



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

1 December 1994

## Thursday, 1 December 1994

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

**RATES AND LAND TAX (AMENDMENT) BILL (NO. 3) 1994**

**MS FOLLETT** (Chief Minister and Treasurer) (10.31): Madam Speaker, I present the Rates and Land Tax (Amendment) Bill (No. 3) 1994.

Title read by Clerk.

**MS FOLLETT**: I move:

That this Bill be agreed to in principle.

This Bill amends the Rates and Land Tax Act 1926. The Act provides for the levying, imposition and payment of rates and land tax in the Australian Capital Territory. This Bill amends the Act to enhance the means of payment of rates and land tax. Madam Speaker, under the existing Act, the owner of a parcel of land may pay their rates or land tax in four equal quarterly instalments. The due dates for these instalments are 15 August, 15 November, 15 February and 15 May. The Rates and Land Tax Act, as it presently stands, removes a person's right to pay rates and land tax by instalments where they have failed to pay their rates or land tax by the due date. This means that the whole of the unpaid portion of the year's assessment then becomes due and payable, and interest is calculated on that amount.

Madam Speaker, this Bill provides for rate and land tax payers to continue to have the right to pay by instalments even where a person fails to pay an instalment on time. Further, the Bill also provides that if payment is not received by the due date interest will be applied only to the unpaid instalment amount, plus any arrears, and not to the portion of the year's assessment which has not yet become due. These changes will give effect to one of the recommendations of the report titled "Review of Aspects of ACT Rates", which was handed down on 10 November 1994. The report resulted from a review commissioned by my Government to examine, amongst other things, more convenient ways for people to pay their rates.

Madam Speaker, the Bill will have retrospective application from 16 November 1994. This will enable those rate and land tax payers who failed to pay their assessments by the second instalment date to continue to pay by instalments. Implementing this recommendation of the review now also enables rate and land tax payers to enjoy the benefits of an improved service at an earlier date. I commend the Bill to the Assembly, and I present the explanatory memorandum to the Bill.

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

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## **FIRE BRIGADE (AMENDMENT) BILL 1994**

**MR LAMONT** (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (10.34): Madam Speaker, I present the Fire Brigade (Amendment) Bill 1994.

Title read by Clerk.

**MR LAMONT:** I move:

That this Bill be agreed to in principle.

This Government is committed to protecting the community from the effects of fire. The Fire Brigade (Amendment) Bill is a small but significant step in that process. Last summer we saw the devastating effects that bushfires can have on people and property close to bushland or reserves. Much work has been done since then to reduce the future risk of bushfire damage, particularly to the urban area. The ACT Emergency Management Group has conducted an extensive publicity campaign to advise residents on how to prepare for bushfires. Fuel reduction around homes is one of the most important preparations.

This Bill deals with the reduction of fire hazards on urban land. Rural areas are already covered by the Bushfire Act. However, the built-up area is another matter. Currently, if the Fire Brigade perceives that long, dry grass on an urban property near a nature reserve constitutes a fire hazard, the brigade explains the problem to the resident and suggests that the hazard be cleared up. On some occasions, perhaps for health or financial reasons, the resident does not clear up the hazard. In such cases, the Fire Brigade has no ability to remove the fire hazard and thereby reduce the risk to the community. The community is entitled to expect that the ACT Fire Brigade not only put out fires but also prevent their occurrence as far as possible, especially those which might damage life or property.

This Bill will give the ACT Fire Brigade the ability to reduce fire risks by requiring owners of urban land to remove fire hazards, and by arranging removal if the owner fails to do so. The Bill contains enhanced protections for residents and owners of land. The ACT Fire Brigade will be required to give suitable notice before taking any action. There are strong appeal mechanisms. In such matters the Bill follows the model of the amendments to the Bushfire Act passed by the Assembly in 1993. Madam Speaker, this Bill will improve the ACT Fire Brigade's ability to reduce fire risks, especially long, dry grass on the edge of nature reserves, which we all know is such a great fire hazard. Our citizens are entitled to such protection. I commend the Bill to the Assembly and present the explanatory memorandum.

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

## **PERIODIC DETENTION BILL 1994**

**MR LAMONT** (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (10.38): Madam Speaker, I present the Periodic Detention Bill 1994.

Title read by Clerk.

**MR LAMONT:** I move:

That this Bill be agreed to in principle.

In December 1991, the ACT Corrections Review Committee published a report following its review of adult correctional and juvenile justice services in the ACT. This report, titled *Paying the Price*, contained some 88 recommendations intended to enhance justice services in the ACT. Already, a significant number of recommendations made by the committee have been introduced by the Government, such as the establishment of the corrections liaison and community safety committees; the development of improved remand and committal facilities for juveniles; the introduction of amendments to the Children's Services Act 1986 to allow ACT juveniles who commit offences in New South Wales to serve their sentences in the ACT; and the renegotiation of the agreement between the ACT and New South Wales governments for the custody of ACT prisoners in New South Wales gaols.

The Government has also introduced significant amendments to the Crimes Act 1900, with the commencement of the Crimes (Amendment) Act (No. 2) 1993. The Crimes Act now incorporates principles that ensure a consistent approach to sentencing and reflect the notion that prison must be considered as the last resort when an appropriate penalty cannot be provided by other sentencing options. The Government is committed to expanding community based sentencing options for adults to provide viable alternatives to imprisonment. Options proposed in *Paying the Price* included periodic detention, intensive community supervision and a transitional release scheme for ACT prisoners serving sentences in New South Wales gaols. The Government intends to introduce each of these sentencing options, with comprehensive legislation currently being drafted to give effect to these sentencing initiatives.

The Bill currently before the Assembly is another step in the process of improving sentencing options for ACT offenders, in that it balances punishment with rehabilitation. The introduction of the Bill will also bring the ACT into line with New South Wales, which operates 11 such facilities. It is worth noting that similar correctional facilities operate in many European countries, Canada and the United States of America. Periodic detention will involve convicted offenders attending at the detention centre from 7.00 pm on Fridays until 4.30 pm on Sundays for 12 to 104 consecutive periods, as determined by the court - a period being two days. This means that the obligation of the offender to the court can vary from three months up to two years. The program is designed for those offenders whom the courts consider to be of low risk to the community.

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Whilst in detention, under the supervision of Corrective Services officers, detainees will undertake voluntary work for the community. This will represent an addition to the already successful community service order scheme operated by ACT Corrective Services, which allows offenders to make a positive contribution to the community affected by their offences. Detainees on periodic detention orders will also participate in educational programs designed to address the causes of their offending behaviour.

There are also economic benefits in providing this sentencing option to the court where suitable offenders may have otherwise been sent to gaol for their offences. It has been calculated that the cost per bed in the periodic detention centre will be approximately \$83 per day. This compares with the cost to the ACT to detain a prisoner in a New South Wales gaol of around \$140 per day. Apart from the economic advantage, it is widely accepted that prison has detrimental effects not only on offenders but also on their families and employment and, in some cases, increases the social problems that contributed to their offending behaviour. Periodic detention allows suitable offenders to maintain their families and community and employment links, whilst receiving a significant punishment for their offences and participating in programs that benefit the ACT community. It also provides participants with the opportunity to access agencies which may assist them with their rehabilitation needs during the week.

A suitable building, the old Quamby youth centre, will be converted to accommodate the periodic detention centre, at a cost of \$200,000, with operational costs of \$260,000 in 1994-95 and \$285,000 in 1995-96. Initial site inspection has confirmed that little repair or modification is required to the existing building to convert it to the new facility. Substantial liaison work has been undertaken with representatives from the Aboriginal and Torres Strait Islander community to ensure that the overall refurbishment addresses their concerns and accords with the recommendations of the Royal Commission into Aboriginal Deaths in Custody. As well, specific units will be modified in accordance with this consultation.

The introduction of periodic detention is the first step in increasing the range of sentencing options available to magistrates and judges in the ACT to deal appropriately with those who have committed offences in the Territory. This initiative is, however, only part of the Government's overall strategy to improve all stages of the justice process in the ACT, whether this be the development of appropriate court facilities, the introduction of police diversionary schemes or the introduction of the voluntary court attendance scheme, which has reduced the delay in bringing criminal matters before the court. This Government will continue to consult widely to ensure that justice services are progressively reviewed and improved in order to meet the needs and expectations of the ACT community. Madam Speaker, I commend the Bill to the house. I table the explanatory memorandum to the Bill.

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

**SUBORDINATE LAWS (AMENDMENT) BILL (NO. 3) 1994**

**MR CONNOLLY** (Attorney-General and Minister for Health) (10.44): Madam Speaker, I present the Subordinate Laws (Amendment) Bill (No. 3) 1994.

Title read by Clerk.

**MR CONNOLLY:** I move:

That this Bill be agreed to in principle.

Section 6 of the Subordinate Laws Act 1989 details requirements for the notification of a subordinate law in the *Gazette*, its tabling in the Legislative Assembly and its possible disallowance by the Assembly. The Subordinate Laws (Amendment) Act (No. 2) 1994 introduced, among other things, amendments of the Subordinate Laws Act 1989 which were intended to simplify the process of gazetting disallowable instruments and determinations of fees or charges and to make that process consistent with the process for gazetting all other legislation.

However, recent legal advice suggests that the intention has not been fully achieved. This view is that the Subordinate Laws (Amendment) Act (No. 2) 1994 did not displace the requirement in some empowering Acts and subordinate laws that a disallowable instrument or determination of a fee or charge be notified by publishing it in full in the *Gazette*. The Subordinate Laws (Amendment) Bill (No. 3) 1994 removes any doubt about the application of the simplified process of notifying the making of a subordinate law in the *Gazette*, as provided for in subsection 6(2), and includes a saving provision to ensure the validity of prior notifications of instruments where the simplified process was utilised. I commend the Bill to the Assembly and present the explanatory memorandum.

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

**LIQUOR (AMENDMENT) BILL (NO. 2) 1994**

**MR CONNOLLY** (Attorney-General and Minister for Health) (10.46): Madam Speaker, I present the Liquor (Amendment) Bill (No. 2) 1994.

Title read by Clerk.

**MR CONNOLLY:** I move:

That this Bill be agreed to in principle.

This Bill has taken a little time coming, but Opposition members may learn that it is better to be slow and careful and consider the full implications of legislation, rather than rush things through. More of that later.

Madam Speaker, this Bill contains amendments to the Liquor Act that will enable better enforcement of controls on under-age drinking, including the introduction of a proof of age card scheme, and will put in place more efficient and cost-effective measures for dealing with anti-social, alcohol related behaviour. The introduction of a proof of age card scheme is the most significant provision of the Bill. The scheme has been widely recommended in various forums, including the Community Safety Committee and the Assembly Select Committee on Drugs, as a means to assist in reducing under-age drinking in our community; and, importantly, the scheme has the support of the industry and now, after extensive consultation, of the youth sector.

The features of the proposed scheme are: It is a voluntary scheme whereby persons aged 18 and over can obtain a proof of age card to positively prove their age for the purpose of gaining entry to licensed premises and to purchase liquor. The card will be issued by the Motor Vehicle Registry and will cost \$5 for persons aged between 18 and 25, and \$25 for persons aged 26 or over. Many of us in this Assembly, no doubt, appear so youthful that we may feel that we need a card. The defence available to persons selling or supplying liquor to under-age persons will be tightened, so that they will have a defence only if it is proven that they sighted, at the time the liquor was sold or supplied, a drivers licence, a proof of age card or a passport, containing a photograph that might reasonably be accepted as applying to the person and as proving that the person was of or above the age of 18 years. Similar documents issued in other jurisdictions would also be acceptable. So, this will be uniform.

To support the integrity of the scheme, it will be an offence to provide false identification to obtain entry to or remain in a restricted area of licensed premises or to purchase liquor; it will be an offence to attempt to obtain a proof of age card by misrepresentation; and powers of police and licensing inspectors to deal with under-age drinking offences will be extended to allow the confiscation of forms of identification, except passports, that are reasonably believed to be false. In addition, a liquor inspector will be required to display his or her identity card before asking any young person to give name, age and address.

Another amendment to the Liquor Act, addressing the issue of under-age drinking, is the provision in the Bill of a definition of a responsible adult for the purpose of obtaining entry to restricted areas of licensed premises. The definition is:

'responsible adult', in relation to a person under the age of 18 years ... means a person who is 18 years of age or more and who is -

- (a) a parent, step-parent or guardian of the minor;
- (b) the minor's spouse;
- (c) a person of the same or opposite sex to the first-mentioned person who lives with that person as his or her spouse on a bona fide domestic basis; or
- (d) a person who stands in loco parentis to the minor.



The amendment addresses the concern that a person under 18 can gain entry to licensed premises when accompanied by a mate over the age of 18.

The provisions of the Bill also address issues of anti-social, alcohol related behaviour. Based on recommendations of the Australian Federal Police to make the enforcement of anti-social behaviour more efficient and effective - we tend to listen to the advice and seek the advice of Australian Federal Police before rushing into law reform measures - the amendments proposed are: The introduction of an offence to possess an open container of liquor in a prescribed public place, with the intention of consuming it in a prescribed public place; and the provision of powers to police and licensing inspectors to seize and immediately dispose of liquor where they reasonably suspect a person of committing an offence against the drinking in public places provisions. The effect of these new provisions will be that police and licensing inspectors will be more effectively able to deal with people reasonably suspected of consuming, or intending to consume, liquor in prescribed public places. Further, hours during which liquor can be sold for consumption away from licensed premises will be able to be restricted, to address the problem of people purchasing liquor for consumption away from licensed premises and then consuming it in the surrounding streets, parks and car parks in the early hours of the morning.

