether such a system should apply now right across the spectrum, from the dog collector - an example that Mr Connolly gave - to our judges. I think that is something for us to discuss in a sensible way, which is why I am content to agree to having debate on this Bill adjourned.

13 April 1994

Mr Connolly, in his dissertation, asked the Liberals whether Mr Fahey would be happy with this Bill. I think there was an interjection about Clover Moore, perhaps from Mrs Grassby, and that has given me an excellent idea. I will give Clover a call and fax a copy of the Bill to her and perhaps the New South Wales Parliament may consider something similar. We appreciate that interjection from Mrs Grassby for that idea. It is the role of Independents throughout Australian parliaments, and a growing role, to provide for accountability, and this is just one of the ways of providing stable government on the one hand and real accountability on the other. A recent Australia-wide poll indicated that Australians are finding that a useful and important role for people to play.

Mr Humphries, in his comments, talked about an orderly process. That is exactly what we have described here - an orderly process, where the Minister must consult. It does not even say how you must consult. The Minister must consult with the appropriate committee. If there is not an obvious committee he must consult the Public Accounts Committee. Having done that, the Minister then makes the appointment and it is subject to a final form of review - a disallowable instrument in the Assembly. The process has been carefully chosen to avoid conflict, to avoid the sort of situation that we had with reference to a person who has been named in this house on many occasions, Mr Wright. There was instantly a political conflict. This process can avoid that situation. Contrary to the idea put forward by Mr Connolly, this provides a process of consultation before the appointment is made. Unfortunately, in our parliamentary system - I imagine that it will always happen - we tend to favour the conflict method before we favour an orderly process. This is an attempt to ensure that orderly process.

The real concern of the Government is the limitation of their powers, and I understand that. That is where we have a basic and fundamental difference. The Government feels that they should have all the power to make all the decisions, as happens in most cases with majority governments. We simply have a different view on that. We believe that minority governments allow for a situation where parliament takes its appropriate precedence over such decisions.

Mr Deputy Speaker, I would like to draw attention to the amendment that I have circulated. The amendment I have circulated was drafted to include the Executive as well as the Minister. That was done because my attention was drawn to the appointment of the Auditor-General which is done under our legislation by the Executive. That had not been included in the Bill. The Australian Society of Certified Practising Accountants has issued a paper, discussion paper No. 8, and one of the recommendations in that is that in order to enhance the independence of Auditors-General they should become officers of the parliament. The whole of discussion paper No. 8 is about the independence of the Auditor-General. They were looking for a method whereby an Auditor-General becomes a parliamentary officer and as such is dealt with more by the parliament than by the Executive. I think that applying this method to the Auditor-General will achieve the same goal in a different way. It would assist in ensuring the independence of the Auditor-General. That discussion paper, if I may digress for one minute, Mr Deputy Speaker, also raises quite a number of important issues about the independence of Auditors-General.

Mr Deputy Speaker, I welcome the support that I have heard for the Bill. I look forward to a further discussion about some sensible steps to modify the Bill in order to ensure that it does achieve what members of the Assembly want, hopefully in a non-partisan way, and then bringing the Bill back to the Assembly shortly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

MR CONNOLLY (Attorney-General and Minister for Health) (12.07): I move:

That the debate be now adjourned.

While I am on my feet I would like to take the opportunity to place on the record that when referring to a spouse of a member who had served on a board in no way did I mean to impugn the integrity of Mrs Westende, for whom I have great respect as a Canberra business person. In no way was I meaning that as a personal attack. I did not use a personal word. Mr Humphries chose to identify the person and he suggested that I was perhaps impugning that person. I do want to place that on the record.

Question resolved in the affirmative.

RENT RELIEF SCHEME

MR CORNWELL (12.07): I move:

That the ACT Housing Trust pay rent relief entitlements under the Rent Relief Scheme direct to the landlord or, if requested by the landlord, to the landlord's agent.

This dates back some little time. I found in April 1993 that landlords had no redress from defaulting rent relief tenants, save by taking court action against them, despite the fact that the rent relief is paid by the ACT Housing Trust. The trust would not help such landlords. This is from a statement in the *Canberra Weekly* from a spokesman. I quote:

The Housing Trust is not party to the lease agreement. We have no legal obligation to the landlord.

13 April 1994

Not only do they not help the landlord; they do not even know how much money has been forfeited under such circumstances. I find this a rather strange situation. I would remind members that we are dealing with public money. We are dealing with taxpayers' money. In a question on notice on 15 April 1993 I asked how much money had been lost to private landlords in the year 1991-92 through default on rent relief payments. The answer from the trust was:

This information is not known.

I do not know whether the suggestion is that they really did not care either. The trust also has no procedures to protect landlords from persistent rent defaulters, because they have no records. Therefore, in July 1993 I wrote to the Parliamentary Counsel's Office seeking legislation to allow the trust to pay rent relief direct to the landlord or to the landlord's agent as a way of overcoming this problem. On 6 December I received a response from Parliamentary Counsel which I want to quote because it is relevant. It says:

In relation to your request for an amendment to have rent relief paid to the landlord, the legislation that seems to be most relevant is the Housing Assistance Act 1987. However, it would appear that the mode of payments of rent relief are governed by instruments under the administration of the Commissioner, presumably a housing assistance program. Might I suggest that you contact the Commissioner's Office who would be better placed to give you detail concerning the bases on which such payments are made . . .

I elected to pursue another matter that I had raised in that same letter with the Parliamentary Counsel which related to rental bonds, and the legislation is before this house, as members would be aware.

More recently the question of rent relief came up again. Members will remember that there was an article in the *Valley View* of the week before last, and of last week, and that there was an article in the *Canberra News* of last week quoting landlords who were complaining about this situation. I, therefore, decided that it was time to act and I thought that the simplest way of doing it was by this motion that I have before the Assembly today.

There are over 2,000 people receiving rent relief in the ACT, but I do want to stress that we are dealing with only a minority of problem tenants, namely, those who do not pass the rent relief on to the landlord but use it for other purposes. They are only a minority. Unfortunately, however, this minority has threatened the viability of the rent relief scheme because landlords are becoming increasingly reluctant to participate in the scheme, to accept tenants who are on rent relief, because they fear that in the event of them defaulting they will receive no money. Obviously they will not receive any from those defaulting tenants. Further, they will not receive any, unfortunately, from the Housing Trust, and therefore they are going to be out of pocket. It, therefore, seems entirely sensible, simple and reasonable, I believe, for the ACT Housing Trust to pay the rent relief direct to the landlord or to the landlord's agent.

In making this suggestion I will make it quite clear that there is really no administrative financial saving by taking this action. However, public money is meant to be used for the purpose for which it was intended - that is, landlords should receive the rent to which they are entitled.

Mr Humphries: That is a radical idea, Greg.

MR CORNWELL: Yes, Mr Humphries, isn't it? The landlords are entitled to receive the rent. Under this scheme I believe that the tenant would be saved a minor inconvenience, shall we say, in not having to pass on the rent to the landlord. There is a somewhat cumbersome arrangement at the moment, members, whereby the Housing Trust pays the money by cheque to the rent relief tenant, who is then obliged to bank that money. There is seven days clearance on the cheque and then the tenant has to withdraw the money and pay it to the landlord. So there is a minor inconvenience involved in this. As I say, I do not believe that we should necessarily oblige the tenants to put up with that, but there is no administrative saving.

Strangely enough, my eminently sensible suggestion - if I may be immodest - was roundly attacked in the *Valley View* last week by the former Minister for Housing, Mr Connolly, who said that the onus is on the landlord to collect the rent. He was quoted as saying:

A landlord who allows their tenant to go a long way into arrears is not doing their job.

I thought this was a bit rich from the Housing Trust Minister when the Housing Trust has \$5m in rent arrears. Indeed, Mr Connolly, a landlord who allows a tenant to go a long way into arrears is not doing his job. This probably explains why we have this problem.

Mr Connolly also, however, stated that we were somehow stigmatising these rent relief tenants. I do not accept that this is stigmatising anybody. The simple fact is that thousands of people in this city have money deducted and sent through their bank accounts, or sent by their employers, whatever you like, in payment of bills every day of the week. What about mortgages? Mortgage payments quite often are deducted from people's salaries. What about the bank orders that exist?

Mrs Carnell: Health insurance.

MR CORNWELL: Health insurance, Mrs Carnell mentions, quite rightly. There is no stigmatisation involved in this sort of thing. Why, therefore, should these tenants be stigmatised by the simple, sensible arrangement that I am suggesting? I would put it to you that it is possible that some of these tenants in this position might welcome the fact that the Housing Trust is sending the money direct to the landlord because it is not always an entire family that is spending this money that is otherwise used for rent. Sometimes it is only one member of that family. I am aware of numbers of women who would welcome the fact that the money was not coming through the household but rather was going forward and was out of the hands of their husband or their de facto. So I can see, again, a minor advantage there.

13 April 1994

Essentially, members, I believe that this is a quite sensible proposal. It certainly will help the landlords and prevent them from being out of pocket. We are not dealing here with people with dozens of properties, I would remind members. Most people in this city - we know this from the land tax debates - are small landlords. They might have one or two houses. They cannot afford to have people defaulting on the rents. It is not enough for the Government to wash its hands of this by claiming that it is the landlord's responsibility. It is public money, and the community, I believe, reasonably expects these funds to be spent as intended, and that is in the form of rent relief.

The alternative to this proposal is for the Housing Trust to reimburse the landlord for the unpaid rent and then seek restitution from the defaulting tenants. My experience with the trust would indicate that that is doomed to failure, because they have not been able to do that very effectively in the past in other areas. There is another alternative, and that is to do nothing - to allow to continue the situation where public money is being wasted. I do not believe that that is a reasonable option. I believe that what I have proposed here is eminently sensible. No additional administrative charges are involved. I believe that in taking this step the trust would improve its services, the landlords would not be inconvenienced, and the viability of the rent relief scheme in relation to the majority of decent, honest tenants would not be put in jeopardy by the actions of a minority. I commend the motion to the house.

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

Sitting suspended from 12.20 to 2.30 pm

AUTHORITY TO RECORD AND BROADCAST PROCEEDINGS

MS FOLLETT (Chief Minister and Treasurer) (2.30): Madam Speaker, I ask for leave to move a motion regarding the recording of proceedings today, Wednesday, 13 April. The motion that has been circulated is in Mr Berry's name, but would members permit me to move it.

Leave granted.

MS FOLLETT: I move:

That the Assembly authorises:

- (1) the recording on video tape without sound by television networks of proceedings during Question Time, today, Wednesday, 13 April 1994; and
- (2) the use by any television station of any part of the recorded proceedings in subsequent news, current affairs and documentary programs and not for the purposes of satire or ridicule.

Question resolved in the affirmative.

QUESTIONS WITHOUT NOTICE

Petrol Station Site

MRS CARNELL: Madam Speaker, my question without notice is to Mr Connolly - I was tempted to ask a health question of Mr Connolly, but I will not - in his position as Minister responsible for consumer affairs. I refer the Minister to an agreement purported to have been signed by him and the Burmah oil company. On Saturday, 30 October 1993, the *Canberra Times* carried the triumphant story, which ran:

The Minister for Urban Services, Terry Connolly, signed an agreement yesterday giving the company a three year licence on the site, with the option for two further years.

I ask the Minister: Is it correct that the document was signed not on 29 October, as you gleefully announced, but on 22 November 1993? Is it also correct that the document was signed not by you, as you also proudly announced, but by Mr Peter Guild, a senior officer in the Department of the Environment, Land and Planning? What was the reason for this?

MR CONNOLLY: Shock, horror; shock, horror! The Liberals have asked a question on petrol prices. Is that not good? I am delighted to table the licence agreement between the Australian Capital Territory and Burmah Fuels. I would have been delighted to table this agreement at any stage, but the Liberals for some months have been hesitant to ask questions about petrol prices. The operative agreement was indeed signed on 22 November 1993 by an official of the ACT Administration on behalf of the ACT Government. It did supersede an earlier agreement, which had equally been signed by an official of the ACT Administration on behalf of the Government and a senior official of Burmah Fuels. The date you referred to was the date of the press announcement that we were entering into an agreement with Burmah Fuels, where we waived - - -

Mrs Carnell: You had it in your hand. You said, "I have signed it".

MR CONNOLLY: Yes. I think it was a letter of intent to say that we were - - -

Mrs Carnell: You said, "I signed the agreement yesterday".

MR CONNOLLY: Churlish, churlish, churlish; petty, petty, petty! The fact of the matter is that on the date of that press conference the price of petrol was 76.5c a litre in Canberra. Today the price of petrol is 69.9c a litre in Canberra. The price of petrol in similar regional cities around New South Wales today is 75c to 77c a litre. The deal with Burmah that we entered into, which was never secret and which always would have been tabled in this Assembly, was a good deal for the ACT Administration.

13 April 1994

I table the agreement. I go even further, because I like to help this Opposition to understand petrol pricing issues. I also table a document which is the valuation report from the Australian Valuation Office, a very independent set of valuers, which sets the rate of rental which we are charging Burmah under the licence agreement. That indicates that the recommended rate from the Australian Valuation Office is the rate we are charging. I would be delighted to take more questions about this deal, which has indeed benefited the ACT community enormously.

MRS CARNELL: I ask a supplementary question, Madam Speaker. I ask the Minister: What was the reason that a second contract had to be signed on 22 November when one supposedly had already been signed on 29 October?

MR CONNOLLY: The reason was that we anticipated that what we were doing would excite vehement and hysterical opposition from entrenched interests in the ACT, as indeed it has. We see the *Motor Trades Advocate*, circulating to 100,000 households, saying how terrible we were. I anticipated that no expense would be spared in legal action to challenge the agreement. The original agreement was signed on 29 October. Having signed it, I said to my senior legal advisers, "I want you to go away and pull that apart. I want you to do a devil's advocate job on that because we anticipate that there may be real problems". We decided that there could have been some legal technical challenges to that first agreement, so we signed a second agreement, both of which were signed before Burmah pumped the first litre of petrol.

We were being very cautious because we knew that there would be a legal challenge. There was. The legal challenge failed. The stupid allegations that are contained in this document that somehow there was some collusion between Mr Wood and me to subvert environmental standards the Motor Trades Association know to be untrue. They ran these silly arguments in court and they withdrew their court action. They presumably did not want to throw good money after bad in a fruitless legal challenge.

They have a copy of an environmental assessment report that was done by consultants Hughes, Trueman and Ludlow entitled "Assessment Report on ACT Government Service Station, Wentworth Avenue, Kingston", commissioned by Mr Wood's department. So Mr Wood, when he had to exercise his responsibilities as Minister for the Environment was fully informed. The Motor Trades Association have that report, yet in their silly front-page story here they say, "The Minister did not seek an environmental assessment". That is simply untrue. No doubt if you want to have a look at that environmental assessment and you ask the Minister for the Environment in this open consultative Government, we would let you have a look at it. The MTAA have certainly had a look at it, but they chose not to report it.

The other foolish claim they make is that they get the site for free. As you will see in the document that has been tabled and in the Valuation Office report, the rental for the site is at a rate that is appropriate for a short-term licence for a site such as that, struck at about 2c a litre, which is about what the MTAA in their submission to the ACT working party inquiry into petrol prices said was an appropriate rate. We have allowed an offset because they are not renting - - -

Mrs Carnell: In other words, they do not pay it.

MR CONNOLLY: Do not be silly and jump in too quickly, because you may be very embarrassed. They were not renting an operative service station site; it had to have new tanks. The investment in those new tanks is money thrown away because at the end of the period of three to five years that site will revert for redevelopment. It is the Kingston redevelopment site; it will not be a long-term petrol station site. So there has been a real cost to Burmah. Either they paid the cost of putting in the tanks, which we allowed them to offset from the rent, or we paid it ourselves as the landlord in order to have a facility that, as landlord, we could rent to them. But it matters not. That was seen as appropriate by the Australian Valuation Office, as you will see in the valuer's report.

Being again very cautious, we were assuming for the purposes of this licence that there would be an annual sale of petrol of 3.6 million litres and we did all our calculations on 3.6 million litres. You will see that the Australian Valuation Office report is based on 3.6 million litres. We thought, being very careful and cautious and acting in the best interests of the Government, that there was the possibility that more petrol would be sold. They pay on 3.6 million litres per annum if they do not sell a litre; but we thought they may do rather better, so there is a clause that says that if they sell more they pay at a rate based on that higher litreage.

I note that the Motor Trades Association tell us that they are selling a million litres of petrol a month at the Burmah site. If it is in the *Motor Trades Advocate* it must be right. So, working on the assumption that they are selling a million litres of petrol a month, that works out under the terms of the licence agreement at a revenue to the ACT Government of in the order of \$216,000 per annum. So over a period of, say, five years, that is \$1m in front for a site that was lying idle and would otherwise have earned the ACT Government no revenue at all.

In the meantime, of course, it has the effect of reducing petrol prices by of the order of 6c a litre, which is worth to the ACT community about \$10m in money that stays in the pockets of ACT consumers and ACT small business people. That is a very good outcome for the ACT and the Government.

Mr Humphries: What small business people?

MR CONNOLLY: Mr Humphries, I am sure that ACT small businesses are very happy to be filling their tanks with petrol at 69.9c a litre. I am sure that if they wanted to show solidarity with the Motor Trades Association they could go along to their petrol retailer and say, "I would really rather pay 75c or 77c a litre", which is what they used to pay in Canberra and what they are still paying in regional New South Wales. Small businesses will be noticing a significant advantage in having a real reduction in the price they pay for petrol. When we put up the excise by half a cent - and you were a member of a Cabinet that put up fuel excise by 3c - you came in here and screamed and gave us this diatribe about how a half a cent increase in fuel excise would destroy small business; they could not possibly stay profitable and pay that additional half a cent a litre. Mr Humphries, I have given them a saving of 6c a litre, which must be a pretty good deal for local small business.

Heritage Protection

MS ELLIS: Madam Speaker, my question is directed to the Minister for the Environment, Land and Planning. I ask: Is the Minister aware of recent statements that redevelopment is threatening Canberra's heritage and that the existing heritage system is inadequate for its protection?