The Bill also includes minor amendments of a technical nature providing that a certificate signed by the Registrar of Liquor Licences, stating that an occupancy loading applies to a licensed premises, is evidence of the matters so stated in any court proceedings. Madam Speaker, I am confident that this package of amendments will enhance the combined efforts of government, industry and the community to deal with the important issues of under-age drinking and anti-social, alcohol related behaviour. I commend the Bill to the Assembly and table the explanatory memorandum.

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

**TERRITORY PLAN - VARIATION NO. 27, SYMONSTON  
Motion for Disallowance**

**MS SZUTY** (10.51): Madam Speaker, I move:

That the variation to the Territory Plan, Variation No. 27, Symonston, section 1, block 4, be disallowed.

It has probably come as no surprise to members of this Assembly that I am moving this motion to disallow the variation to the Territory Plan for Symonston, section 1, block 4, that the Minister for the Environment, Land and Planning, Mr Wood, tabled on Tuesday of this week. Madam Speaker, I was encouraged to think that this motion of disallowance might receive some support from the Liberal members of this Assembly on Tuesday, when the Leader of the Opposition, Mrs Carnell, asked the Chief Minister, Ms Follett, a question without notice which queried the economic demand for and viability of the project.

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I am hopeful that Opposition members will give me a fair hearing before they reach a final decision in respect of this variation to the Territory Plan on this occasion. I stress the words "on this occasion", because I believe that we are dealing with this variation at an inappropriate time. I emphasised this point when I spoke to my dissenting report on the draft variation on Tuesday. I believe that the Planning, Development and Infrastructure Committee simply did not have sufficient information at the time to approve this variation. I note the Chief Minister's tabling yesterday of her press statements in relation to the potential development of the site, and I note her answer to Mrs Carnell's question without notice on Tuesday; but I still believe that this Assembly does not have at its disposal sufficient information to make an informed decision at this time.

The concept of an advanced technology manufacturing estate is not a new one. The Fern Hill Technology Park has been established for many years, and the Planning, Development and Infrastructure Committee and the Assembly approved a draft variation to the Territory Plan to enable residential development to occur on the site during 1992, I believe. The draft variation was proposed and approved due to the low demand for the establishment of technological industries in the park.

The Planning, Development and Infrastructure Committee heard representations from the Queanbeyan City Council about the distinct lack of success of their own advanced technological estate in 1988. I note the Chief Minister's remarks in relation to the demand for the establishment of sites on the Symonston site from the Canberra Region Advanced Technology Manufacturing Association, or CRATMA. But, as I indicated on Tuesday, as a member of the committee I did not have the opportunity to meet directly with CRATMA representatives in relation to the draft variation; nor did I have access to the Coopers and Lybrand consultants' report, which was deemed by a government officer at the time to be commercial-in-confidence. Notwithstanding this, Mrs Carnell believes that the demand for sites in Symonston may be as low as one to two sites per year.

As I said before, the Assembly will make a much better decision on this variation next year, when all of the parameters are known, and if the demand for sites is, as Mrs Carnell asserts, one to two sites per year, then there is no reason not to defer a decision until then. The generation of employment at the Symonston site has been estimated as "relatively small", from the preliminary assessment; and "500 to 700 people", I believe, from other sources. The generation of employment, I am sure members will agree, is desirable; but how much easier would it be to determine forecast employment levels when the known area of the site for development is finally determined. It will not be determined until early 1995.

As members will be aware, surveys to determine the habitat of the eastern lined earless dragon will occur in December-January in proposed stages 2 and 3 of the site. The question whether stages 2 and 3 are appropriate for development, or whether they will remain as reserves for the earless dragon, is quite fundamental to the viability and development of the project overall. Again the question arises: Why rush into stage one now and run the risk of major redesign work if stages 2 and 3 go ahead, when all will be revealed in March next year? While the surveys for the earless dragon are being undertaken, the opportunity is ripe for the study to proceed into the economic impact of the proposed development on Queanbeyan, as requested by the Queanbeyan City Council.

After all, we would be acting in accordance with our Territory Plan and considering the issue in the subregional planning context. This is an ideal opportunity for the ACT Government and the Queanbeyan City Council to work together to assess the impact of viability of a project which, if it succeeds, will be important for the Canberra region as a whole.

Madam Speaker, the fact that long-term residents of the Canberra South Motor Park have not been consulted about this draft variation is, I believe, extremely unfortunate. Again, it is another appropriate reason for the deferral of this variation at this time. Also, as mentioned in my dissenting report on Tuesday, appropriate decisions about the appropriate road rules which are needed in the area cannot be made until decisions are reached on stages 2 and 3 of the site. The National Capital Planning Authority clearly believes that one intersection, rather than two, compromises public safety; and alternative proposals would need to be examined if only stage one proceeds. An implementation plan for the development of the site currently does not exist, and a developmental control plan for the site still needs to be developed. Again, that is all the more reason to defer consideration of the variation until 1995.

Madam Speaker, the ACT Government has committed \$3m for the development of infrastructure to the site. I believe that this Assembly must be confident about the ability of this site to meet demand for an advanced technology manufacturing estate adjacent to Fyshwick. The Royal Australian Planning Institute has said that it has doubts about the strategic suitability of the location selected. I believe that this Assembly needs to make a sensible decision about this variation to the Territory Plan; and a sensible decision, I believe, can be made only in 1995, when all the parameters in relation to the site are known. I urge members to rethink their positions in relation to this variation and to have the courage to defer a decision, enabling the new Assembly to consider the matter in 1995. I urge members to support this motion of disallowance.

**MS FOLLETT** (Chief Minister and Treasurer) (10.58): Madam Speaker, I would like to speak briefly to Ms Szuty's motion. Needless to say, Mr Wood will be speaking also, and probably at greater length; but there are a couple of issues that I would like to address. I have taken very careful note of Ms Szuty's dissenting report on this matter, and I want to comment on each of the issues that she has raised. Ms Szuty has raised the question of the environmental values of this area and, in particular, the survey that must be carried out for the eastern lined earless dragon. I have every sympathy with that survey going ahead and, if this species is present, then we have to take appropriate steps to ensure that it is protected. I understand that it is not a common species in the ACT. I believe that it is not particularly common throughout Australia. I have absolutely no problem whatsoever with the correct environmental surveys being carried out and appropriate steps being taken as a result of those surveys. I do not believe that that is a reason to hold up this proposal, however.

Ms Szuty has also raised the issues brought forward by the Queanbeyan City Council. I have to say that I take these particular issues with an almighty grain of salt. This is the first time that the Queanbeyan City Council has expressed any interest, to my knowledge, in the economic development of the ACT. In fact, they most certainly did not seek my views when they were trying to set up a technology park of their own. I do believe that this kind of opportunism raises quite justified scepticism. I believe that the motivation of

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the Queanbeyan City Council is most probably that they fear that they will be losing one or two businesses to the new advanced technology manufacturing park. I am unable to see beyond that motivation. I reject the so-called concerns that have been raised by the Queanbeyan City Council. If that council does wish to have further consultations and cooperative efforts towards the economic development of the region, then they have every opportunity to do so through other forums. Indeed, there are such broad consultations that occur from time to time.

The final objection that Ms Szuty has raised concerns the comments made in a submission by the Royal Australian Planning Institute. I reject their comments as well. I believe that the Royal Australian Planning Institute has not had sufficient contact with the Canberra Region Advanced Technology Manufacturing Association. Indeed, there is not much sign that they have had any consultation with the association at all. What the Royal Australian Planning Institute has completely failed to observe is the fact that this is a manufacturing estate. They say, in their submission, that they believe that the Gungahlin Town Centre might have been an appropriate location. That is nonsense. They clearly misunderstand the purpose of this estate. It is not a common error for them to make, but I am a bit worried that there does appear to have been that lack of understanding on their part of the nature of the development that is proposed.

Madam Speaker, it is one of the fundamental requirements of this development that it provide a clean and environmentally sound manufacturing estate at industrial land prices. If CRATMA members or other advanced technology manufacturers could afford to move into a town centre, I do not believe that our present planning laws would enable them to. It is not a retail operation; it is not a service industry operation; it is not a professional suite of offices; it is a manufacturing estate. That is a quite different thing. I do not believe that many of our town centres, other than those that are zoned for industrial purposes, would be suitable at all for this estate. Unfortunately, the Royal Australian Planning Institute has got it wrong.

Madam Speaker, I would also like to comment briefly on the demand for this estate. As I said yesterday, or perhaps the day before, the idea of the estate arose from the manufacturers themselves. They came to the Government and said that they were sick of operating out of diverse, grubby and unsuitable industrial areas; that those of them who are spread around the ACT and Queanbeyan would like to see a clean and appropriate location that they believe would enable them to present themselves best to the rest of the world and to carry on their manufacturing business in an environment that suited, and was purposely designed for, their industry. That was the original concept behind this estate.

To my knowledge, there are some 14 local companies who have indicated their interest in moving to the estate. Much has been made of this figure of 25 companies moving to the ACT. As I said yesterday, I have never used that figure; I have never made that statement. There is some expectation that, if all its stages are completed, eventually the estate may have some 25 companies; but, even then, I did not say that. I believe that the demand from local companies is sufficient to enable this estate to go ahead. If we are able to attract, at a sustainable rate, several other manufacturers from interstate, as seems likely, then that is very much to the good of the ACT and particularly our employment opportunities. The Government will be opposing Ms Szuty's motion.

**MR DE DOMENICO (11.05):** I listened very carefully to what Ms Szuty and the Chief Minister said. The Opposition will not be supporting Ms Szuty. That is not to say that the Opposition is 100 per cent sure that the \$3m expended is going to be good value for money. When I say that the Opposition is not 100 per cent sure, I do not think anybody can be 100 per cent sure. At least, yesterday the Opposition did speak again to representatives of the high-tech organisations; we had them in and we spoke to them at length. The couple of companies that I spoke to have assured us that they have every intention of moving into this area, should it go ahead. They said that they would do so for very simple reasons. Fern Hill was mentioned in the debate. The reason why they have not gone into Fern Hill, to this stage, is that they could not afford to. It is as simple as that. They did say also that they did not want any bells and whistles; they wanted a high-tech park that provided them with cheap rent, at a location which enabled them to go on with their business. Any high-tech business, as we are all aware, needs specifically to be free of dust and all sorts of other things; and they believe that this area would provide such an environment.

It was unfortunate that the Planning, Development and Infrastructure Committee was denied access, at that stage, to a copy of the Coopers and Lybrand report. We did ask for one. We did ask Dr Adrian for one, and he did say to all members of the committee that the report was commercial-in-confidence. He said that we could not have it. Yesterday the Chief Minister realised that all of it was not commercial-in-confidence and kindly made a copy available. It is unfortunate that - perhaps in the language of politics - people do get carried away about the potential to the town in terms of jobs created and whatever. We would all hope that 25 companies do come into this area and that there would be 800 extra jobs created as well. I do recall, when asking the same question of Dr Adrian in the PDI Committee, that he did confirm that most of the jobs in this area would be in existing, established companies that physically move from one area to another.

There is one other point that I would like to make. I concur with the Chief Minister on this one. I questioned at length the representative of the Queanbeyan City Council, and the representative of the Queanbeyan City Council said to us, "Why has not the ACT taken into account the views of the Queanbeyan City Council before it went ahead and made a decision?". My first question to that representative was, "Can you please tell me the last time that the Queanbeyan City Council took the ACT into account before they made a decision which may have had an adverse effect on the ACT?". There was dead silence, quite obviously. Once again, the Queanbeyan City Council's argument was not one that I took a liking to - as Mr Berry, I am sure, will recall. I did not take a great liking to it, because it made no sense. The fact that the Queanbeyan City Council had allocated an area of land for this very same purpose and it had not been taken up, to me, is a superfluous argument to what we are talking about. Maybe no-one took up that invitation because the land was too dear, the rent was too dear or for various other reasons.

As I said, the Opposition still is not 100 per cent sure about all the things that we have been fed about future prospects. However, taking everything into account, if it increases the number of jobs even by one or two, we will agree to it, Ms Szuty. As I recall, you are the person that has come into this place time and again and put pressure on both sides of the house by saying, "Let us do things that are likely to increase jobs". This may do so.

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It is certainly going to keep a lot of our existing high-tech companies a little happier than they are now, and perhaps more likely to stay in town, because they will be able to get a cheaper rent than they would be able to get normally. That will enable them to move out of areas such as Mitchell and move into an area close to Fyshwick, which seems to be the area where they wish to be located. Also bear in mind the fact that it was the industry who said, "Yes; this is a particular area of land which may be suitable for what we need". For all those reasons, I am afraid that on this occasion we cannot support the motion.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (11.09): The Chief Minister has given a very good account of the Government's position on this issue. I thank the Opposition, first of all, for making a careful examination of the issues. I commend careful examinations to you in all circumstances. Following that careful examination, as I hear from Mr De Domenico, they will not support Ms Szuty's disallowance motion either.

It was said by the Chief Minister that RAPI, the Royal Australian Planning Institute, misunderstood what this was about. That is true. I welcome a submission by RAPI. They do not get involved very much in submissions and in planning. Perhaps that is understandable because many of them are involved in planning at officer level or at academic level. On this occasion the submission missed the point. These will be large, modern industrial buildings that simply are not appropriate to the development that we have in mind at Gungahlin; they simply will not belong. We are not about to have big buildings with no windows; no matter how attractively designed they are, if that can be done. RAPI missed the point, as they did recently on one other matter.

We note what the Queanbeyan City Council says. Let me indicate that we have a good working relationship with the councils around Canberra. There is quite a deal of regional planning and a great deal of cooperative effort under way. But that is in broad terms. It does not mean that in specific circumstances there is not a little competition between the councils; in this instance, between Queanbeyan and the ACT. Above all else, if an industry wants to locate in the ACT, that is appropriate. From time to time we try to attract industries. Sometimes, if we are anxious about an industry going, we will try to stop that. That is the fair and reasonable way to go. The very important issue of the environment and the survey have been adequately discussed by the Chief Minister. The manufacturers - highly competent, well-organised manufacturers - want this park. The Government and the PDIC have responded to that sensible approach. This will be a great success. I look forward to activity on that site very soon.