MR WOOD: Madam Speaker, as always, planning and heritage matters get quite a deal of local currency, and I am pleased that they do. Like the ACT community, I recognise the importance of our heritage and the necessity for strong planning laws and heritage laws to protect that heritage. I think the article was somewhat wrong. The ACT Heritage Council established under the now not so new Land (Planning and Environment) Act is working very strongly to establish its interim heritage register. It has a very large workload and is working assiduously. Once listed on the register, all those sites will have the full protection of law. While they are working, the planners and the Heritage Council are in close communication to ensure that the intent of the Heritage Council is carried through into the planning system.

There was a claim that we should establish special heritage legislation. We have it. Many of the members in this Assembly sat through that very long debate when we wrote that special section into the planning legislation; indeed, some of you were involved in some formulation of that legislation. So we have it there. We do not propose to establish anything further in the sense of a heritage unit. We have a heritage unit. I do not know why there is a claim, for example, that we need some more specific work force. We have it there. They do have an enormous task. They have been working very hard to get it up and running. It is not just a case of saying that a house there or a building somewhere else has to go on the heritage register. It has to be documented. The reasons have to be absolutely precisely stated and the processes also have to be determined on how that is to be looked after. So it is a very difficult program. They are getting through it and, in the meantime, the buildings of Canberra that are of importance are being well protected.

Building Approvals

MR MOORE: Madam Speaker, my question is also to Mr Wood as Minister for the Environment, Land and Planning. Mr Wood, I wonder whether the ACT Building Control section is understaffed at present. If so, what are you going to do about it? If not, could the Minister explain why so many people are having to wait up to three months for approvals?

MR WOOD: Madam Speaker, in response to Mr Moore, I would be interested if he came to me with people who have to wait up to three months. The Building Control section, as Mr Moore knows, recently came over from the Department of Urban Services into DELP. The intention is to make it a one-stop shop so that applicants get their building approval along with the design and siting approval, to make it more efficient, and we are working down that track.

Mr Berry: Very efficient too.

MR WOOD: Absolutely. The fact is that there has been a minor delay - I do not think of anything like three months - because there was a sudden upsurge in applications in the first month or two of this year, I think it was. I would have to check the precise time. There had been a long period of high activity in the building area. It dropped back to sustainable levels - the usual rate of development - and now it has shot up again. I think that caught people a bit by surprise. My understanding is that the section is working to catch up with a little bit of a backlog. I do not think it is as much as three months. Sometimes when you get complaints that there is three months or six months' delay, it is because the applicant is not always complying with the requirements. There can be a bit of shovelling of applications back for compliance. If you have particular cases, Mr Moore, I would be quite interested to attend to them.

MR MOORE: I ask a supplementary question, Madam Speaker. I wonder whether the Minister would identify for the house what his expected minimum and expected maximum times would be for Building Control applications to be dealt with.

MR WOOD: I will come back to you on that, Mr Moore. There is a time. They have a set arrangement within which they try to do things. My memory tells me, from a recent visit to some of these areas, that for a routine housing approval it is 10 days; but I would want to confirm that with you as the desirable time. That is a pretty good target. You have to understand that under the present system they travel around quite a deal of Canberra, and there is a great number of them every week. I will let you know precisely.

Petrol Station Site

MR DE DOMENICO: My question without notice is to the Attorney-General in his capacity as Minister for consumer affairs and follows his answer to Mrs Carnell's question. Minister, is it true that, under the Government's agreement with Burmah Fuels, Burmah paid nothing for the site, is reimbursed all establishment costs, pays no land rates, pays no water rates, pays no land tax, and has been promised other sites on the same basis?

MR CONNOLLY: I cannot remember how many points there were; but no, no, no, no, no, no, no and no. I refer to my answer to Mrs Carnell and the documents tabled therein. Burmah are not the owners of the site; they are on short-term rent, so of course they do not pay land tax and the like. They pay what a person who is subleasing a petrol station site pays to the person who owns the petrol station site, but they pay at a rate that is comparable with the rate they told us operated for petrol station sites.

Mr De Domenico: And you took their word?

MR CONNOLLY: Burmah pay at the rate that is comparable to what the Motor Trades Association said was the standard industry norm for the licensee of the site. Many sites are operated where a licensee of the site is operating a site that is owned by either one of the major petroleum companies or some other investment entity. Certainly for the first year there will be no net payment over because, unlike - - -

13 April 1994

Mrs Carnell: And that is what happens in other sites?

MR CONNOLLY: Just settle down again. If they are selling petrol at the rate at which the Motor Trades Association say they are selling the petrol, there will be a net gain to the ACT Government, even in the first year, of the order of \$200,000. It depends on how much petrol they sell. If they sell only the 3.6 million litres that we estimated for the first year, there will be no net payment across, but in future years that will balance out. You will see it all in the document I have tabled, and you will see that that was based on advice from the Australian Valuation Office as to what would be a fair rate of valuation.

If I wanted to operate a service station and went along to Smith Petroleum, who owned a petrol station site, I would pay a licence fee for that site of, the Motor Trades Association tells us, around 2c a litre for 12 months or three years or whatever; but what I would get for that 2c a litre would be access to an operative site. When Burmah came to us, we did not have an operative site in that the tanks were old and needed to be replaced. There were two ways of doing that. The ACT Government could have paid for the tanks and over a period of three to five years we could have recouped that, and at the end of the period they would probably be scrapped because that site will be closed. I could have done that and thus incurred an outgoing for the ACT Government straight off. On the other hand, we could have allowed Burmah to pay to put those tanks in and allowed them to offset that in terms of what they were paying by way of a licence agreement, which the Australian Valuation Office said was a fair thing to do, and you will see that their letter says how you balance that out.

At the end of the day, Burmah have paid out quite a bit of money in order to have access to a site that was a redundant ACT Government site. They will not get back anything on those tanks. Equally, they make no capital gain because we own the site. They are not paying nothing; they are incurring a cost which was a cost that was within the order that the Motor Trades Association has said is about what a licensee pays for a site. I am also advised that the Prices Surveillance Authority has confirmed - I presume that this is to officers in my department - that the rental charges for the Burmah Kingston site are within the parameters of existing rentals charged to independent petrol retailers with respect to equivalent sites interstate. So again, what they are paying, what it is costing them, is about what it would cost anyone to license a site for a period.

The site as we owned it was inoperative in that it had to have new tanks. Rather than investing ACT Government dollars and then getting that back over time, we allowed them to put the tanks in and recoup. That means, on 3.6 million litres, no net gain in the first year. If, however, they are selling the million litres a month that the MTAA say they are selling, there is a significant net gain to the ACT revenue because, at the end of the day, the exercise was about getting a strong independent retailer into the ACT and smashing what Mr Humphries has described in this place as the cartel that applied in relation to fuel pricing in the ACT.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. Because I lost count of the number of noes Mr Connolly used, I ask him again: Have other sites been promised on the same basis? Secondly, Mr Connolly, as you have such a comprehensive briefing there, what is the estimated cost of this highly subsidised arrangement?

MR CONNOLLY: The last question is a non sequitur. There is no estimated cost; it is a net benefit. The first question asked whether they have been promised other sites on a similar basis. Absolutely not. They have not been promised additional sites, although I expect - - -

Mrs Carnell: But you said that there would be six before the end of the year. You said it.

MR CONNOLLY: Again, settle, Mrs Carnell. All things come to those who wait. They have not been promised additional sites; but I expect them to bid for additional sites, and it certainly will not be on the same basis. We made it very clear that additional sites - and the Government's position paper that was tabled in this Assembly said that there would be up to six - will be made available on an open bidding process, which will exclude oil majors or people who deal with oil majors. Burmah or Matilda or Southern Cross will be able to bid, but not the existing organisations which, in Mr Humphries's words last year in this place, form a cartel.

Mrs Carnell: Burmah is an oil major.

MR CONNOLLY: I hear the interjection, "But Burmah is a large company". Indeed they are. We have never made a secret of that fact, as we made clear at the press conference announcing their entry into the Canberra market. The problem in the past has been that when small independents have tried to crack the Canberra market, crack what Mr Humphries described as a cartel, they have not lasted very long. For one reason or another over the last decade, they got squeezed out. We were very keen, for the first crack in the wall, to get in somebody who was big enough not to be pushed out, and Burmah are indeed a very big company. They are better known as Castrol. They operate something like 120 retail petrol outlets across south-eastern Australia, and the information we gathered, in a very careful look at the dynamics of the petrol market across south-eastern Australia, is that in every market in which they are present they tend to operate as a price leader or one of the price leaders.

I would not want to see a situation where Burmah was the only independent in the ACT. I would like to see them bidding for some of the other sites and other independents bidding for some of the other sites. It was very important for us to get in a large organisation as price discounter No. 1 because in the past, where small people have set up to try to crack the Canberra market, they have failed. If we had not acted, or if the people of the ACT had been so unfortunate as to have the ACT Liberals in office for the past six months, Canberra motorists would still be paying 75c to 77c per litre for petrol.

13 April 1994

Below-the-Line Ticket Voting

MR HUMPHRIES: My question is to the Chief Minister, with her responsibility for electoral matters. The Chief Minister has emphatically ruled out Labor support for above-the-line ticket voting. At least, she has done so since her famous backflip of last December. She has been invited to rule out similarly Labor support for below-the-line ticket voting. She has not taken up the opportunity on any occasion that has been presented to her to do so. I ask her now: Will she cease to mince words and state unambiguously that Labor will or will not contemplate proposing or supporting a system of ticket voting below the line?

MS FOLLETT: I thank Mr Humphries for the question. I realise that it is somewhat unusual to be asked this kind of question when the legislation it concerns is listed for debate later on this afternoon. Nevertheless, I am quite happy to make the Government's position clear yet again. I have said quite categorically that the Government will not proceed with an above-the-line ticket voting option. I have made that clear in consultations with parties on the electoral legislation, I have made it clear in public statements of some months, and I am happy to make that clear again. Also, those members who have taken part in the consultation process on the legislation will have seen the amendments I have put forward to effect just such a position.

I have been asked by the media and now by Mr Humphries about a below-the-line ticket voting option. I have seen no such option. I have proposed no such option, nor will I.

Mr Humphries: Will you support it if you do?

MS FOLLETT: I consider that it is entirely hypothetical and beyond my province as a Minister to contemplate what might be put forward by some other member of this Assembly. I say to you: I have seen no such option. I have made it quite clear that I have seen these matters put forward in the media. The report I saw in the *Canberra Times*, which purported to be based on the consultation meeting we had last Friday, in my view was grossly inaccurate. There was no such proposal put forward at that meeting - none whatsoever.

Mr Berry: Who was the source? Mr Humphries?

MS FOLLETT: Mr Humphries was at a different meeting, which drew different conclusions and heard different things being said. I repeat that, as far as I am aware, there is no such option. If other members want to put that forward, including Mr Humphries, then the Government will be making up its mind on all of the amendments to this Bill - and there are a great number of them - in the course of debate. I have made the Government's position clear. We will not be supporting an above-the-line option. We have not put forward any other option. To the best of my knowledge, neither has anybody else. So the rest of it is pure speculation.

MR HUMPHRIES: I ask a supplementary question, Madam Speaker. The Chief Minister has made it quite clear that if someone in this place, or wherever, had come forward with an above-the-line voting proposal, without seeing it the Chief Minister would commit her party to voting no. Am I right? Obviously, I am right.

MADAM SPEAKER: Mr Humphries, you are asking a supplementary question. Please ask the question.

MR HUMPHRIES: It is, Madam Speaker, thank you. If a proposal comes from some member of this Assembly for a below-the-line voting ticket, will you similarly commit your Government to opposing it?

MS FOLLETT: It is entirely hypothetical, Madam Speaker.

MADAM SPEAKER: Exactly. Mr Humphries, I refer you to the standing orders. Please check the standing orders in regard to questions. The Chief Minister is correct.

MS FOLLETT: Madam Speaker, may I add that that is entirely hypothetical; and, not only that, it is based entirely on the misinformation perpetrated by Mr Humphries.

Assembly Chamber - Coat of Arms

MR STEVENSON: Madam Speaker, my question is to you. In the previous chamber, the Canberra coat of arms was displayed in a prominent position on the wall above your head. On that coat of arms there is a scroll with the words, "For the Queen, the Law and the People". I notice that the large emblem containing the coat of arms is not on the wall above your head, and a quick look around the chamber tells me that it is nowhere else either. I ask: When is the coat of arms that was in our old chamber going to be put up?

MADAM SPEAKER: Thank you for the question, Mr Stevenson. That coat of arms is not coming. There is a new one being prepared for the chamber, and I am at this moment unable to tell you when that will be available.

MR STEVENSON: I ask a brief supplementary question, Madam Speaker. Have there been any changes other than in size or materials?

MADAM SPEAKER: Not to my recollection, Mr Stevenson.

Mr Stevenson: Like the flag. Thank you.

Mr Kaine: We are hoping that the Queen will still be there.

Mr Stevenson: And the law and the people.

MADAM SPEAKER: It is all right, Mr Stevenson.

13 April 1994

University of Canberra Council

MR CORNWELL: My question is to the Chief Minister. I refer to an article in the 9 March edition of *Monitor*, the magazine of the University of Canberra, which reads:

At its February meeting, the University Council was joined by two new members, Ms Cheryl Vardon and Mr Howard Powell. Both members were appointed to Council by the Chief Minister of the ACT, Ms Rosemary Follett.

I ask: What caused your change of heart, Chief Minister, on such appointments following your stubborn two-and-a-half years delay? When can we expect nominees to be put forward to the ANU Council? Thirdly, do you not believe that it is discourteous to this Assembly, considering that there is a motion on the notice paper relating to the delay in these appointments, that members were not advised of your action in relation to the University of Canberra nominees?

MS FOLLETT: I thank Mr Cornwell for the question. I would say at the outset that I have had no change of heart. Indeed, it has been my consistency in this whole matter that has led to the delay, which I fully acknowledge. Members will be aware that the tertiary institutions in our Territory do allow for nominees to their boards by the Chief Minister. In relation to the University of Canberra and the Canberra Institute of the Arts, there is no restriction on these nominees. They can be from any walk of life. In relation to the Australian National University, there is a restriction that no members of this Assembly may be appointed to the ANU Council. I consider that restriction to be highly discriminatory, an insult to the sovereignty of this Territory and totally inappropriate. I wrote a long time ago to the relevant Federal Minister asking him to amend the ANU's legislation to remove this highly discriminatory clause. In the event, my request was denied. I maintain my view that that clause in the ANU's legislation is inappropriate. As far as I am aware, they seek to exclude no other category of person whatsoever, except the duly elected members of this parliament. It is totally inappropriate.

Nevertheless, in the course of seeking a change to the ANU's legislation and being denied such a change, considerable time elapsed. Once I had been denied that change, I moved relatively swiftly to make the appointments. Rather than add to the divisiveness of the situation by appointing members of the Assembly to some bodies and not to the ANU, I considered it appropriate to make all appointments from the broader community, and I have done that. The members of the University of Canberra Council have taken up their positions. I have given consideration to nominations to the ANU Council, and they will be taking effect very shortly, as is the case in relation to the Institute of the Arts. I regret that it has taken such a long time. I still do not consider the matter satisfactorily resolved, because I totally disagree with the restriction in the ANU's legislation against members of this parliament taking a position on the council.

MR CORNWELL: I ask a supplementary question, Madam Speaker. Firstly, the Chief Minister has not answered the third part of my question about why we were not advised. Also, Chief Minister, if there was a problem in relation to the ANU Council but not the University of Canberra Council, why did you delay the appointments to the University of Canberra for two-and-a-half years as well? It is some embarrassment to this Assembly.

MS FOLLETT: Madam Speaker, the delay was because I had hoped to make all appointments from a full range of Canberra citizens, and that meant that members of this Assembly would be capable, at least legislatively, of serving on any of those bodies. As I have explained, that is not the case, and I still regret that it is not the case. Mr Cornwell has asked why I did not consult on the matter. I am not required to, but I do take his point that in public appointments such as that it could be advantageous. Certainly, had the appointments been amongst members of this Assembly, there would have been a clear need to consult; but that is not the case.

Jerrabomberra Development

MR BERRY: Madam Speaker, I ask Mr Wood a question in relation to Jerrabomberra. Will the Minister tell the Assembly when the Government decided to develop a new town in Jerrabomberra and what consultations will occur with the community on this issue?

MR WOOD: Madam Speaker, at this stage the Government has not decided to develop Jerrabomberra. It has decided, in association with the National Capital Planning Authority, to look at concepts for Jerrabomberra to establish a model for an environmentally sensitive city. The aim at this stage is to work out the best schemes possible for what might happen there at some stage in the future. I certainly cannot give any dates. There are no dates as to when work might start there. For some considerable time it has been known that into the future Jerrabomberra would be developed, and it has always been a fairly long timeline.

It is important that we run through this exercise so that we can put principles into practice. We have been doing this in all our new subdivisions, all our new suburbs. There is an international aspect to this and we want to draw on the best possible models we can get. The big advantage I see is that what emerges from this exercise will be able to be applied on top of what we are doing elsewhere in the ACT. To answer Mr Berry, I think that beginning this week there will be workshops about the way in which the community will be involved in this.

MR BERRY: I ask a supplementary question, Madam Speaker. Minister, that is a significant matter you have raised. Have you told Ms Szuty about this? Have you told Mrs Carnell about this? If not, do you fear a vote of no confidence?

MR WOOD: I take your point, Mr Berry. Would those named please take note of what has transpired.

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

13 April 1994

ANSWERS TO QUESTIONS ON NOTICE

MR HUMPHRIES: Madam Speaker, pursuant to standing order 118A, I refer the Chief Minister to question on notice No. 1148, which I asked on 22 February 1994. Pursuant to that standing order, the question was to have been answered within 30 days, that is, by 24 March 1994. I ask, pursuant to that standing order: Can the Chief Minister say why it has not been answered in that time? Can she provide an answer to the Assembly today or, if not, indicate to the Assembly when the answer will be provided?