**MS SZUTY** (11.12), in reply: The most important point that I need to make in response to the speakers who have spoken to the motion is that the fundamental question is that we do not know the size of the estate that we are going to end up with. At this stage we might end up with only stage 1 proceeding, in which there are nine sites available for the advanced technology manufacturers, or we might end up with stages 1, 2 and 3, which will mean that we have a much larger site to consider. Alternatively, we might end up with a combination of those two. We simply do not know at this time, and we will not know until the surveys on the eastern lined earless dragon have been carried out in December and January. I am not saying that I oppose the concept per se; I am opposing the concept at this time, because I do not think the Assembly has available all the information for us to make a considered decision in relation to this issue.

I note the comments that have been made about the Queanbeyan City Council's interest in the advanced technology manufacturing estate, and I acknowledge that they have not always come forward and consulted the ACT on developments in Queanbeyan and what impact developments in Queanbeyan would have on the ACT. But that does not mean that we cannot start now. We have the perfect opportunity to work together with the Queanbeyan City Council to identify a demand for this estate, which will meet the needs of the region, which includes both Canberra and Queanbeyan. I would certainly hope that Queanbeyan City Council is not discouraged by the debate and some of the comments that have been made in this Assembly today, because I think working relations between the ACT and Queanbeyan are very important.

Mr De Domenico talked about employment levels. I agree that employment levels and the generation of jobs are extremely important. But the question is: Should we be approving this variation to the Territory Plan now, when we do not know the potential of the estate? I have no idea whether the initial nine sites will be sufficient for an advanced technology manufacturing estate, and I do not know whether the representatives of CRATMA believe that either. Mr Wood said that he appreciated that the Liberals had given careful consideration to the issues in relation to this block and section in Symonston. I believe that I have given the issue fairly careful consideration also, and I believe that my dissenting report covered a number of areas which all suggest that the Assembly would be better off deferring consideration of the draft variation until all the parameters are known.

I also note Mr Wood's comments about the Royal Australian Planning Institute perhaps being off the mark when it said that perhaps the advanced technology manufacturing estate would be better placed in Gungahlin. I do not think that that is necessarily the issue. The issue that they are drawing attention to is the lack of strategic detail that has gone into looking at the establishment of this advanced technology manufacturing estate. Is it appropriate to locate it in Symonston, adjacent to Fyshwick? What are the ramifications of doing so? What does that say about developments of this type in the ACT in the future? Madam Speaker, obviously, members of this Assembly are not going to support the disallowance motion at this time; but I am happy that I have been able to speak to it and outline my reservations to this Assembly. It remains to be seen what happens with the development of the site.

Question resolved in the negative, Ms Szuty dissenting.

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## **COMMUNITY INITIATED REFERENDUMS - SELECT COMMITTEE Report**

Debate resumed from 10 November 1994, on motion by **Mr Moore**:

That the report be noted.

**MS FOLLETT** (Chief Minister and Treasurer) (11.18): I would like to speak very briefly to the report by the Select Committee on Community Initiated Referendums. In general, the Government supports the recommendations of the select committee. Just to reiterate what those recommendations are, the committee has recommended that the Assembly proceed no further with Mr Stevenson's Bill; that it defer consideration of Mrs Carnell's Bill until the implications of CIR for the ACT have been fully examined; and that we accept in principle the establishment of a select committee on CIR with the terms of reference recommended by the committee. The Government's view is that this is a wise approach, and we have based that view on a number of factors.

I think it is fairly well recognised that Mr Stevenson's Bill is fatally flawed because it proposes a method that is beyond the power of the Assembly to enact.

**Mr Stevenson**: How about because it works?

**MS FOLLETT**: Mr Stevenson can shout across the chamber as much as he likes, but the Act speaks for itself and the fact is that Mr Stevenson's Bill cannot be implemented in the ACT as it stands. Mrs Carnell's Bill, on the other hand, provides in effect for advisory referendums only. It appears, therefore, to be within the power of the Assembly, except for the provision that purports to prevent the Assembly from amending a Bill passed at referendum for 12 months. That does appear to be at odds with the basic legislation.

I understand that Mrs Carnell's Bill, even so, would need some technical amendments to correct what are a rather large number of anomalies within it. The Electoral Commissioner, in his submission to the select committee, went to considerable lengths, I believe, to provide a comprehensive analysis of what those technical problems are. It is probably a waste of time my reiterating them this morning, as that submission is available to all members of the Assembly. I suggest that, if people wish to go further with Mrs Carnell's Bill, then those suggestions by the Electoral Commissioner, who is independent and impartial in this matter, ought to be taken very seriously. But the fact of the matter is that the Bill is not in a fit state to be passed in its present form. I believe that it would also need to be amended in the light of the passage by the Assembly of the Referendum (Machinery Provisions) Act 1994.

The Government supports the report that has been brought down by the select committee. We commend them on the considerable body of work that they have done in a relatively short time. I can only suggest, as does the committee's report, that the further work on this issue ought to take place after the election and be given the kind of time and the kind of exposure that the issue obviously warrants.



**MRS CARNELL** (Leader of the Opposition) (11.21): I think it is important that I respond to a couple of comments made by the Chief Minister. The Liberal Party also supports the recommendations of the committee that looked at citizens-initiated referendums, to the extent that the Liberal Party has always been very willing to take on board any criticisms or any input in respect of this very important issue. The Liberal Party has stated time and time again that we are more than willing to adopt the amendments that have been put forward by the Community Initiated Referendums Committee.

The Chief Minister said that under our Bill the Assembly could not change a decision made under CIR for a period of 12 months after legislation had been passed. That is only an advisory part of our legislation, which was always put together that way. I am sure that any legal person who looked at our legislation would see that to be the case. But because it is advisory we are not wedded to it at all. We believe - and I hope that everybody in the community believes - that, if more than 50 per cent of the community support a particular community referendum and the Assembly passes legislation accordingly, then it would be fairly inappropriate for that same Assembly to change that legislation or to get rid of that legislation in a period of 12 months. It is just an advisory provision. It just says, "We do not think that is a terribly appropriate approach". We cannot direct the Assembly to do anything particularly; what it does is up to the Assembly. Legislation cannot direct the Assembly. That is quite right. That is the reason this provision was put together in an advisory form in our legislation.

Apart from that, there are very few other problems with the legislation as it stands, as determined by the committee. Again I state that the Liberal Party is more than willing to take on board any amendments in the general direction that we have taken with this Bill. The committee does not seem to have a particular problem with the direction that we have taken with this Bill. There have not been any particular problems with the levels of signatures that we have required. It is certainly open to debate, but there have not been any particular problems with that. The amendments to bring the Bill into line with the referendum legislation passed by this Assembly are already drafted. We could go ahead and do that right now without a problem. Quite seriously, I do not see why this Assembly is unwilling to put in place legislation that would allow the community, via a referendum, to have a say.

We were quite willing to pass legislation that would allow the Government to initiate referenda. We are quite willing to look at legislation along the lines of the Hare-Clark entrenchment legislation - all those sorts of issues, all of which we support. Why do we not allow the community also to initiate referenda that will be based upon exactly the same guidelines, the same machinery provisions that our government-initiated referenda are based on? I find it extremely difficult to understand, Madam Speaker.

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Motion (by **Ms Szuty**) put:

That the debate be adjourned.

The Assembly voted -

AYES, 7      NOES, 9

Mrs Carnell    Mr Berry  
Mr Cornwell   Mr Connolly  
Mr De Domenico   Ms Ellis  
Mr Humphries Ms Follett  
Mr Kaine      Mrs Grassby  
Mr Stefaniak   Mr Lamont  
Ms Szuty      Ms McRae  
                 Mr Stevenson  
                 Mr Wood

Question so resolved in the negative.

**MR STEVENSON** (11.31): First of all, I have to get rid of this tie that I have on now. I certainly need to wear a more appropriate tie if I am going to talk about this committee report. It has been said that if you are going to tell a lie you have to tell a big one. Goebbels said it. You keep repeating it until people believe it, because you go on and on. Having put on my Mickey Mouse tie, I feel that I am in a position to discuss what is laughingly called a community-initiated referendum report by a select committee. I would agree that they are select. What they should be selected for perhaps would be unparliamentary.

The Chief Minister hopped to her feet and said, "We all know, everybody knows, actually it has been known since the start of time, that the Electors Initiative and Referendum Bill is seriously flawed". Actually, it was seriously flawed before the basis of it was introduced in the Queensland Parliament in 1915. It was seriously flawed before it was introduced in the New South Wales Parliament, after drafting by parliamentary draftsmen in New South Wales in 1991, where it was tabled as the Constitution (Citizen-initiated Referendums) Bill 1991. It talks about referendum proposals. This is where the basis of the Electors Initiative and Referendum Bill came from.

The fact is that you did not know any of that. Why do you not do some homework? It was implied in this report from the select committee that the drafting was not done well. Let me give you a couple of indications of the knowledge of the committee. Listen to this; this will be fun. Stop chatting amongst yourselves and listen to this rubbish. It mentions in the preface:

A further cause of concern is that the legislation might be able to be used for 'recall' of politicians, judges or ACT public servants.

I will let you into a secret. You cannot use the recall, which is one of the three parts of citizens-initiated referenda, in a multimember electorate. It fits only when you have a single-member electorate. It would appear that no-one on this learned committee knew that. The committee was selected by this Assembly - not by the Liberal Party; not by me. We had a bit of an inkling that it was going to be a political farce and a political act of nonsense and would be working against democracy. Nevertheless, every group in this Assembly, except me, was represented on the committee. Its report says that there is concern that it will be used for the recall of politicians. What rubbish! This is kindergarten nonsense. Talk about drafting!

**MADAM SPEAKER:** Order! It being 45 minutes after the commencement of Assembly business, the debate is interrupted in accordance with standing order 77, as amended by temporary order, and the resumption of the debate is made an order of the day for the next sitting.

Motion (by **Mr Stevenson**) put:

That so much of the standing and temporary orders be suspended as would prevent Mr Stevenson from continuing his speech.

*A vote having been called for and the bells being rung -*

**Mr Stevenson:** You are not a touch embarrassed, are you?

**MADAM SPEAKER:** Would you please be seated, Mr Stevenson, whilst - - -

**Mr Stevenson:** Why, Madam Speaker? It is more comfortable here. Are you ready to go? What about Mr Moore?

**MADAM SPEAKER:** I have asked you to be seated.

**Mr Stevenson:** Why? Under what standing order?

**MADAM SPEAKER:** Be seated.

**Mr Stevenson:** Under what standing order?

**MADAM SPEAKER:** Standing order 38. I am standing.

**Mr Stevenson:** You are standing; that is fair enough. I agree with that.

**MADAM SPEAKER:** That also requires silence.

**Mr Stevenson:** The same one. Honestly, can you not understand why Canberrans did not want this in the first place?

**MADAM SPEAKER:** Order!

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**Mr Stevenson:** It is best to ignore me for a while, rather than make a big issue of it. That would be the logical thing to do. I will try to have it written into the standing orders.

**MADAM SPEAKER:** I am standing, Mr Stevenson.

**Mr Stevenson:** It will read, "If Dennis complains about this farcical parliament when he is trying to be gagged, it is best to ignore him for a little while".

**MADAM SPEAKER:** I am standing, Mr Stevenson. Order!

The Assembly voted -

AYES, 7      NOES, 9

Mrs Carnell    Mr Berry  
Mr Cornwell   Mr Connolly  
Mr De Domenico   Ms Ellis  
Mr Humphries Ms Follett  
Mr Kaine      Mrs Grassby  
Mr Stefaniak   Mr Lamont  
Mr Stevenson   Ms McRae  
                 Ms Szuty  
                 Mr Wood

Question so resolved in the negative.

**TOURISM AND A.C.T. PROMOTION - STANDING COMMITTEE**  
**Discussion Paper on Options for a Future Inquiry**

**MR STEFANIAK** (11.42): Madam Speaker, I ask for leave of the Assembly to present a discussion paper titled "Options for a Future Inquiry" and to move a motion in relation to the paper.

Leave granted.

**MR STEFANIAK:** I present a discussion paper from the Standing Committee on Tourism and ACT Promotion titled "Options for a Future Inquiry, Tourism and Sport in the ACT", and I move:

That the Assembly takes note of the paper.

The staging of sporting events in the ACT has the potential not only to attract large numbers of games participants and tourists to the ACT but also to generate a lot of income for the ACT. The ACT is ideally suited for the staging of sporting events and for encouraging people from interstate and overseas to come here and spend their tourist dollars and participate in sporting events. It has been estimated that a third of the tourists

who come to the ACT come for sporting reasons. It has also been estimated - and studies have been done both in Canberra and in the States - that, for every dollar spent by way of assistance for sporting events, some \$7 to \$20 can be expected to be generated back into the community.

In presenting this paper, I would like to acknowledge the efforts of the other two committee members, Wayne Berry and Helen Szuty, both of whom have a great interest in sport. Wayne is a former sports Minister. I would also like to pay tribute to Judy Starcevich, our committee secretary, who coordinated the meetings and, at short notice, put the report together. I thank her for her efforts. Madam Speaker, this discussion paper has been presented to generate thought and to encourage a future Assembly to undertake a detailed study along the lines that we suggest. We suggest a number of areas which a future committee can look at, in which it can do a more detailed investigation as to the benefits of sport and the resultant tourism benefits. It can look at a number of things that perhaps need to be done in the ACT to further enhance the great potential Canberra has, and has shown in the past, to encourage people from the States to come here for sport.