MS FOLLETT: Madam Speaker, I can advise Mr Humphries that I cleared an answer to that question on Monday or Tuesday, I believe. It is on its way to him. I acknowledge that it is a little out of time, but it certainly has been dealt with.

PAPERS

MR KAINE: Madam Speaker, I seek leave to present a petition which does not conform with the standing orders as it does not address the Assembly or contain a request.

Leave granted.

MR KAINE: I present an out-of-order petition from 3,133 residents supporting the Trash and Treasure run by Belconnen Rotary continuing to operate in its present location on Sundays between 6.00 am and 1.00 pm.

MADAM SPEAKER: Members, I present, for your information, a report provided to me from Mr De Domenico, MLA, on his study trip to Melbourne, Launceston and Hobart, which he undertook from 13 to 17 March 1994.

SUBORDINATE LEGISLATION

Papers

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for approvals, determinations and regulations.

The schedule read as follows:

Ambulance Service Levy Act - Determination No. 13 of 1994 (S39, dated 1 March 1994).

Building Act - Determination of fees - No. 15 of 1994 (S47, dated 11 March 1994).

Credit Act - Credit Regulations (Amendment) - No. 6 of 1994 (S49, dated 15 March 1994).

Door-to-Door Trading Act - Door-to-Door Trading Regulations (Amendment) - No. 8 of 1994 (S53, dated 23 March 1994).

Food Act -

Approval of Code of Practice No. 4 - The Food Premises Code - No. 16 of 1994 (S54, dated 24 March 1994).

Food Regulations - No. 4 of 1994 (S38, dated 28 February 1994).

Land (Planning and Environment) Act - Land (Planning and Environment) Regulations (Amendment) - No. 5 of 1994 (S46, dated 10 March 1994).

Occupational Health and Safety Act - Instrument of Approval - National Standard for Occupational Noise and National Code of Practice for Noise Management and Protection of Hearing at Work - No. 17 of 1994 (S55, dated 24 March 1994).

Public Place Names Act - Determination No. 18 of 1994 (S61, dated 30 March 1994).

Various Acts under which relevant Regulations are in force - Regulations Revision Regulations - No. 7 of 1994 (S50, dated 22 March 1994).

GOVERNMENT SERVICE - QUARTERLY STAFFING ANALYSIS Paper

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, for the information of members, I present the ACT Government Service quarterly staffing analysis for September and December 1993.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE Reports and Statement

MRS GRASSBY: Madam Speaker, I present reports Nos 3 and 4 of 1994 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement on the reports.

Leave granted.

MRS GRASSBY: Report No. 3 of 1994, which I have just presented, was circulated when the Assembly was not sitting on 9 March 1994, pursuant to the resolution of appointment of 27 March 1992. Report No. 4 of 1994 contains the committee's comments on nine pieces of subordinate legislation and four Government responses. I commend the reports to the Assembly.

13 April 1994

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

MR DE DOMENICO (3.13): I present report No. 22 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan, Kaleen, section 117, part block 20, Bocce Club, together with a copy of the extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 18 March 1994, pursuant to the resolution of appointment. I move:

That the report be noted.

Madam Speaker, the draft variation was referred to the PDIC by the Minister on 11 February 1994. The committee considered the draft variation at its meeting on 18 February 1994, when it resolved to invite persons affected by the variation to address the committee. Subsequently the committee conducted public hearings on 11 March and heard from the following persons: Mr Spagnolo from the Bocce Club; Mr Dowling and Mr Potts for the architect and builder; Mr Niemann, who is a local resident; Mr Griffin-Warwicke and Mr Handley from the Belconnen Community Council; and representatives of the ACT Planning Authority. The committee asked the Planning Authority to provide supplementary information on the proposal's compliance with the provisions of the ACT residential code and the proposal's effect in relation to the 100-year flood level.

The committee carefully considered the information provided by the witnesses and the Planning Authority. The committee's unanimous view is that the draft variation should go ahead, with the detailed provisos outlined in the report. I do not intend to list these, but I want to comment on three key aspects. Firstly, the committee has asked that the landscape master plan and subdivision plan be shown to local residents and that it also come back to the committee. The committee has asked that mature trees be planted on the site rather than smaller specimens, which commonly fail to take hold. This reflects the committee's emphasis on the protection and encouragement of mature treescapes in Canberra, which is an issue before the committee in considering the Planning Authority's proposals for residential guidelines in certain parts of Canberra. The other point is that the committee took careful note of the advice from the Department of the Environment, Land and Planning that the financial return to the Canberra community from betterment on this site is about \$974,000, which is almost double the amount that would come to the community if the lease were returned to the Government and the site subsequently auctioned.

In conclusion, Madam Speaker, I thank the members of the committee for their careful consideration of the draft variation. I am sure that the former chairman of the committee, Mr Lamont, would endorse this comment.

MS SZUTY (3.16): The deputy chair of the Planning Committee has outlined fairly fully the process of consideration of the Bocce Club variation by the Planning Committee. There are a few comments I wish to make on this draft variation. The committee came up with a number of recommendations to deal with the variation, which is quite small in nature but which did create, I think it would be fair to say, a degree of controversy within the local community. The committee therefore gave it fairly full consideration.

We recommended that the maximum number of residential units to be constructed on the site be 62 and that a full landscape master plan and subdivision plan be developed for the site; that this plan be made publicly available to local residents and community organisations, with a copy to be provided to the Standing Committee on Planning, Development and Infrastructure for information. It is not the first time we have requested that plans of this sort be referred to the Planning Committee for information following further development of those plans.

We have also insisted that the planting of mature trees be a feature of the landscaping of the site. When we come later today to the guidelines for the B1 area along Northbourne Avenue, we will also have something to say about the planting of mature trees to develop a luxuriant landscape. Mr De Domenico also outlined a number of matters that will be taken on board, to do with the variation for this part of Kaleen. They are outlined in the report; they are quite extensive and have to do with proposed works to protect from floodwaters and various other matters.

I would like to add that the committee notes that the present land use of the site proposed for development is shown as restricted access recreation on the Territory Plan. While noting the concern of some local residents that the area should remain as green space, the committee was advised by the Department of the Environment, Land and Planning that the area is not suitable for active recreational uses, such as those associated with an oval, due to its small size and gradient.

Mr De Domenico has outlined our consideration of the betterment issue, and I will conclude with a couple of further comments. The committee was very conscious of the run-down state of the existing club area and does not wish this situation to continue. We have commented on it expressly in our report. Accordingly, the committee recommends that the Government require the present leaseholder to show a commitment to the maintenance and upkeep of the area to an appropriate standard and for this to occur in a timely fashion. To the same end, the committee recommends that the Government ensure that the Bocce Club develops its site for the proposed additional sporting facilities in the way it has outlined.

Finally, Madam Speaker, the committee indicates that it would be unlikely to recommend that the Government approve any further land use variation for this site, given the extensive residential development about to take place.

13 April 1994

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport): Madam Speaker, I seek leave to make a short statement in regard to this matter.

Leave granted.

MR LAMONT: Madam Speaker, I was fortunate enough to be the chair of the Planning, Development and Infrastructure Committee when the committee considered the variation for the Bocce Club. I think Ms Szuty and the deputy chair have quite adequately covered the issues, and they are also covered in the report. It was with deep concern that the committee viewed the current state of the Bocce Club. We believe that, given the fact that a benefit will apply to the club as a result of the redevelopment, there should be a requirement and a demonstrable showing as early as possible that the Bocce Club is intent upon improving its facilities. That is why, in our recommendation to the Minister, we have been quite explicit in our view that the Bocce Club now must deliver the services for which they occupy that site. That was my main reason for wishing to speak on this matter.

MR CORNWELL (3.20): Madam Speaker, I have come but recently to this committee and I had some concerns with this particular reference, principally that a significantly large portion of section 117, block 20, Kaleen, should be sold off. This concern was echoed by the Belconnen Community Council who, in the words of the ACT Planning Authority, were critical of the proposed change to residential use in order to "bail out" insolvent community clubs. The Planning Authority, however, has addressed this criticism, certainly to my satisfaction and I believe to the satisfaction of other members of the committee, and I think it is worth while recording this. Under "Evaluation" they state:

Whether or not the original proposal was initiated by the Club's financial situation is not a relevant consideration in terms of land use policy. It is difficult to see how any club could utilise the narrow sloping part of the existing club site for recreational uses. It is important that all land is effectively utilised and the Authority believes that residential use of this part of the site is an appropriate one.

One must marvel at the generosity of previous planning bodies, which gave away large tracts of land to community groups when such community organisations would have had some trouble in utilising the land that was given to them. Obviously, that is well and truly in the past, and therefore I welcome the use to which the balance of this section is being put.

I was further confirmed in this view, and the sense of the decision, when it was pointed out that the betterment would show a far greater value to the ACT and the Government, and thus the community, than by auctioning off the site. I think this is good commonsense; it is good financial management. However, I would hope that such procedures do not occur again. It is my understanding that there is only one further situation where a property could be dealt with in a similar fashion to this excess land at the Bocce Club for the benefit of its leaseholder, which I believe is another community organisation. I trust that we will not have any repetitions in future. Nevertheless, I remain a little concerned about that aspect.

Apart from the Belconnen Community Council's valid reservations about this matter, other objections were received by the Planning Authority, and we in turn received some 17 copies of a form letter, I understand, containing about 13 points of concern and objection. The signatories sought an open public inquiry on the matter and that is exactly what they got. I believe that all 13 points were addressed, either during the open consultations or subsequently in our discussions with the Planning Authority. Again, I do not believe that the addressees have anything to worry about. They may still have some concerns at present, but I do not, and I am sure that, given time, their fears in relation to this matter will be alleviated.

Finally, I endorse the comments made by Ms Szuty and Mr Lamont, the ex-chairman of this committee, in relation to the need for the Bocce Club to follow the comments and recommendations we have made in this report, and I commend it to the Assembly.

Question resolved in the affirmative.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE
Report on Guidelines for Residential Development**

MR DE DOMENICO (3.25): Madam Speaker, I present report No. 23 of the Standing Committee on Planning, Development and Infrastructure on the guidelines for residential development in area B1, North Canberra, together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

Madam Speaker, the draft guidelines for residential development in area B1, North Canberra, were referred to the committee by the Minister in November 1993. This action by the Minister was at the request of the committee, and the committee is grateful for the Minister's courtesy in referring the draft guidelines. The committee called for public comment on the guidelines and received 27 submissions. The committee organised public hearings on 4 March 1994, when a wide range of individuals representing many ACT organisations gave evidence. The organisations included private architects and planners, the Heritage Council, the Turner Residents Association, the Institute of Architects, the Royal Australian Planning Institute, the National Trust, the Housing Industry Association, the Master Builders Association and local residents in Red Hill.

The committee was briefed on the guidelines by the Planning Authority and considered the draft guidelines on three separate occasions. The committee decided that its report on this issue would take the form of a statement by the then chairman, Mr Lamont, which would contain the report of the committee, along with a detailed attachment setting out the guidelines as they would look if all the committee's recommendations were incorporated. That is the document the committee is tabling today.

13 April 1994

The committee, after careful consideration, made significant changes to the draft guidelines. The committee has emphasised the need for design excellence in all proposals for development in the B1 area. This requires the highest standards of architectural design, as well as the retention of the existing lovely streetscapes in the area. To achieve this standard the committee considered it as very important that plants and trees be situated in natural ground and that the area should not be subjected to significant basement intrusions. The committee considers that a six-metre setback is appropriate for the B1 area. In order to protect existing blocks standing alongside three-storey developments in the area, the committee recommends that new units adjacent to such leases should step down to two storeys at the interface.

In conclusion, Madam Speaker, I note that the committee's recommendations were unanimously arrived at and reflect detailed consideration of the many complex issues associated with three-storey development in this part of Canberra. The committee unanimously believes that the guidelines as recommended by the committee provide the best possible balance between the competing forces of encouraging more intensive development, yet protecting the existing residential amenity.

Perhaps it is timely for me to say that, except for one occasion, the recommendations of the PDI Committee over the nearly two years that I have been a member have been unanimous. I believe that this was because of the stewardship of the committee in the hands of now Minister Lamont, and it would be remiss of me not to say on behalf of the committee that we have enjoyed Mr Lamont's stewardship. He has done it very fairly, although perhaps not to some people's liking; but that is another story. I have enjoyed working with Mr Lamont on that committee and I have learnt a lot from him and, hopefully, from other members of the committee. I think it is timely for me to say that we will miss Mr Lamont's stewardship of the committee. We look forward to making sure that all other recommendations are as unanimous as possible.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (3.28): First of all, may I thank Mr De Domenico for his kind words. As this is the last report of the Planning, Development and Infrastructure Committee that I was responsible for preparing on behalf of the committee, I thought it would be appropriate if I took a moment to place upon the public record my great appreciation to all of the members of the committee over the last two years for their competence, for their guidance, but, above all, for the spirit in which they have undertaken what I would regard as one of the most onerous tasks of any committee within the Assembly's very wide committee structure.

It is well known to members in this place that planning and planning related issues have been the centre of some contention within our community over a fairly long period. From time to time there will still be issues the community wishes to have addressed or where a community group or an individual believes that the Government has done something which impacts adversely upon them and seeks to have the Government and/or this Assembly change it.

In reality, what we have achieved in the Planning Committee process should demonstrate to the people of Canberra that this Assembly really does work. From the disparate backgrounds and experiences of the members of this Assembly on the committee, we have been able on all but two occasions to arrive at unanimous reports of the committee. That has taken a great deal of patience by members; it has taken a great deal of research and, I suggest, a great deal of understanding of the issues and their impact upon the wider community, the individuals concerned, and the business interests associated with those issues. I think it is great testimony to the committee members that we have been able to achieve that.

I also wish to pay tribute to a former member of the committee, Mr Kaine. During my stewardship of this committee I was extremely fortunate to have the corporate memory of Mr Kaine, both as a former Planning Minister and as a former chairperson of the committee. I place on public record my gratitude to Mr Kaine for what, quite frankly, was very necessary guidance to me, particularly in the early months of the establishment of this committee. Notwithstanding that it was in those early months, I still valued highly, although I did not always agree with, the views Mr Kaine put on a whole range of matters.

Mr Kaine: You are more than welcome, and I will continue to advise you, Minister.

MR LAMONT: Mr Kaine, you can rest assured that I will continue to take as much notice of you as I have in the past. There is one other person to whom I wish to place on record my great gratitude. It is not easy for the committee secretariat to operate in the timeframes that we in this chamber set or that are set by legislation. There are competing requirements both of our time and of the resources of the secretariat.

I have said before, in relation to the Territory Plan and the work done by Rod Power on that and all other matters he dealt with, that, if ever a test were needed by which committee secretaries should be judged, that test would be Rod Power. I believe that the work he does on behalf of the people of Canberra too often is unsung, and I have much pleasure in taking this opportunity to put on the public record my appreciation as the former chair of this committee.

In relation to the guidelines that have been tabled by Mr De Domenico on behalf of the committee, these guidelines and the work that is being done on the B2 guidelines for the Kingston area represent probably the most radical change to medium density development guidelines that has ever been introduced in the ACT. The question of design excellence, excellence in amenity not only of the occupants of medium density developments but also of the wider community, has been taken into account, as have the social issues that we believed needed to be addressed in the social planning context - the open space, the environmental issues, tree preservation, the issues of good business, good high-class professional development. That is the objective of these guidelines, and I think it was the basis upon which all members of the committee commenced their consideration of the guidelines.

13 April 1994

What we have achieved here, Minister, is not a compromise, because we decided that we would not compromise. It certainly does not necessarily accept all of the views of the Planning Authority and it certainly does not accept all of the views put forward by a range of individuals and community groups. It does not accept all of the views put forward by the building and construction industry, the developers and so forth. However, I believe that what we have here is an extremely high-quality workable solution, which introduces substantial change but change that will be to the benefit not necessarily of us but certainly of our children and our children's children. I think that is the scope in which these guidelines have been looked at.

When we take into account that the B2 guidelines in Kingston were first developed in 1972 and implemented in 1975, I understand, Minister, that it has taken that time for 75 per cent of that redevelopment area to be completed. What we are looking at with the B1 guidelines is a longer timeframe. We are looking at a timeframe estimated by the Chief Territory Planner at 40 years. So those plans, those criteria, we are establishing now will set the base for professional development of this area not just into the next century but towards the middle of the next century.

I believe that we have achieved an extremely appropriate workable solution, and that was probably as much as could have been expected. I think we have achieved one step more: We have achieved that objective of requiring design excellence, community facility and amenity excellence. On those two tests, I think these guidelines, if you will pardon me, Mr Kaine, are probably one of the best things to come out of the Planning Committee and its processes in the last two years, notwithstanding the fine work on the Territory Plan.

Once again, I thank all the members of the committee. It is with sincere and great regret that I leave the work of the Planning Committee. It is something that I have really enjoyed.

Mr Kaine: Do you want to join the feather dusters?

MR LAMONT: I have not been able to put my finger up like that yet, Mr Kaine. It has really meant a lot to me because of the experience of working with my colleagues. It has taught me a lot, and it is something that I will cherish in future years.

MS SZUTY (3.37): I too wish to place on the record my thanks to the former chair of the Planning, Development and Infrastructure Committee for his good work with the committee over the last two years. What I most admired about Mr Lamont during his stewardship of the Planning Committee was his obvious enthusiasm for the task. I think it is very helpful for members of a committee when the chair of that committee is as obviously highly motivated and enthusiastic as Mr Lamont was in his approach to planning matters. It will give the members of the Planning Committee who remain some cause for speculation as to the future direction of the committee without Mr Lamont's stewardship.