I would also like to thank Mr Tony Naar, Ms Sue Baker-Finch and Ms Robyn Calder of the 2000 Committee, who met with us on 28 October. We had detailed discussions with that committee, and we found the meeting to be very useful. We are grateful to them. They made a number of suggestions by means of which the Assembly could complement and perhaps do some additional work to what they are doing. Obviously, some of what they are looking at in terms of staging the 2000 Games in Sydney and the spin-off to the ACT will complement the work of this committee. They briefed us on what Project 2000 involved and what they saw as being potential spin-offs to the ACT in relation to that.

One of the suggestions that we made was that a future Assembly committee look at - apart from what the 2000 Committee is doing and suggests as well - for starters, the overall coordination of events in the ACT. The ACT has a unit within the Tourism Commission which has played an important role to date in attracting events to the Territory. The 2000 Committee also has played a role in that area and will continue to do so. We note that in most States of Australia there are events bodies. These bodies have a role in assisting to attract both national and world events that will be of benefit to the particular State. In 1990 I had discussions with the Western Australian events body which had been very successful in terms of attracting a number of events to that State. It was funded by a combination of government and private enterprise funds. It was a relatively small body which certainly had much success. We need to look at whether the unit in the Tourism Commission is sufficient; whether it can be expanded; and what needs to occur in it in terms of the overall coordination of attracting events to the ACT. The States certainly have been in the game of doing that for some time. We do need really to push Canberra's case there. The committee sees potential for further work in relation to that.

The committee felt that a distinction obviously could be drawn between mass participation events and elite events. Elite events are events designed for selected participants. Mass participation events include the Masters Games, which Canberra will host in 1997. That is a mass event which will bring between 8,000 and 10,000 participants to the Territory. When you are talking about that, you should remember that usually those

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people are in an income bracket which means that they have a considerable amount of money to spend in the Territory and that the Territory is looking at something like \$20m if that event is held over about a 10-day period. In May 1991 Perth hosted the Golden Oldies Rugby Tournament. About 8,000 people - 5,000 participants and 3,000 family members - attended Perth for 10 days. That brought \$26m into the Perth economy. Mass participation events such as those are events that Canberra should be actively bidding for.

The staging of the Commonwealth Games in the ACT has been considered before and, obviously, needs further investigation; especially whether it is wise for Canberra to hold them. We need to look at the success or otherwise of the games that were held recently in Victoria, Canada. We are aware that Victoria is roughly the same size as the ACT. We need to look also at the facilities which we have at present and whether additional facilities might be needed to cater for mass events. We need to look at niche marketing to see whether there is a niche that the ACT could aim to get and which would be cost-effective in terms of perhaps building some additional facilities. Infrastructure costs are very expensive. Any future Assembly would need to be able to justify the costs. They are certainly areas that need looking at. Apart from major events, a number of teams and clubs regularly visit the Territory. At the other end of the scale, any inquiry would need to look at events for sporting clubs, schools and junior sports and see whether there was anything that the ACT could do to encourage further participants and tourists to come to the Territory.

The ACT Institute of Sport at Bruce is becoming a tourist venue in its own right. It is a world-class sporting institute. A number of things should be done there. There is a possibility that a centre focusing on sports science, medicine and education will be developed at the University of Canberra. By using the AIS, we have the potential to corner a particular area of the sports market that has not been developed already. As the national capital, Canberra is ideally sited. We have many overseas connections. The present focus nationally on Asia as an essential part of Australia's future could have some benefits to Canberra. A lot could be done to encourage Asian sporting teams to come to Canberra. As host to the embassies, there is a lot that can be done in terms of liaison with them to encourage their nations' athletes and, in some cases, some of the clubs that they have in their countries to come to Canberra as part of a tourist-sporting destination.

Madam Speaker, there is a lot that the committee believes can be looked at in terms of sport and tourism. The two do go very much together. As I have said, the estimate is that a third of all the tourists who come here do so for sporting reasons. There are a number of issues that have to be looked at, including whether facilities need to be upgraded, and the others that I have mentioned. The report flags some of those issues and indicates that the subject is certainly most worthy of further investigation by a committee of the next Assembly.

Question resolved in the affirmative.

**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Report on Review of Auditor-General's Report No. 3 of 1994**

**MR KAINE** (11.51): Madam Speaker, I present report No. 17 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 3, 1994 - Public Housing Maintenance", and I move:

That the report be noted.

This Auditor-General's report, as the title implies, had to do with the effectiveness of the management of maintenance of our public housing stock. The audit concluded that the management of maintenance services has been only partially effective in ensuring that appropriate quantities of maintenance services have been acquired at the lowest achievable costs. That is a summary of what the audit concluded. In discussing that conclusion, the Auditor-General covered a range of issues. In most cases he was critical of the performance of the Housing Trust.

In discussing the general question of whether we were getting value for money in terms of maintenance expenditure, the Minister asserted, among other things, that the report - and I presume that he meant the Auditor's report - "could not measure what is being achieved by maintenance programs over time and whether current expenditures are sufficient to maintain the value of assets". There were comments, first from the Auditor-General, suggesting that we are not necessarily getting value for money; and, secondly, from the Minister, implying that we do not really know what the consequences of the expenditure on Housing Trust houses are. Those comments were a little disturbing to the committee. We also noted, and we expressed our concern, that there should be no confusion as to whether expenditure is adding to capital value or just maintaining the value of the assets. For example, there seems to be some difficulty in the Housing Trust administration in determining whether expenditure that currently comes under the heading "maintenance expenditure" is capital expenditure in that it adds to the ultimate value of the house. There seems to be some difficulty in the existing accounting systems and costing systems within the organisation in coming to any firm conclusion about that.

The committee has expressed its concern about these issues. Conscious of the fact that there would be no product from this report during the remaining life of this Assembly, in our report we have drawn the attention of the Assembly to some of the issues that have been raised by the Auditor-General. Apart from a couple of recommendations that we think should be adopted, we have asked the Government to inform the Assembly at some appropriate time of the results of action which the committee requests that they take and, incidentally, which the officials of the Housing Trust undertook to take. The best that we could do under those circumstances was to ask the Government to report on the progress on those issues. During the life of this Assembly, that will conclude this issue. I suggest that it should be taken up again by the Auditor-General, perhaps next year, to review further whether there has been any progress in that matter.

Question resolved in the affirmative.

**Sitting suspended from 11.55 am to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### Cannabis Law Reform : World AIDS Day

**MR MOORE:** Madam Speaker, my question is addressed to Mrs Carnell. I point out that I have given notice of the question. I ask the question under standing order 116. It relates to the Bill presented by the Leader of the Opposition - order of the day No. 9, private members business - HIV Notification (Liability of Medical Practitioners) Bill 1992. No doubt Mrs Carnell is aware that today is World AIDS Day. She may have noticed the red ribbons being worn by the Minister for Health and others to pay respect to people suffering from AIDS. I ask whether the Leader of the Opposition, who has the carriage of that Bill, is aware that Dr Peter Rowland, a Canberra GP who specialises in AIDS care, has said:

Cannabis is an extremely valuable drug for relief of pain, anxiety and sleeplessness. I will start providing certificates for my patients as soon as I establish the necessary research protocol.

Is the Leader of the Opposition also aware that Reinhold Bergmoser, an executive member of ACT People Living with AIDS, has said today, on World AIDS Day, that the medical use of cannabis could mean a significant improvement in his health management? He said:

Using cannabis would mean I could reduce the number of tablets I take by about 2,000 to 3,000 tablets per year. This is better for my health and cheaper for the health system.

With that background, can Mrs Carnell indicate whether her Bill will assist people living with AIDS and medical practitioners working with AIDS to the same extent as the amendment that was passed in the Legislative Assembly yesterday? Also, will she indicate the downright hypocrisy of the Minister for Health, who comes in here wearing a red ribbon on World AIDS Day while he undermines the care for people living with AIDS?

**MRS CARNELL:** I think it is really appropriate to be asked this question on such an important day as World AIDS Day. The HIV legislation that you are talking about, Mr Moore, was recommended by the legal working party of the Intergovernmental Committee on AIDS. It provides professional indemnity for doctors in cases where, under certain circumstances, they elect to notify a partner of a person who is HIV positive. AIDS is a dreadful disease. Already it has taken the lives of many Australians. The suffering associated with end-stage AIDS is tragic. We must all do everything in our power to overcome the problems associated with AIDS, including the relief of suffering. World AIDS Day, hopefully, will focus our attention on this important issue.



The legislation that we passed in the Assembly yesterday amends the Act to provide that legal proceedings will not be taken against a person who is in possession of or using a small amount of cannabis; that is, fewer than five plants or less than 25 grams. If this person or their carer - - -

**Mr Connolly:** Madam Speaker, I have to take a point of order. The standing orders do allow a private member to be asked a question about a Bill of which they have the carriage. Mrs Carnell does have carriage of the HIV Notification Bill. She is giving us a long and interesting answer, and digging the hole deeper than she did in her foolish political stunt on cannabis yesterday. But I have to ask whether the question is in order.

**Mr Moore:** On the point of order, Madam Speaker: My question asked for a comparison, and that is the answer I am receiving. I am very pleased with the answer, although I can understand why the Minister for Health would be feeling uncomfortable about his hypocrisy.

**MADAM SPEAKER:** Order! I am sure that Mrs Carnell knows the provisions of the standing orders.

**MRS CARNELL:** I will make sure that I compare the pieces of legislation, Madam Speaker. The amendment passed yesterday provides that legal proceedings - and I stress that - will not be taken against a person who is in possession of a small amount of cannabis if the person or their carer is part of a medical research program conducted by a medical practitioner. The medical practitioner must certify in writing that the person is using, or is in possession of, cannabis which has been administered as part of a medical research program for the treatment of a physical or mental condition such as AIDS. This amendment does not, in my view - - -

**Mr Connolly:** I take a point of order, Madam Speaker. I want to caution Mrs Carnell against misleading the Assembly. The phrase "medical research program" appears nowhere in the amendment passed yesterday. Mrs Carnell, once again, is misinformed and foolish, and she is digging herself deeper and deeper into dangerous ground. I prefer her to not mislead the Assembly.

**MADAM SPEAKER:** Mr Connolly, order!

**Mr Humphries:** Madam Speaker, I would ask Mr Connolly to withdraw the remark about being foolish. It was ruled on yesterday, I think, in this place.

**Mr Connolly:** I am sorry. I am warning Mrs Carnell against misleading the Assembly. She is saying that the Bill passed yesterday refers to medical research programs. It does not.

**MRS CARNELL:** It says "medical research".

**Mr Connolly:** Yes; but not "medical research programs". There is a very important difference.

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**Mr Humphries:** Madam Speaker, Mr Connolly is harassing Mrs Carnell. In particular, to say that she is misleading the Assembly is clearly outside standing orders, and it should be withdrawn.

**Mr Connolly:** I believe that Mrs Carnell has, in fact, corrected herself and acknowledges that the Bill does not refer to a medical research program. So, I am quite happy. I have saved her from a possible misleading.

**MRS CARNELL:** Madam Speaker, I do not accept that. I believe that medical research and medical research programs are one and the same thing.

**MADAM SPEAKER:** Thank you, Mrs Carnell.

**MRS CARNELL:** In my view, this amendment does not in any way empower a medical practitioner, or any other health professional, for that matter, to routinely prescribe cannabis to any patient. The critical phrase in the amendment is "engaged in medical research", Mr Connolly. Importantly, for the medical practitioner to engage in medical research involving a drug such as cannabis, he or she must comply with Division 1 of Part IV of the Drugs of Dependence Act - authorisation for the purpose of research - - -

**Mr Connolly:** Wrong! Table your legal advice.

**MADAM SPEAKER:** Order!

**MRS CARNELL:** Thank you, Madam Speaker. It refers to authorisation for the purpose of research or education. This division is quite specific in outlining what an approved program of medical research is and under what terms and conditions it can be carried out in the ACT. In this division, section 32 defines the circumstances under which a person who proposes to conduct a program that would require the possession or use by that person - that is, the person conducting the research - of a drug of dependence or a prohibited substance such as cannabis may apply to the Minister for authorisation in relation to that drug or substance.

**Mr Connolly:** Have you consulted your two legally qualified members before running out this drivel?

**MRS CARNELL:** I am just reading from your legislation. This section also details the requirements that a person must satisfy when submitting an application to conduct medical research.

**Mr Connolly:** But it does not apply, you fool.

**Mr De Domenico:** I take a point of order, Madam Speaker. Yesterday, when another member of the Government - - -

**Mr Connolly:** I withdraw the use of the word "fool" in relation to the Leader of the Opposition.

**MADAM SPEAKER:** Thank you, Mr Connolly. Proceed, Mrs Carnell.

**MRS CARNELL:** This section also details the requirements that a person must satisfy when submitting an application to conduct medical research.

**Mr Connolly:** But it does not apply.

**MRS CARNELL:** In your view, Mr Connolly. According to the Act, this application must be accompanied by a written description of the program, including its estimated duration. In the case of a program of research, that means a clinical trial protocol; a written statement approving the program, signed by the person in charge of the institution; and, of course, the determined fee. The Minister is empowered under section 33 to grant an authorisation to the applicant if the application meets specific requirements, such as the scientific viability of the research - not the research program - and the suitability of the applicant. Section 34 sets out the conditions that may be specified in an authorisation to ensure that proper records concerning the use, receipt and disposal of the drugs are kept. The remainder of the Act sets out requirements for the duration, renewal, surrender and circumstances under which cancellation of the authorisation may be ordered by the relevant Minister.