Madam Speaker, I would like to address briefly some of the matters that are described in the report on the B1 guidelines. Mr De Domenico in his opening remarks mentioned that 27 submissions in all had been received from the community on the three sets of guidelines for residential development. It is worth noting that at the hearing on the three sets of guidelines the Institute of Architects, the Royal Australian Planning Institute, the Institute of Landscape Architects and the National Trust put in a joint submission and appeared together in a public hearing for the first time in response to this issue. I see that as very significant, and I think it is worthy of note by the community at large that such eminent people are prepared to come along and jointly address the members of the Planning Committee on what they consider to be a very significant issue.

We have spent more time than I would have expected considering these guidelines. When we all agreed at the end of last year that it was a good idea to have something to say on them, little did we realise that well into April 1994 we would still be considering them. The task so far has been very enjoyable, and I believe that we will be finalising our consideration of all the guidelines in the very near future. Members will note that under "General Comment" in the report it is stated:

The Committee has critically examined many examples of medium density residential development and redevelopment in Canberra, Brisbane, Adelaide and Melbourne.

It was with this in mind that we approached our task of looking at the guidelines for the B1 area. What most members of the Planning Committee have realised is that very good redevelopment is happening in other parts of Australia. Members who travelled interstate in recent times were surprised at how good some of the redevelopments in other major cities around Australia were and how much better redevelopment could be in the ACT. Our response to the guidelines for the B1 area is one indication that we believe, as Mr Lamont has said, that we need to encourage design excellence. We need to create the sort of community in terms of landscape design and building design that the city can be proud of.

In our consideration of the B1 guidelines, we commented principally on three areas: The architecture, the landscape foreground and the landscape background of the community we were looking for. I will not go over what Mr De Domenico has already said, but it is perhaps worth drawing to members' attention the contrast between what this community will look like in the future and Kingston as it exists at the moment. The committee has made a conscious effort to come up with planning guidelines which will give a sense of pride to the people of the Canberra community for years to come.

Not only did we deal with those three major issues in some detail; we also provided in our report more detailed comment on a number of issues. They include street trees, front setbacks, ground floor relationships to natural ground level, block amalgamation and isolated blocks, attics, a sunset clause, assessment requirements, social mix and enclosed courtyards. I shall comment on a couple of those very briefly, as Mr De Domenico has addressed some of those matters already.

13 April 1994

One very important item in our report concerns the sunset clause. The professional institutes I referred to recommended a one-year sunset clause for the guidelines. The committee did not support the imposition of such a clause but does require that the guidelines be comprehensively reviewed after one year and that the institutes, the development industry and the public participate in that review. I think that will be a test of the guidelines as the committee has addressed them so far and will enable the community to have a good look at the guidelines in operation and decide for themselves whether it is the right way to go in the medium term.

I would also like to comment very briefly on social mix. While the committee decided that we would not put in the guidelines a requirement that some three-bedroom units be provided in developments, we did say that the ACT Planning Authority should monitor the residential mix of redevelopment schemes when the guidelines are reviewed in about 12 months' time. I think it is important that we look at the issue of social mix in terms of the Government's concept of urban renewal as a means of replenishing the population and making maximum use of existing resources, for example, schools. While I am comfortable with the committee's view at this time, I think the monitoring process on redevelopment in the future is one we need to be conscious of.

In closing, Madam Speaker, I would like to return to some remarks I made a couple of weeks ago when the issue of the guidelines was addressed in the February sittings of the Assembly. It is worth reminding ourselves that one of the objectives of the new Territory Plan was to introduce greater certainty and consistency, to enable proposed developments to be handled more easily. However, it is also worth noting that many specific areas of our city have their own additional objectives and development controls which will guide development on those sites. I think the B1 area along Northbourne Avenue is one such location. I hope members will find that the Planning Committee has addressed the requirements of that area quite substantively. I said in relation to the development of guidelines, during the February sittings of the Assembly:

I have spent some time commenting on what is occurring ... because I believe that the process that the Planning, Development and Infrastructure Committee has adopted for consideration of the proposed guidelines is a good one. Members have spoken often of the need to enable groups and individuals to have their say on planning matters, and this will be further facilitated during the Planning Committee's inquiry process.

It certainly has been, and I have been encouraged by the level of interest in the guidelines for various areas of Canberra, but particularly the B1 area. I am very pleased that there has been such interest in the Planning Committee's consideration of the guidelines for those areas.

MS ELLIS (3.45): I want to make a few very brief comments in relation to report No. 23 of the Planning, Development and Infrastructure Committee. The emphasis I want to put on the deliberations within the committee as I saw them is in relation to the precursor to our inquiry. Over the last few months, and into last year particularly, we were able as a committee to visit Brisbane, Adelaide and Melbourne and have a very good look at the work being done on urban design, particularly in relation to the reurbanisation of some areas. I found that particularly valuable because it gave us a comparison other than the one we see in the ACT.

Even though we can be very proud of Canberra, and I know that we all are, there has also been some fairly strong comment in recent times concerning some of the designs we have seen emerging in our urban environment. The comparison I am now able to make, when I think of some of the excellent work we were able to see, is invaluable. Might I add that we also saw some not so excellent work. Some very good urban renewal work has been undertaken in Brisbane, Adelaide and Melbourne, and seeing that has helped to broaden my vision of what we can expect in the area of design excellence.

In the area of the B1 guidelines, where that applies geographically, we have the opportunity to do it right. We have an opportunity over the next few decades, because that is the prediction of the time necessary for this sort of work, to ensure that there is not any rush, there is not any panic, and there is an ability to do it correctly, properly and with consideration for many people. There must be consideration particularly for the residents who already live there, the residents who may decide to stay in their little houses within the area the guidelines affect. I have every confidence that we can say to those people, "You should have confidence that, as far as the committee is concerned, we have done everything we can to emphasise the need for design excellence, for consideration of the area".

The other aspect I want to raise is that, because of the geographic location of this area, there are implications for the ACT presentationally. It is an important area; it is the northern entry into Canberra City, and there are some aspects we needed to consider there. In relation to the design excellence questions, the sorts of things we were looking at - architecture, landscape foreground and landscape background particularly - may seem fairly esoteric; but, when you get into the inquiry level and you think carefully about what we had to consider and the depth to which we went in considering these aspects of design excellence and what needs to be considered to produce that, I personally feel confident that we have given this set of guidelines very careful and deep consideration. We have taken into account everything brought to our attention through the public inquiry process and through the submission process, and I am optimistic that the results that will emerge over the coming decades will be what we expect them to be.

I think we have to commend our process for allowing us to put in the effort the committee collectively put into ensuring that confidence. The assistance and advice we got from the planners and the Planning Authority was very valuable, as was the input from

13 April 1994

people in the community, both experts and ordinary residents, who had some very good comments to make to us which were deserving of our consideration at no less a level than for those of the experts.

I am happy to be part of this report. I am happy to join the other members of the committee in thanking the secretary of the committee yet again. We do this every time we bring in a detailed report from the PDI Committee. The workload and the results produced are enormous. I am very happy to commend this report to the Assembly.

MR CORNWELL (3.50): Madam Speaker, I would like to develop a little the points touched upon by Ms Szuty and certainly by Ms Ellis. The committee has in the report set out very clearly the changes it has recommended in relation to these guidelines. I would, however, like to place on record the fact that we are not clairvoyants. We cannot predict what might happen; nor, I suggest, do most of us have the devious minds that would recognise the tricks some entrepreneurs or fringe developers might get up to and, indeed, get away with; hence the comprehensive review of these guidelines after 12 months. I think that is very good insurance.

I hope that in that first 12 months, and given that we are looking at a 40-year development period, there is not too much damage done in the area. Essentially, that is the fear of most of the residents who have expressed concern. They are fearful that the area they know will change. Whilst one can sympathise with that point, I think it is fair to say that cities are not static. Their nature changes as the population changes and as their suburbs and sometimes regional areas change, and the social mix in those areas also changes. What size a city has to be for this to occur I do not know, but I do suggest to you that a population of 300,000, which is the size of Canberra now, would certainly be within the scope of this changing environment.

If the city's urban environment changes, then in part it will have to be change in planning and development areas as much as societal change. This is a reality that all people in Canberra must face up to. We simply cannot hope that change will not occur and that our comfortable world - and we do live in a comfortable world - will be unaffected. It is inevitable that Canberra must change. I get the impression that there are people who would like everything to stay the way it is now. There could be people in this Assembly who feel that way, but the reality is that it cannot happen.

Just as we ourselves change, and we do through the ageing process, so does the environment in which we live. Like physical ageing, this is not the only change determinant. Sometimes our attitudes change. Occasionally people become more radical; normally, Mr Connolly, they become more conservative as they grow older. But one thing is common to everybody, irrespective of the way their attitudes may change: Their needs change. Therein lies the contradiction, because when our needs change they often require a corresponding change in circumstance, and no more so than in habitation. Simply put, our houses get too big for us and we want something smaller. Often we prefer something in the same area where we have lived very contentedly for most of our lives, yet this is just the area where most of us would prefer no urban change at all.

There is a further contradiction in that because again, I suggest, many people who have concerns about general planning variations would themselves expect to enjoy some flexibility in relation to planning variations in their personal circumstances. Hence the dilemma, I believe, in addressing the fears and the concerns of the community in respect of planning and development - fears and concerns that were expressed with some eloquence and certainly some commitment at the public hearings in relation to this B1 area.