Madam Speaker, nothing in Part IV of the Act allows for a person who is actually part of that research program, or that medical research, not to be subject to legal proceedings. Legal proceedings could be taken against somebody who was part of that sort of medical research program. I think it is important in all legislation that comes before this house - whether it be my HIV Bill or the legislation we passed yesterday - to keep in mind that we must have a coordinated approach to the prevention and treatment of AIDS and other conditions, but specifically AIDS on World AIDS Day. My Bill is part of that package.

**MR MOORE:** I have a supplementary question, Madam Speaker. I would like to draw the attention of the Leader of the Opposition to that part of the question I asked about the appalling hypocrisy, for political gain, of the Minister, whereby he would further penalise suffering people - people dying with AIDS - whose suffering may in some small way be eased by using cannabis.

**MRS CARNELL:** I thank Mr Moore for the supplementary question. As Mr Moore would know, books have been written on this subject - on the importance, or the potential importance, of cannabis in the treatment of end-stage AIDS, both for pain and for nausea. Obviously, anybody who wears two AIDS ribbons - not just one, but two - on World AIDS Day and who, unilaterally and for straight-out political purposes, rules out any capacity for those people to have some relief from their suffering is totally hypocritical.

## **Cannabis Law Reform**

**MS ELLIS:** Madam Speaker, my question is directed to the Minister for Health. I ask: Has the Minister had any advice on how cannabis would best be used in treating glaucoma?

**MR CONNOLLY:** I thank Ms Ellis for her question. I particularly thank Ms Ellis because - other members of the Government being engaged in other functions - Ms Ellis and I were the only members of the Assembly who graced the AIDS Action Council's launch of World AIDS Day today, to which I was specifically invited and also invited to speak. Mrs Carnell would have heard the very generous statements from the president of the AIDS Action Council about my role and this Labor Government's role in this issue in Canberra. It is pathetic, and it sickens me to hear the political grandstanding by these two individuals about AIDS, when they did not even bother to go down to the launch.

In relation to my second ribbon, I proudly wear it because it was given to me by the Aboriginal community.

**Mr Moore:** On a point of order, Madam Speaker: Apart from the fact that the hypocrite should take off his ribbons, his answers to questions without notice should be concise and confined to the subject matter, according to standing order 118.

**MR CONNOLLY:** The answer will be as precise and confined as the 12-minute special from Mrs Carnell. Ladies and gentlemen, start your watches.

I was asked by Ms Ellis whether I can advise on the efficacy of cannabis as a treatment for glaucoma. I am a lawyer. I do not pretend to be a doctor.

**Mr Moore:** Madam Speaker, I draw your attention to standing order 117(c), which says that questions shall not ask Ministers for an expression of opinion. This question clearly asked for an expression of opinion in terms of the efficacy of treating glaucoma, and I think that it should be ruled out of order.

**Mr Berry:** I wish to speak to the point of order, Madam Speaker. The question clearly goes as follows: Has the Minister had any advice on how cannabis would best be used in treating glaucoma?

**MADAM SPEAKER:** The question is in order. Mr Connolly, proceed.

**MR CONNOLLY:** Has there been advice about the efficacy of treating glaucoma? Yes, there has been some. It has been published in the National Drug Strategy at page 191. It says:

Although there have been a number of case reports of the successful use of cannabis in the management of glaucoma ... there have not been any controlled clinical studies of its effectiveness and safety in the long-term management of glaucoma.

It goes on at page 196 - - -

**Mr Moore:** Would you fund such inquiries? Did you tell me that you would not fund them?

**MR CONNOLLY:** You did not ask about funding.

**Mr Moore:** I did, indeed. I did, in your office on Monday, and you know it.

**MR CONNOLLY:** You are wiggling and wriggling, and I can understand why. Just shush.

**Mr Moore:** On Monday, when I asked you, you said to me, "I will not fund it".

**MR CONNOLLY:** That is a lie.

**MADAM SPEAKER:** Mr Connolly, you will have to withdraw that.

**MR CONNOLLY:** I withdraw the word "lie". You did not ask me to fund them, and I did not refuse to fund them.

**Mr Moore:** That is a lie.

**MR CONNOLLY:** I did say to you that I would help you to facilitate serious medical research. I warned you about grandstanding on this issue. I warned you that you could set back by years the cause of cannabis law reform by the stunt you pulled yesterday and the amazing efforts of the Liberal Opposition. But you would not listen, and nor would they.

**MADAM SPEAKER:** Mr Moore - - -

**Mr Moore:** Madam Speaker, I withdraw the word "lie".

**MADAM SPEAKER:** Thank you, Mr Moore.

**MR CONNOLLY:** At page 196, we are told:

Much of the case for the therapeutic uses of cannabinoids as other than anti-emetic agents depends upon anecdotal evidence from case histories.

Hence the problem; hence the recommendation in the final report of the national task force on cannabis that the National Drug Strategy Committee, which involves Health Ministers, Attorneys-General and Police Ministers - we have unanimity in the ACT - should consider the funding, facilitating or promoting of further research in areas including controlled research into the efficacy of synthetic cannabinoid products as treatments for nausea. That is synthetic cannabinoid products; it is not open slather for reefers, not research that allows you to grow five plants that may be one per cent THC or 30 per cent THC. It is clinical research. One would assume that Mrs Carnell, as a pharmacist, knows that. She thinks she is a doctor. She thinks that, with Mr Moore, they can make clinical decisions about appropriate treatments.

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**Mr Moore:** I take a point of order, Madam Speaker. The Minister misrepresents and reflects on the piece of legislation that was passed in this house yesterday. That is not what the legislation does at all, Madam Speaker. It is just part of the continual misrepresentation by this hypocrite.

**MADAM SPEAKER:** Mr Connolly, please proceed.

**MR CONNOLLY:** Thank you, Madam Speaker. I was thrown somewhat off my track by Mr Moore then. What this does is to allow open slather research. Mrs Carnell, at great length today, has been squirming and wriggling about the new section 171B of the Act. We can have recourse to the presentation speech in these debates. We heard Mr Moore say, "No, we do not want the sort of clinical research in Part IV of the Act; we just need case notes". That was what was said in the debate yesterday. Section 171B in no way - - -

**Mr Moore:** On a point of order, Madam Speaker: If Mr Connolly had done any work on medical research, he would know that a case report is very different from case notes. It is just part of the misrepresentation, Madam Speaker.

**MADAM SPEAKER:** Mr Moore, if you would let him finish that answer, perhaps we could assess that a bit better. Mr Connolly, continue.

**MR CONNOLLY:** Madam Speaker, I table advice from the Government Solicitor's Office, which was obtained overnight and today and which shows very clearly that what the Opposition did yesterday allows a doctor to prescribe cannabis and keep case notes, make a little report, or do what he wants to. What it says here very clearly, legally, is that your section 171B is not a reference back to Part IV of the Act. If you had wanted to do that, you could have done it very simply. You could have amended your Bill yesterday to say, "Proceedings do not lie ... if a medical practitioner engaged in medical research ... pursuant to Part IV".

**Mrs Carnell:** We are happy to do that, if you are going to be pedantic about it.

**MR CONNOLLY:** But you did not. I warned you about what you were doing yesterday, but you were so busy playing your foolish little political games that you have made the Australian Capital Territory the laughing-stock of Australia and the world. I understand that the furore that has surrounded this rank political opportunism from Mrs Carnell - this Opposition Leader who has brought us Australia's most radical and wacky law reform - is now being reported around the world. Madam Speaker, I table the legal opinion. I hope that some of the calmer heads in the Opposition party room, particularly some of the lawyers, will sit down and read this and point out to Mrs Carnell that she has taken this jurisdiction down a very dangerous path. Canberrans were horrified when they woke this morning and read in the newspaper what Mrs Carnell had done. Read and think about what you have done.

**Chief Minister's Office - Media Adviser**

**MRS CARNELL:** My question without notice is directed to the Chief Minister. The question relates to the recent departure from the Chief Minister's office of her former media adviser. Can the Chief Minister confirm that this former adviser is now working for the Canberra Tourism Commission? Can she also advise how the position was created; whether it was advertised according to the ACT Government Service guidelines; and, given that taxpayers' money is involved, how the position will be paid for?

**MS FOLLETT:** Madam Speaker, I think this is a measure of how desperate they are on the other side. They play the man. Madam Speaker, as members opposite are extremely well aware, Mr Veldre left my office for personal reasons. I have no intention of making any public statement on those personal reasons. In fact, I would not make any private comment either, except with Mr Veldre's express permission. Madam Speaker, his availability was known to my department. As members would be aware, there is a newly appointed chief executive of the Canberra Tourism Commission.

I am aware that at that time the commission was implementing a number of initiatives, including upgrading its media liaison. I am informed that there was a short-term and immediate need for journalistic skills which, in the judgment of the chief executive, could be provided adequately by Mr Veldre. I believe that the terms of the arrangement are that Mr Veldre has temporary employment for three months, under the terms of the Public Sector Management Act, to carry out that task. These arrangements were approved by the Public Service Commissioner. I am further informed that, should it be judged that there is a continuing need for that sort of work and that that can be fitted in within the commission's priorities, then the normal recruitment processes will take place, involving advertising of the position and recruitment on merit.

**MRS CARNELL:** I have a supplementary question, Madam Speaker. Did the Chief Minister or her office approach the Canberra Tourism Commission to arrange for her former media adviser to be employed under this special contract? Is it a normal arrangement for the Tourism Commission to pay only two-thirds of an officer's salary and for the other third to be funded out of the Executive budget?

**MS FOLLETT:** Madam Speaker, Mrs Carnell can get as grubby as she likes on this issue - - -

**Mr Connolly:** And she will.

**MS FOLLETT:** And she will, as is her wont. There certainly were not any approaches by me. The availability of Mr Veldre was well known. Where that knowledge came from, I could not say with any certainty.

**Mrs Carnell:** What about the next bit?

**MADAM SPEAKER:** Order! You have had your question.

## **Cannabis Law Reform**

**MRS GRASSBY:** My question to the Minister for Health is in the context of the Liberals' 3D policy - on drugs, death and decriminalisation. Could the Minister inform the Assembly of any action that the Ministerial Council on Drug Strategy is taking on the issue of cannabis law reform?

**MR CONNOLLY:** The Ministerial Council on Drug Strategy, which is made up of Justice Ministers with police or Attorney-General portfolio responsibilities and Health Ministers around Australia - State, Territory and national - has for some time been looking at the issue of cannabis. It has published a number of very serious research papers, which I have quoted from before. In September, at the ministerial meeting, it released a major report which recommended those controlled clinical trials of - interestingly enough - synthetic cannabinoids, not the open slather reefer approach that the Liberals passed yesterday. That controlled clinical research would occur pursuant to the provisions of the equivalent of Part IV of our Drugs of Dependence Act. Mrs Carnell says that, because the term "medical research" appears in section 171, it must mean Part IV  
- - -

**Mrs Carnell:** Do you mean that medical research cannot happen with a plant product?

**MR CONNOLLY:** "Medical research", Mrs Carnell, is a term used nowhere in Part IV of the Act. The term "medical research" is used nowhere, quite deliberately, because the type of research that can occur and can be approved may be medical research, properly defined; it may be veterinary research - and there have been some projects to do that - or it may be scientific research. We have received requests for approval for scientific research. So, for you to say that, because the term "medical research" appears in your section 171, it is caught up in the safeguards of Part IV is foolish and wrong. When you read the legal advice - and get some from any lawyer - you will find that you will not be able to do it. You are a fool. You are being made to look a fool nationally by what you have done. Madam Speaker, there is provision - - -

**Mr Humphries:** Madam Speaker, you ruled that out before.

**Mr Moore:** With the lack of compassion that you show for people dying with AIDS, your wearing of those red ribbons makes you an appalling hypocrite.

**MADAM SPEAKER:** Order, Mr Moore!

**MR CONNOLLY:** The rabble from back here say that I have no compassion for people dying of AIDS.

**MADAM SPEAKER:** Mr Connolly, just a minute. Order! I have asked you not to call Mrs Carnell a fool. You may say that she appears to be a fool, but you may not call her a fool. Would you withdraw that.



**MR CONNOLLY:** I apologise. Mrs Carnell appears to be a fool for what she has done. Mr Moore was just interjecting to say that I have no compassion for people dying of AIDS. That is a contemptible allegation, and the AIDS community will regard him as a grub for politicising this issue.

**Mr Humphries:** Madam Speaker, on a point of order - - -

**Mr Moore:** It is true. You have proved it yourself.

**MADAM SPEAKER:** Order! We have a point of order.

**Mr Humphries:** Madam Speaker, I think it is slightly inappropriate for the Chair of the Assembly to be suggesting insults that might be used by members against other members. I would ask you - -  
-

**MADAM SPEAKER:** Mr Humphries, you have misunderstood me. I asked for withdrawal of "a fool" because people have drawn that to my attention in points of order. If you take objection to "appears to be a fool", let me say that it was not my instruction to him to call her that. Mr Connolly will now withdraw that. Please withdraw that, Mr Connolly.

**MR CONNOLLY:** I withdraw that. I am pleased to see the level of Mrs Carnell's counterinterjection, which I will not seek to have withdrawn. I do, however, take exception to Mr Moore's grubby interjections; but I think the community will judge Mr Moore by what he is saying. I regard people living with HIV as very important members of our community - too important to be made guineapigs by these uncontrolled, unsupervised, unstructured researchers.

**Mr Moore:** Like Dr Rowland, who wants to treat patients who are dying with AIDS?

**MR CONNOLLY:** As I told you on Monday, if any doctor has a serious research proposal, they can come and see me, and I will issue the appropriate approval under the appropriate - - -

**Mr Moore:** Will you fund it, Terry Connolly?

**MR CONNOLLY:** You never asked me about funding, Mr Moore.

**Mr Moore:** I did, indeed.

**MR CONNOLLY:** You did not.

**Mr Moore:** You said no.

**MR CONNOLLY:** You are squirming.

**Mr Moore:** Tell me now. Will you fund it?

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**MADAM SPEAKER:** Order! Mr Connolly, just address your answers to me. Please do not be distracted by Mr Moore.

**Mr Moore:** Will you fund it, you slimeball?

**MADAM SPEAKER:** Mr Moore, you can ask that question later.

**MR CONNOLLY:** This is a new interest for Mr Moore. Around Australia, governments have been looking seriously at this issue.

**Mr Berry:** On a point of order, Madam Speaker: I think standing order 39 requires people to be quiet for most of the time. Mr Moore has not been quiet for any of the time.

**Mr Moore:** That is not true. That is another misrepresentation. I was quiet for a second back there, Madam Speaker. But I take the point.

**MR CONNOLLY:** Madam Speaker, I can understand the agitation of Mr Moore and the Liberal Party.

**Ms Follett:** Madam Speaker, I raise a point of order as well. Mr Moore hurled some invective at Mr Connolly which I think he ought to withdraw, and that was the epithet "slimeball".

**MR CONNOLLY:** Madam Speaker, I am happy to let the Canberra community judge who is the slimeball - Mr Moore or me.

**MADAM SPEAKER:** It is not quite parliamentary language, Mr Moore.

**Mr Moore:** It is close enough, Madam Speaker, particularly as it applies to a man who wears two red ribbons on World AIDS Day and has a lack of compassion for people dying with AIDS.

**MADAM SPEAKER:** Mr Moore, I know that you are agitated today; but I would like you to reflect on that, and I will come back to it later.

**MR CONNOLLY:** Madam Speaker, Mr Moore will be judged by his behaviour and his comments today. I proudly wear this second ribbon, which the Aboriginal community of Canberra gave me down there, where Ms Ellis and I were the only members of this Assembly present on World AIDS Day.

**Mr Moore:** Madam Speaker, I will happily withdraw the word "slimeball".

**MADAM SPEAKER:** Thank you, Mr Moore. Continue, Mr Connolly.

**MR CONNOLLY:** I am happy to be compared by the community with Mr Moore. Madam Speaker, the national group of Territory, State and Federal Ministers noted that the National Drug Strategy Committee will be following up those major reports with some serious research. A group of researchers is scheduled to be convened in early 1995 to explore the conduct of therapeutic trials in Australia. That is something in which the

ACT will enthusiastically involve itself. As I said to Mr Moore the other day, with the establishment of the clinical school in Canberra, we are in a very good position to take part in those trials. With the level of expertise in glaucoma research and cancer research here in Canberra, we are in an ideal position to take part in that process. I welcome that process; but I do not welcome slapdash, ad hoc - to use the words of Dr Brendan Nelson - attempts at legislative reform, as occurred here yesterday.

I will not approve the use of drugs without some serious research backing it up. I will not approve the use of cannabis, any more than I would approve some quack cancer cure from the Cook Islands, which we read about from time to time. Like any Health Minister in Australia, I regard myself as having a fairly high level of responsibility for approving substances to be trialled out there in the public. What you two did yesterday - you, Mr Moore, and Mrs Carnell - and what the sheep that followed did was to put through this jurisdiction an extraordinarily radical law which removes all safeguards for this type of research.

**Mr Moore:** I raise a point of order, Madam Speaker. It is a very sensible point of order. This Minister is clearly reflecting on a vote of the Assembly. He has been doing that continuously, and he really needs to be called to order.

**MADAM SPEAKER:** Mr Connolly, I am sure that you are aware of those standing order provisions. Please continue.

**MR CONNOLLY:** And I am aware of my responsibility, as Health Minister, for the health of this Territory and, as Attorney-General, for the enforcement of the law in this Territory. Madam Speaker, there will be some serious research done next year. It will be auspiced through a very distinguished group of scientists under the National Drug Strategy Committee. It will be oversighted by Health and Justice Ministers from all States and Territories of Australia and nationally. Madam Speaker, that is the way in which this Labor Government intends to proceed with the important issue of cannabis law reform and the important therapeutic issues. We do not adopt a slapdash, opportunistic, political stunting approach to this type of issue.

**MRS GRASSBY:** I have a supplementary question, Madam Speaker. I ask the Minister: When was the ministerial council to hear the results of the research by the national task force on cannabis?

**MR CONNOLLY:** We received those reports in September. We expect the group of researchers to convene in early 1995. The Ministerial Council on Drug Strategy will be meeting again in April 1995, when these research proposals should be finalised. Madam Speaker, that research will be conducted under Part IV of the Act. Mrs Carnell said that we had to have a law like yesterday's; otherwise a person with the drug would be subject to prosecution under the Act. Madam Speaker, I will not give you a legal opinion; but I will say, "Read section 160 of the Drugs of Dependence Act", which makes it abundantly clear that, when research is authorised, prosecutions do not lie. You are wrong again, Mrs Carnell. Three strikes and you will be out.

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### **Chief Minister's Office - Media Adviser**

**MR CORNWELL:** Madam Speaker, my question is to the Chief Minister. I remind Ms Follett that, following the departure of Mr Roy Forward from her office in July 1992, this statement was made by journalist Hugh Lamberton in the *Canberra Times* on 25 July 1992:

The most offensive part of this week's revelations is that the ACT taxpayer is being asked to pick up the bill for an error in political judgment.

I now ask: In light of the \$136,000 blow-out in ministerial staff expenditure last year - that is, 1993 - is it a normal arrangement for the Tourism Commission to pay two-thirds of an officer's salary and for the other third to be funded out of your Executive budget?

**Mr Lamont:** Madam Speaker, I rise to take a point of order, not only because of the nature of the question, but also because of the standards adopted by this house. When Mr Cornwell was absent from this house because of illness, there was no point made by the Government or any other member of this Assembly. The reasons for the departure of the former staff member in Ms Follett's office should not be something which is allowed to be debated, discussed and ridiculed by questions such as those asked this afternoon.

**Mr Cornwell:** Madam Speaker, on the point of order: The question is not reflecting on any issue of that officer's departure. I am not in the least bit interested in that personal matter. What I am concerned about and what the Liberal Party is concerned about is the funding of the mechanism. That was my question to the Chief Minister.

**MS FOLLETT:** Madam Speaker, I am absolutely appalled. These hypocrites opposite are all very ready with the phone calls, the flowers, the visits to hospital and so on; but, the minute it suits them, they turn and attack. It is about as grubby as politics ever gets. Madam Speaker, I have no detail on the method of payment of Mr Veldre. I will ask the Commissioner for Public Administration and I will advise members.

### **Trash and Treasure Market**

**MS SZUTY:** My question without notice is to the Minister for Urban Services, Mr Lamont. Earlier this afternoon I advised the Minister that I would be asking this question. I understand that the Minister's department has offered a three-year agreement to Belconnen Rotary which will enable the Jamison trash and treasure market to continue to operate at their current site on Sunday mornings. Can the Minister confirm to the Assembly that this is, indeed, the case and can he inform the Assembly as to the terms and conditions of this agreement and whether it is likely to be extended?

**MR LAMONT:** I thank Ms Szuty for her question and, in particular, for the advance notice. Canberra Rotary's operation of the trash and treasure market at Belconnen was the subject of some discussion in the media over a period of time, as were actions that were, at least on the surface, designed to remove the operation of Rotary's trash and treasure market from the Jamison car park. I provided Rotary with an assurance from this Government that it was our intention to continue to allow Rotary to operate their trash and treasure market at the Jamison site. We believed that it was an appropriate location for the trash and treasure market and that it was reasonable that they be offered a degree of certainty over a longer period than that which had previously applied. They had previously applied under the Roads and Public Places Act 1937. The duration of licences issued under that Act is 12 months. We have advised Rotary that the most appropriate way to secure what they want and what this Government wants - which is long-term security for Rotary - is to give them a three-year lease over that site under the Land (Planning and Environment) Act 1991. Rotary have been made aware of that. In fact, an application was forwarded to the Department of the Environment, Land and Planning, and I understand that it will be approved.

There are a number of issues associated with persons who come to the market. Because it is such a desirable activity, some of the stallholders are now turning up as early as 6 o'clock on the evening before the markets open. That is of some concern. We are negotiating with Rotary to ensure that there is public access to that car park until such time as the markets normally start. People start arriving in the area at about 4 o'clock in the morning, and it is then marked off. Because of the significant public benefit which is derived from the contributions that Rotary make to very worthwhile activities in Belconnen, it has been drawn to my attention by Mr Berry, the Speaker and also Mrs Grassby that it would be appropriate if we were to consider providing relief to Rotary by way of waiver of the licence fee that would apply under the Act. Such a request has been made to the Minister for the Environment, Land and Planning. I understand that, at the moment, he is giving consideration to that. I also understand that favourable consideration will shortly be notified to Rotary.

So, that is principally where we are up to. The licence conditions are being negotiated with Rotary. Obviously, the Government is very supportive of their activities; but we wish to ensure appropriate public access to the car park for the shopowners of that area while that car park is required for the normal conduct of business, other than during the trash and treasure market time. I am confident that we will be able to resolve those issues. I am confident that Rotary will continue the very fine work that they do and that, under this Labor Government, the trash and treasure markets have a secure future.

**MS SZUTY:** I have a supplementary question, Madam Speaker. The Minister did not address the second part of my question, which was whether the agreement is likely to be extended after three years. Perhaps he could address that part.

**MR LAMONT:** Obviously, that would be the subject of an application by Rotary if they desire to do so. The level of support which is evidenced by what I have already said, Ms Szuty, would clearly indicate that this Government would be very happy to continue such an arrangement; but, obviously, that would be subject to an application by Rotary. Rotary have been informed of that. I look forward, as Minister, in three years' time, to being able to support their continued application.

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### **ACTTAB - Repayment of Loan**

**MR DE DOMENICO:** Madam Speaker, my question without notice is to the Minister for Sport, Mr Lamont. Minister, is ACTTAB capable of repaying the \$3.3m loan it had to take out from the Government to cover the loss from the failed VITAB deal?

**MR LAMONT:** I am extremely pleased that Mr De Domenico has been silly enough this afternoon to ask this question, for it gives me the opportunity, prior to the discussion of a matter which is on the notice paper, to underpin what I believe is an essential element of the operations of ACTTAB. ACTTAB, since linking with the most beneficial of the pool arrangements available to it - that is, the superTAB pool - in August, has been working very closely with superTAB on projects to increase the turnover of ACTTAB, and to do that by a range of mechanisms. Early next year, ACTTAB, in its linkages with superTAB, will be providing additional services to punters in the ACT. That will allow for things such as the super-sixes, the quadrellas and a range of other funding - - -

**Mr Humphries:** I raise a point of order, Madam Speaker. I am absolutely edified by this discussion about ACTTAB's general operations; but Mr De Domenico's question was very specific. It was about repayment of the sum of money which ACTTAB is now saddled with as a result of this Government's incompetence over VITAB. That was the question that was asked. I ask the Minister to be relevant to that question.

**MADAM SPEAKER:** I am sure that Mr Lamont is well aware of that question. Continue, Mr Lamont.

**MR LAMONT:** Because of all of these initiatives and the marketing strategy that is being put in place, it is the expectation of ACTTAB that it will build up the pool which exists in the ACT, as far as betting through ACTTAB is concerned. The annual report of ACTTAB is to be tabled in this Assembly in the next week.

**Mr Humphries:** It had better be. It is about time.

**MR LAMONT:** I am also pleased to see the ignorance demonstrated by Mr Humphries about when and how annual reports are tabled in this place. The annual report of ACTTAB will be provided and tabled in this Assembly prior to 31 December, as is required and as is appropriate. I am confident that ACTTAB, with the cooperation of government, will survive, will be able to meet any payments or obligations that it has and - not only that - will grow to be regarded as one of the great TABs of this country.

**Mr De Domenico:** That is what Mr Hawke said.

**MR LAMONT:** I am confident of that, Mr De Domenico, despite the sorts of comments that you have been making recently, despite the misinformation and despite the activities of people like your leader and you in trying to undermine the operations of the TAB.

**MR DE DOMENICO:** I have a supplementary question, Madam Speaker.

**Mr Lamont:** At least I did not have to get my mates in New South Wales to lie for me, as you did.

**MADAM SPEAKER:** Order!

**MR DE DOMENICO:** Madam Speaker, seeing that the TAB is in such a wonderful position as to be able to pay these millions of dollars worth of debts that it has incurred because of the VITAB fiasco, will the Minister provide the Assembly with a copy of the agreement, which the Minister signed, between ACTTAB and VITAB? If not, why not?

**MR LAMONT:** Madam Speaker, I am a little worried. I certainly hope that Mr De Domenico has a prescription for whatever he has been smoking today.

**Mr De Domenico:** Will you provide a copy of the VITAB deal, which you signed, Mr Lamont?

**MR LAMONT:** The answer has been provided time and again, on each occasion when Mr De Domenico has asked the question. I refer him to all of those answers.

**Mr De Domenico:** So, the answer is no. What do you have to hide, Mr Lamont? Another shonky deal.

**Ms Follett:** On a point of order, Madam Speaker: Mr De Domenico has made a number of interjections using the words "shonky deal" and "another shonky deal". I think they should be withdrawn.

**Mr Humphries:** It certainly was a shonky deal.

**MADAM SPEAKER:** The term "shonky deal" is out of order. We have ruled on that before. I ask you to withdraw it.

**Mr De Domenico:** I think I said "appears to be a shonky deal"; but, if it upsets Ms Follett, I will withdraw it, Madam Speaker.

**Ms Follett:** And Mr Humphries.

**Mr Humphries:** I withdraw.

### **Heroin Law Reform**

**MR BERRY:** Madam Speaker, My question is to the Attorney-General. In January 1992, during the debate on a heroin trial, Bill Stefaniak, the then Liberal spokesperson, said, "The party totally rejects the idea of a trial". In January this year Mrs Carnell - that is the one sitting on your right over there, boys; you know, David Prowse mark 2. Have you checked her out for monkey bites? The Liberal Party attracts these sorts of people, does it not?