I do not believe, for reasons I outlined earlier, that we have brought forward a perfect set of guidelines for this area. We have, however, improved upon the original set of guidelines by putting forward over a dozen additional requirements. Whilst I do not believe that the PDI Committee is infallible and that even the amended improved guidelines we have included will necessarily avoid some abuses similar to several notorious recent examples, Mr De Domenico, such as in Red Hill, I do believe that we have done the very best we can, and we have taken out insurance. I believe that we have acted both responsibly and realistically in the recommendations for this reference, recognising community concerns and attempting to address them in the short term, while reserving our decision in the long term, pending a review of the guidelines in 12 months' time.

I commend the report to the Assembly and I urge the Minister to accept its recommendations speedily. It has been some time coming, but I think it is fair to say that most people, both would-be developers, if you like, and residents, await these findings with considerable interest.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.56): Madam Speaker, I will comment first on Mr Cornwell's last sentence, in which he encouraged me to accept speedily these recommendations, these comments - call them what you will. I will do so. I am having a look, because I think it is still my responsibility to make sure that I am absolutely satisfied with them. Ms Szuty mentioned a range of matters that were examined, such as landscape and the like; but I have a concern, as I am sure many members do, about densities. I am going to take absolutely every step to ensure that we do not get a string of one- and two-bedroom units, and relatively small ones at that, covering a large area. This is not going to become unduly dense. The development is three storeys and there will be considerable density. It is high density by Canberra standards, but it is not going to get out of hand.

I want to examine the proposition. I note that there is a recommendation that these be reviewed in a year. I give notice now - I will probably do this in a later address - that I will be monitoring things most carefully in that year, to ensure that we do not allow these to be developed for sale to investors. That is a good market and I am happy for that to happen, but it is very important that this area become a place where people live, where they own their own units, where they bring up their families, and where we have that variation of type of occupation that we need. So I am still looking at densities, and you will hear what I have to say about that as rapidly as possible.

13 April 1994

I believe that the guidelines are good. You would not anticipate that I would be making too much change, if I do at all. They will bring the standard of our building up to the highest possible level. Committee members and others would know that in this community there is no difficulty in getting a serve about planning and design and the like, and I am happy to see that. I am happy to have a community that expects absolutely the best. It is the case, if you drive around Canberra, that the design quality of a lot of our standard residential houses, as of our medium density units, has not been very good for 50 years. Have a look at some of the apartments in Campbell or Hughes. You get very bland brick structures with minimal landscaping. They have never been very good. I believe that they have been getting better, but the intention of both the committee and the Minister is to see that they are absolutely the best, and that is what will happen.

I want to add my thanks to David Lamont as chair of the committee and to the committee. I think the PDI Committee is probably the busiest in this Assembly - it has to work to fairly tough timetables sometimes because there is a demand to get things done within a specified period - and it is probably the most technical of the committees. You do need a considerable amount of knowledge about the Territory Plan and other issues. Those who work on this committee have come to have a very strong grasp of what is needed. There is a great range of interests to be resolved. Mr Lamont, with a cooperative committee - not always a pliant committee but one that has a common interest in the best for Canberra, which is what binds that committee together, as with other committees - has done wonders in coming up with some very good guidelines. The work they have done in this case and on the Territory Plan has been of the highest standard, and I congratulate David and every member of the committee for that 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 approval of variation No. 11 to the Territory Plan for Kaleen, section 117, block 20, part, Bocce Club, pursuant to section 29 of the Land (Planning and Environment) Act 1991. In accordance with the provisions of the Act, these variations are tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required.

DISCHARGE OF ORDER OF THE DAY

MS FOLLETT (Chief Minister and Treasurer) (4.01): Madam Speaker, I ask for leave of the Assembly to move a motion concerning the discharge of order of the day No. 32, executive business, relating to the exposure draft of the judicial commissions legislation.

Leave granted.

MS FOLLETT: Madam Speaker, I move:

That order of the day No. 32, executive business, relating to the exposure draft of the Judicial Commissions legislation, be discharged from the Notice Paper.

For any members whose memory has failed them, the reason for moving the discharge of this item is that the judicial commissions substantive legislation has been passed by the Assembly, so the exposure draft has no further relevance.

Question resolved in the affirmative.

ADJOURNMENT

Motion (by **Ms Follett**) agreed to:

That the Assembly do now adjourn.

Assembly adjourned at 4.02 pm

13 April 1994

Blank page.

ANSWERS TO QUESTIONS

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

QUESTION NO. 1168

Housing Trust -O'Connor Property

MR. CORNWELL -Asked the Minister for Housing and Community Services -
In relation to the recently vacated Housing Trust property at 3 Boobialla
Street, O'Connor -

- (1) Did the tenants leave of their own free will, were they evicted or did they abscond.
- (2) If they absconded or were evicted, was rent owing; if so, how much.
- (3) What steps will be taken to obtain payment for outstanding rent at (2).
- (4) Will the ex-tenants also be charged for the cost of repairs, and clean up of the house and the property; if not, why not.
- (5) What is the approximate cost of work at (4).

MR. CONNOLLY -The answer to the Member's question is as follows:

- (1) & (2) It is not appropriate for privacy reasons to provide this information in a written answer. I am prepared to offer a briefing to the Member on this question.
- (3) It is the policy of the Housing Trust to refer debts of previous tenants to the debt collector, Laurens and Co (NSW) Pty Ltd, for collection.
- (4) Where applicable, it is the practice of the ACT Housing Trust to recover from tenants the cost of repairing damage which they have caused to public property. Tenants are not expected to pay for repairs which are attributable to fair wear and tear .
- (5) It would be inappropriate to disclose information about a former tenant.

13 April 1994

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

QUESTION N0.1169

Housing Trust - Scullin Property

MR. CORNWELL - Asked the Minister for Housing and Community Services -
In relation to the recently vacated Housing Trust property at 10 MacIntosh
Street, Scullin -

- (1) Did the tenants leave of their own free will, were they evicted or did they abscond.
- (2) If they absconded or were evicted, was rent owing; if so, how much.
- (3) What steps will be taken to obtain payment for outstanding rent at (2).
- (4) Will the ex-tenants also be charged for the cost of repairs, and clean up of the house and the property; if not, why not.
- (5) What is the approximate cost of work at (4).
- (6) Will consideration be given to improving the unprepossessing front of the house, eg a pergola; if so, what would be the approximate cost.

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

- (1) & (2) It is not appropriate for privacy reasons to provide this information in a written answer. I am prepared to offer a briefing to the Member on this question.
- (3) It is the policy of the Housing Trust to refer the debts of previous tenants to the debt collector, Laurens and Co (NSW) Pty Ltd, for collection.
- (4) Where applicable, it is the practice of the ACT Housing Trust to recover from tenants the cost of repairing damage which they have caused to public property. Tenants are not expected to pay for repairs which are attributable to fair wear and tear.
- (5) It would be inappropriate to disclose information about a former tenant.
- (6) Any necessary maintenance will be carried out to the property before it is allocated.

812

**ATTORNEY-GENERAL
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1170

Community Policing - Bega Flats

MR CORNWELL: To ask the Attorney General in relation to Bega Flats -

- (1) How successful has the increased uniformed police presence, particularly the Bike Squad, been.
- (2) What effect has it had.
- (3) Will this presence be maintained; if not, why not?

MR CONNOLLY: The answer to Mr Cornwells question is as follows:

- (1) The increased police presence in Bega Flats has been a successful community policing project. Unfortunately, due to recording differences, it is not possible to compare statistics for periods prior to and since the increased police presence.
- (2) Police relations with residents of Bega Flats have been enhanced through a number of initiatives including a Community Policing Day which was conducted in the Allawah, Bega and Currong Flats on 30 November 1993. On the day police set up a caravan in the area and spoke with as many residents as possible. Many people were enthusiastic about the style of policing being adopted and were eager to assist police by offering advice and providing information. Police also participated in the Clean Up Australia Day at the Bega Flats. Many residents have made favourable comments to police regarding the increased presence and some have made direct contact with members of the Bicycle Squad to report incidents.
- (3) Yes.

13 April 1994

MINISTER FOR HOUSING AND COMMUNITY SERVICES

**LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1199**

Housing Trust - Rental Rebates

MR CORNWELL: Asked the Minister for Housing and Community Services -In relation to the statement (page 3, ACT Budget Newsletter, special edition, December 1993) that "The ACT Housing Trust helps more than 10,300 tenants with rental rebates (85% of current tenants). This level has increased significantly from 65% three years ago."

- (1) What caused the increase of 20 percent over three years?
- (2) How, as subsequently claimed in the article, does this level of increase "indicate the success of the ACT Governments allocation policies"?

MR CONNOLLY: The answer to the Members question is as follows:

- (1) The increase is attributable to the policy of the Housing Trust to charge market rentals and changes in the socio-economic profile of our clients.
- (2) It is the role of the Housing Trust to provide secure, affordable and appropriate accommodation to those persons who are most in need of public housing. The overwhelming majority of new allocations are to people who are entitled to a rent rebate. This is an indicator that public rental housing assistance is being appropriately targeted.

814