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**Mr Humphries:** I take a point of order, Madam Speaker. Mr Berry well knows how to refer to people in this place. If he wants us to refer to him in a half-decent fashion, he should do the same thing towards members on this side of the house.

**MADAM SPEAKER:** Thank you for that good advice.

**MR BERRY:** I was just pointing out who it was.

**MADAM SPEAKER:** No, Mr Berry. Just ask your question.

**MR BERRY:** Is it really David Prowse with a wig on?

Madam Speaker, in January this year, Mrs Carnell told the annual convention of the Young Liberals that she supported making heroin available. The party says no, and Mrs Carnell says yes. Could the Minister tell the Assembly whether the Government has any plans to make heroin available in the ACT?

**MR CONNOLLY:** Madam Speaker, I think the Government should make some statement about this, given the strange events of the last couple of days. Last year, Mr Kaine said that it was outrageous to decriminalise cannabis, an idea supported by only an irresponsible few in the community - - -

**Mr Humphries:** But you liked the idea.

**MR CONNOLLY:** That "few in the community" seems to be a majority in the Liberals' party room at the moment. I think there is great community disquiet about what the Liberal Party is doing as it meddles and stumbles around in this drugs debate. I clearly supported, and do support, the idea of on-the-spot fines for cannabis. I think it is a very sound idea. I have argued the case for that very strongly and very loudly all around Australia. It was a pleasure to work with Mr Moore on that law reform exercise - where we, as is the hallmark of this Labor Government, engaged in progressive reform, bringing the community with us.

In relation to the proposals for heroin reform, we have said - partly agreeing with Mr Moore - that, clearly, in the current approaches to heroin, there is a problem around Australia and around the world. Wars on drugs are not working. We have a major problem. A lot of crime is related to heroin. There is some interesting - indeed, compelling - academic work that suggests that there may be some benefit in looking at this idea of controlled opiate trials. But we have also said, consistently with our approach throughout, that we will not go it alone. We will not allow the people of Canberra suddenly to wake up one morning and read in their newspaper that there is going to be a heroin trial in Canberra. We will run the idea through the Ministerial Council on Drug Strategy. We will seek to build coalitions of support across Australia.

**Mr De Domenico:** What did Robert Menzies say - - -



**MR CONNOLLY:** I am sure that Sir Robert Menzies would have been very surprised if he had seen the *Canberra Times* this morning. One cannot imagine Sir Robert Menzies deciding suddenly, at no notice, "Oh, let us allow cannabis on prescription", and then appearing on the news that night and saying, "Oh, sorry, police; we should have told you what we were going to do. We really regret having no consultation. Sorry, public of Canberra; if we had known, we would have given you a call. It just came into our heads. We just did it". This is the once great Liberal Party.

**Mr Humphries:** On a point of order, Madam Speaker: Mr Connolly has repeatedly reflected on the vote of the Assembly yesterday. One or two transgressions might be forgiven, because he feels very upset about being gazumped about this; but the fact is, Madam Speaker, that the standing orders are very clear about this, and I would ask you to hold him in line with those standing orders.

**MADAM SPEAKER:** *House of Representatives Practice*, in dealing with reflecting on a vote, clearly advises the Speaker to be very lenient in its application. I was preparing a statement to make last time Mr Moore brought this to my attention. I have not done so because we have not been reflecting on a Bill. I will ask Mr Connolly to desist; but I caution members that it is a rule that is not used in any other parliament. The green book advises the Speaker to go easy.

**Mr Humphries:** But it is in our standing orders.

**MADAM SPEAKER:** Mr Humphries, please!

**MR CONNOLLY:** Mr Humphries, rest assured that the Government will give you all the credit for what you did yesterday on cannabis. We feel in no way bitter. We feel in no way that we have been gazumped. You can have all the credit. You have all the credit all around Australia and all around the world, and Liberal supporters are scratching their heads and wondering.

Madam Speaker, in the past, the Liberal Party has made strong statements about the heroin trials; but it has also made strong statements about cannabis. Then it has done - well, I cannot reflect on votes of the Assembly, but Assembly members and members of the public may care to look in the public media and see what happened yesterday. This Government's approach to the heroin trial remains, as it has always been, one of looking at it with great interest, a cautious approach, determined to build up some coalitions of support, and to do it only if it is supported nationally, if it is supported through the Ministerial Council on Drug Strategy, if there is agreement - - -

**Mrs Carnell:** Exactly our position.

**MR CONNOLLY:** Madam Speaker, Mrs Carnell says that that is her position. It may be today, Mrs Carnell. Who would have known what your position on cannabis was 48 hours ago? You did not say anything to the public of Canberra. On Monday, on *Whiplash*, Mr Humphries did not say, "By the way, folks, we are going to have cannabis on prescription on Wednesday in the Assembly". Who knows where the Liberal Party stands on this issue? What we do know is that the public is very worried at the erratic behaviour of the Liberal Party.

### **Tuggeranong - Retailing Needs Study**

**MR STEFANIAK:** My question without notice is to the Minister for the Environment, Land and Planning. Minister, why has the ACT Government chosen to engage a Sydney based firm of consultants, rather than a local firm, to undertake a study of retailing needs in the Tuggeranong Valley? What is wrong with using local firms to examine local issues? Can the Minister also advise whether this Sydney based company, Ibecon Pty Ltd, has ever carried out any work for or on behalf of Leda Holdings Pty Ltd, the operators of the Tuggeranong Hyperdome, who are seeking to expand the shopping centre by some 16,000 square metres?

**MR WOOD:** This is another strange question from the Opposition. I understand that the Opposition is using a Sydney based firm for its political advertising.

**Mrs Carnell:** That is not true.

**MR WOOD:** Is that not true?

**Mr De Domenico:** No.

**MR WOOD:** Thank you for telling me that. It is a Canberra firm, is it?

**Mr De Domenico:** The question was: Whom are you paying?

**MR WOOD:** I could not tell you, actually. The firm from Sydney, whose name escapes me at the moment - - -

**Mr Humphries:** He told you - Ibecon.

**MR WOOD:** That firm is one which we believe can do the job. We had undertaken this consultancy Canberra-wide with a local firm. In fact, in early 1993, a group of three consultants was briefed to review a planned retail structure for Gungahlin and the proposed structure for South Tuggeranong. The consultants were to recommend a retail system for Canberra which would meet community and commercial objectives. The brief was terminated in July 1994 because of the consultants' inability fully to meet the requirements of the brief. That study drew upon 1991 transport, household expenditure and suburban population estimates. It did not, however, account fully for the significant post-1991 changes to trading hours, expanded retail provision by service stations and different retail economics. As I have said in this Assembly, the study was re-evaluated in July 1994, and the consultants are now revising their material to provide further plans. In order to get the answers that we want, we have commissioned a Sydney firm, because it is a firm which we believe will deliver the product we require. We have gone to Sydney to do so after not having received the necessary detail from a Canberra firm.

**MR STEFANIAK:** I have a supplementary question, Madam Speaker. The Minister has not answered my last question, which was: Has that Sydney based company, Ibecon Pty Ltd, ever carried out any work for or on behalf of Leda Holdings?

**MR WOOD:** Madam Speaker, I do not know; but I will find out.

### **Handyhelp Service**

**MR KAINE:** Madam Speaker, my question is to the Chief Minister. Chief Minister, in your budget speech this year you spoke about providing fair and equal access to areas essential to quality of life; about redressing disadvantage resulting from factors including age; and about targeting the people in greatest need - and these are your words - "which includes many of our senior citizens". Despite this, Handyhelp, a voluntary organisation providing assistance to the ageing, has been grossly neglected by your Government, in that not only has ACT funding not been increased to meet their needs, but it has not even been indexed this year, although the Commonwealth have done their share by indexing theirs. This is causing great concern, due to the inability of Handyhelp to provide the assistance that many people need. Chief Minister, is this a measure of your commitment to fair and equal access and to redressing disadvantage for those ageing people in need of assistance?

**MS FOLLETT:** Madam Speaker, the actual service that Mr Kaine has mentioned - Handyhelp - is funded, I believe, under one of the programs administered by my colleague Mr Lamont. I will need to consult with him in order to respond to Mr Kaine's question. Obviously, the work that Handyhelp does is very much valued in our community. It is essential work - not very glamorous work - assisting disabled and frail aged people with the kind of work around the home that can add enormously to their independence and their ability to remain in their own homes, instead of having to go into some kind of supported accommodation. It is clearly very valuable work. I do not have the detail of their funding, but I will ascertain that detail and get back to Mr Kaine.

**MR KAINE:** I ask a supplementary question, Madam Speaker. I note, with interest, that the Chief Minister thinks it is necessary to talk to Mr Lamont to find out whether or not they are being properly funded. I find that rather curious, since she happens to be the patron of this organisation. Despite all the rhetoric, should she not consider her commitment to this organisation and whether she should resign as patron, since she does not even know anything about its funding?

**MS FOLLETT:** Madam Speaker, I can assure Mr Kaine that, as the patron of Handyhelp, I have fairly recently been out to visit them and had quite some conversation with them. On that occasion, nobody raised the question of their funding. It has not been raised with me since, or at all, to the best of my knowledge. If there is a problem, as Mr Kaine seems to be asserting, then I am afraid that it is known only to him at this point.

## **Recycling and Garbage Service - Brochure**

**MR HUMPHRIES:** My question is to the Chief Minister. I refer to a booklet and a letter which have been delivered to households across the ACT - I am sure that she is very familiar with it - entitled "Your Guide to the New Recycling and Garbage Service". It could be subtitled "How My Party Learnt to Love the Big Bins". I note that this package contains personal messages and carefully airbrushed photographs of, not one, but two Ministers in the Government - Mr Lamont and, I think it is, Ms Follett on the letter that accompanies it. Can the Chief Minister advise whether any public money has been used to compile, publish or distribute this information package? If so, how much? Why does the Chief Minister feel it necessary to have a personalised letter from her, introducing Canberrans to their new garbage bins, which the Labor Party did not want?

**MS FOLLETT:** Madam Speaker, I might again advise Mr Humphries that the Minister responsible for these matters is Mr Lamont. He is sitting here, right next to me, just to my right, and is available to answer questions at this question time or at any other question time. Mr Lamont advises me that the answer to Mr Humphries's question is that there was no public money whatsoever put to that purpose. The cost of the publication, postage, distribution and everything else was borne by the contractor.

**MR HUMPHRIES:** I have a supplementary question, Madam Speaker. I assume that these are the big bins that the Chief Minister was talking about in 1990, when she said:

No government acting in an environmentally responsible way could contemplate the introduction of big bins.

I ask the Chief Minister: Is it true that the companies mentioned on the back of the brochure, which are described as sponsors, paid for the printing and distribution of this material?

**Mrs Grassby:** She has just told you that.

**MR HUMPHRIES:** No; she said that she did not know who had done it. She said, "It was not the Government". If it is these people who have done it, does she feel that it is inappropriate for people who have won a contract with the ACT Government to supply a service to the ACT community to be funding literature which has emblazoned on it material which might give rise to a conflict of interest on their part?

**MS FOLLETT:** I will refer that question to the appropriate Minister.

**MR LAMONT:** Madam Speaker, I am extremely pleased to be able to answer Mr Humphries's question. His question was in two parts. The first part was whether that recycling bin is the one that Ms Follett referred to in 1990. The answer is: No, Mr Humphries, it is not. What she referred to in 1990 was what we all referred to in 1990 as your folly. What you were proposing bears absolutely no resemblance to the magnificent service that has been introduced by the Follett Labor Government.

In fact, what we have done in the last three years, and in particular over the last 16 months, is to go through a comprehensive testing process and investigation, in partnership with our community, to devise and deliver to the people of the ACT a comprehensive waste and recycling collection system which is the envy of every other city in this country. That is what has commenced on this day.

It is appropriate, when it is the most significant and radical change to waste management and garbage collection systems in this Territory, for the Chief Minister to advise the population that that is the case and for the information booklet provided by the contractors and their advertisers to be provided to each household in Canberra. I believe that that is appropriate. What should happen is that you should hang your head in shame. What you are trying to do is to take the gloss off this magnificent, well thought out, great innovation in the ACT. The answer should be: Vote Labor for gloss; vote Liberal for dross.

### **Cannabis Law Reform**

**MS ELLIS:** Madam Speaker, my question is to the Attorney-General. Could the Attorney-General inform the Assembly of the process that he went through with the Australian Federal Police when he proposed to decriminalise the possession and use of small amounts of cannabis?

**MR CONNOLLY:** The process of the on-the-spot fines was a process that involved a lot of consultation within the Assembly. Mr Moore put the idea forward first. The Government worked very closely with Mr Moore. We modified his proposal somewhat, because we thought it went too far. In that process, we consulted broadly within the ACT Government. We went to the Australian Federal Police and sought their views on the practicality of the scheme. There was then a quite long process. Mr Moore was critical of it, saying that it was too long. We eventually got the forms prepared, in a process of sensibly changing cannabis laws, as opposed to a sudden, slapdash process of appearing on television on the evening news and saying, "I am sorry; I did not talk to the police about it, as a piece of law reform".

**Mr Moore:** Madam Speaker, on a point of order: Standing order 113A states that questions without notice shall not be concluded until all non-Executive members rising have asked at least one question. I would have thought that it would be appropriate to give members the opportunity to ask one question before you allowed a member to ask a second question.

**MADAM SPEAKER:** It is a perfectly reasonable point of order, Mr Moore; but Ms Ellis was the only one standing.

**MR CONNOLLY:** Madam Speaker, in that case, the Government went through a long and detailed process of consultation and, working in a collegiate manner with the Assembly, brought out a sensible piece of law reform. I cannot reflect on votes of the house, but I would ask members to reflect on what the president of the Australian Federal Police Association has said, both last night and this morning - - -

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**Mr Moore:** I take a point of order, Madam Speaker. Perhaps this Minister should reflect on people who are dying with AIDS and take his ribbon off.

**MR CONNOLLY:** Madam Speaker, let me say once again that Ms Ellis and I were down there with the AIDS Action Council today. I am quite proud of what I have done in that area.

**Mrs Carnell:** What did they actually say to you?

**MR CONNOLLY:** What they actually said, Mrs Carnell, publicly and on film, was, "This is a Minister and this is a Government in Australia that has shown an amazing level of cooperation and understanding for the people suffering from AIDS". What the president of the AIDS Action Council said - - -

**Mr Moore:** Go on; lie. What did he say about this bit of legislation?

**MADAM SPEAKER:** Order!

**Ms Follett:** On a point of order, Madam Speaker: The increasingly hysterical and strident interjections by Mrs Carnell and Mr Moore are an absolute disgrace to this house. I believe that they are both totally out of order. If you were to move to name them, you would certainly have the support of this side of the house.

**Mr Moore:** Go on; say what Matthew Gillett told you about this legislation.

**MADAM SPEAKER:** Mr Moore, you can ask another question. Just calm down a bit.

**MR CONNOLLY:** Madam Speaker, the president of the AIDS Action Council said publicly, in front of cameras and in front of reporters, that he was proud to live in the ACT, with a Government that has such a track record on the AIDS issue. Mr Moore says, "And what did Mr Gillett say about this legislation?". He put out a press release saying that they support serious research into cannabis. He did not say that he supports the Moore Bill. He said to me today, "We are not going to enter into that debate, because we know what happened".

**Mr Moore:** You liar!

**MR CONNOLLY:** I am not going to get into this grubby process. I am not going to play politics with the AIDS Action Council in the way Mr Moore has done. I am not going to come in here and say grubby things. Mr Moore's hand has overreached his grasp again. He has overplayed his hand on this issue. He has made a fool of himself, nationally and internationally, on this issue. It is regrettable. As I warned him yesterday, this course of action could put the cause of cannabis law reform back years, and that is exactly what he has done.

I understand that Mrs Carnell's legal advice, saying that section 171B is linked into Part IV, comes from Mr Latimer, her media adviser - a well-known legal expert - which no doubt overrides the advice of the ACT Government Solicitor. Madam Speaker, the Opposition and Mr Moore have dug themselves into an appalling hole over this. That is regrettable. Mr Moore's constant grubby interjections about people dying with AIDS are going to do Mr Moore a lot of harm within that community, because the one thing that that community does not need is that sort of grubby politicisation of their important cause. They know that, if there are serious proposals to supply cannabis under the approved, controlled and sanctioned measures, I will support them. I have told them that repeatedly. I told Mr Moore that the other night. But, instead, he and Mrs Carnell have chosen to go down this regrettable path.

### **Orana School**

**MR STEVENSON:** My question is to Mr Wood, the Education Minister. It concerns how public money can be best spent to educate children within the ACT.

**Mr Wood:** You have been getting letters too, have you?

**MR STEVENSON:** I am sorry, Mr Wood; I did not hear that.

**Mr Wood:** No; ask your question.

**MR STEVENSON:** I started early. You did not quite hear it. As members would understand, our school system would be in dire straits if it were not for the non-government school area, where parents are virtually paying twice for their children's education. Examples of such non-government schools are the Steiner schools, of which there are 600 around the world and 42 in Australia, including the Orana School at Weston in the ACT. One of the things that this particular non-government school shows - - -

**Mr Wood:** Have you been there?

**MR STEVENSON:** Yes, I have been there. I have known children who have gone there, and I have attended a number of times. Do you have any other interjections, Bill, or do you want me to finish the question?

**Mr Wood:** I can wait for it.

**MR STEVENSON:** One of the things that this school has shown is that small schools work. They work, for certain reasons. The parents are usually very committed to the school and to the children. They have a unique situation, where the schoolteacher can take the same children through from class 1 to class 8 and also where the parents need to sign up for a longer period. You have a commitment. There are a lot of benefits. Unfortunately, they do not get any funding from the Commonwealth Government or from the ACT Government. If they were across the border in New South Wales, they would be eligible for funding for classes 7 and 8, irrespective of the Federal treatment. I ask: What has the Minister done or what can he do about getting funding for this particular school and other non-government schools in a similar situation?

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**MR WOOD:** Madam Speaker, the Orana School gets a very substantial amount of ACT government funding. Mr Stevenson mentioned Years 7 and 8. I imagine that the situation has been brought to his attention because he got a letter, or numbers of letters, as most members have. It is a situation that I have been attending to sympathetically for some time. In a few days' time, I might have a quite definitive statement to make.

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

### **Women's Consultative Council**

**MS FOLLETT:** I would like to add to an answer I gave to a question without notice on 29 November, which was asked in a rare lucid moment from the Opposition, before they were struck by reefer madness, or whatever it is. Mr Kaine asked me a question about the work program for the second Women's Consultative Council and whether or not they had submitted a report on their work program. I can advise that a report on the activities of the ACT Women's Consultative Council from July 1993 to June 1994 was published. It was distributed to almost 500 organisations and individuals and it was made available through the Women's Information and Referral Centre. I am pleased to table the report, and there are enough copies to distribute amongst members.

### **Handyhelp Service**

**MR LAMONT:** During question time today, Mr Kaine asked the Chief Minister a question in relation to an organisation called Handyhelp. That organisation is funded through my portfolio under the home and community care services. It received an allocation from this year's budget for 2 per cent indexation across the board, for all HACC services; certainly, for Handyhelp that payment for indexation has been made. The department, I am advised, has had no complaints, either from or about Handyhelp. We believe that Mr Kaine put out a press release about two weeks ago about Handyhelp; but I emphasise that the advice available to me from the department is that it has not been approached by Handyhelp, indicating difficulties with funding. I indicate again that the home and community care grants program is currently the subject of ministerial consideration between me and the appropriate Commonwealth Minister and will be announced prior to the end of 1994, to allow payments to commence in 1995.

### **Tuggeranong - Retailing Needs Study**

**MR WOOD:** Madam Speaker, I can report to the Assembly that Ibecon, the consulting firm doing our retail study, have never undertaken any consultation work for Leda. They may have tendered for jobs, but certainly they have not received any from that firm.



**AUDITOR-GENERAL - REPORT NO. 8 OF 1994**  
**Financial Audits with Years Ending to 30 June 1994**

**MADAM SPEAKER:** Members, I present, for your information, Auditor-General's report No. 8 of 1994 - Financial Audits with Years Ending to 30 June 1994.

Motion (by Mr Berry), by leave, agreed to:

That the Assembly authorises the publication of Auditor-General's Report No. 8 of 1994.

**ELECTORAL ACT**  
**Papers**

**MS FOLLETT** (Chief Minister and Treasurer): Pursuant to section 6 of the Subordinate Laws Act 1989, I present Determination No. 153 of 1994, made pursuant to section 125 of the Electoral Act 1992. This determination relates to the methods of determination of matters by lot. I think it is quite important that I make members aware that the number of sitting days for disallowance, which is 15, will not have expired before the method is used to decide the order of candidates on the ballot paper for the 1995 election.

**LAND (PLANNING AND ENVIRONMENT) ACT**  
**Leases Granted - Quarterly Report**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members and pursuant to the Land (Planning and Environment) Act 1991, I present the statement which details the leases granted in the quarter ending 30 September 1994.

**RESIDENTIAL REDEVELOPMENT REVIEW**  
**Papers**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning (3.42): For the information of members, I present the report of the residential redevelopment review dated November 1994, together with a number of submissions to the review. I ask for leave to move a motion in relation to the submissions.

Leave granted.

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**MR WOOD:** I move:

That the Assembly authorises the publication of the submissions to the Residential Redevelopment Review.

Question resolved in the affirmative.

**MR WOOD:** I move:

That the Assembly takes note of the report on the Residential Redevelopment Review.

On 21 August I announced the terms of reference for a residential redevelopment review and on 15 September Mr Robert Lansdown was appointed to carry out this review. In announcing the review I made the following comments:

In talking with the community, various issues have been raised about some individual redevelopment proposals, about the extent of redevelopment and the perceived rate of change in particular parts of Canberra.

The terms of reference were developed in consultation with the Legislative Assembly Standing Committee on Planning, Development and Infrastructure.

It is with great pleasure that I now table, for the information of members of the Assembly, copies of the report. I am also tabling a few submissions to the inquiry, which arrived too late to be included in the earlier tabling of submissions. This now completes the tabling of submissions to the inquiry. I thank Mr Lansdown and his team for the quick and efficient work they did on the review. He conducted the review within a very short timeframe. Over 150 individuals and organisations made written submissions and numerous people provided oral evidence. The report was thorough and comprehensively addressed the terms of reference. I am sure that the community will join with me in thanking him for a difficult job well done.

I turn to some of the specific recommendations of the review and outline the Government's response. Firstly, on dual occupancy: As members would know, residents in new areas, particularly Banks and Conder, were concerned at the number of dual occupancies that were being erected in areas where residents were led to believe that only single residential dwellings would be built. The intention of the dual occupancy policy was to provide for additional housing options in established areas, and the action of builders in new areas was to exploit what was clearly a loophole. On Mr Lansdown's recommendations, we have now closed this loophole. A draft variation to the plan was gazetted on Tuesday, 24 November, and this will prohibit the building of dual occupancy dwellings until a period of five years has elapsed since the completion of the first house on a block set aside for a single dwelling.

The Government has also released draft guidelines which spell out very clearly the conditions under which dual occupancies will now be permitted. In addition, the Government has decided that, where an applicant for a dual occupancy wishes to unit title the two dwellings, betterment at the rate of 100 per cent will be payable. I hasten to explain that, if an applicant wishes to build a dual occupancy on their block and not unit title the two dwellings, no betterment will be levied.

The Government has also addressed the recommendations with regard to multi-unit developments. Such developments will not be allowed for the first five years in developing areas, except where they are in approved implementation plans. It will be allowed only where at least two blocks are amalgamated or on single blocks at least 50 per cent larger than adjoining blocks. It will be limited to one unit per 350 square metres, up to a maximum of four per existing block for developments of under 4,000 square metres and one per 1,000 square metres for larger blocks. It will be restricted to single-storey unless next to two-storey, and must be designed to reflect the existing character of the streetscape. I have also introduced new requirements for preconsultation by proponents for new developments and for the form and content of development applications.

The other concern that was addressed by Mr Lansdown was the redevelopment of blocks in established areas for several units. This recommendation has been addressed, among other things, by the Government through its announcement that it will be introducing local area planning. In my press release I said that the first plans would be developed for Yarralumla, Griffith, Turner and Ainslie and that I would suspend the three-storey development option for the B area north of Wakefield Avenue and west of Northbourne Avenue. I said that nothing would proceed in that B1 area until local area plans had been prepared in consultation with local communities. The Department of the Environment, Land and Planning, together with ACT Housing, is at present developing arrangements for the preparation of these plans with the local community. I acknowledge that there are a number of key issues to be dealt with.

I have also foreshadowed the second stage of our consultation exercise in planning - the Liveable Canberra strategic study. This will be the big picture. Lansdown has given us an answer for the residential precincts and the tools to develop and entrench a sense of place where it matters most - in our neighbourhoods - but we still need the big picture, a vision of where we are all going together as a city and not just in our own suburb. The strategic urban design study will give us that. I will be announcing arrangements for that shortly. Madam Speaker, the Government believes that the Lansdown report has provided a firm basis for further development of the Territory's planning system.

**MR CORNWELL (3.49):** I would like to begin by referring the Assembly to a report on urban consolidation dated October 1993. My friend Mr Stefaniak will be interested to know that it was by an organisation called Masterplan Consultants of Sydney. At page 9 it makes an interesting reference to dual occupancy when it states:

Demand for this type of development is likely to be generally uniform throughout all areas of Canberra. This prediction is based on the following reasons.

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One of the dot points states:

Exemptions applying to this form of development, in respect of: public notification; third party appeal objection (if existing regulations remain); and betterment, if subdivided under the Unit Title Act (and particularly if allowed under the Land Act), are expected to considerably add to the attractiveness of dual occupancy development.

As far as I can ascertain, no public submissions were sought by Masterplan Consultants. All I can say in relation to those comments is: How wrong this Government was in those expectations, if they have been reflected by Masterplan Consultants.

It is also interesting to note how quick this Government was to correct the errors they had caused. In fact, they corrected them on the day the Lansdown report was made public. Not only did they correct them; they also expanded upon them in the Government's response. I believe that that proves quite conclusively that the planning policies of this Follett Labor Government were flawed right from the start. Why else would you move to accept most of Lansdown, adding your own refinements, including returning dual occupancy block sizes to the old NCDC measure of 800 square metres, and abandoning the unworkable - and, might I suggest, uncountable - 50 : 50 policy.

The Liberal Party welcomes most of the Lansdown report recommendations and, indeed, most of the Government's response to it. We have always believed that the planning problems besetting this city could be solved simply, and I believe that Mr Lansdown has proved the correctness of this view. Most of the problems simply require what is perhaps a rare response in this political climate; essentially, a commonsense approach and some firm guidelines. Fortunately, Mr Lansdown is of the old school and therefore was prepared to provide such direction rather than cop out and suggest widespread counselling - the universal panacea of Labor governments - for residents, planners and developers alike.

I believe that Mr Lansdown's recommendations essentially are sensible and practical and I commend him, as did the Minister, for a very good report. However, it is not the Lansdown report we are really addressing; but, rather, the desperate effort of the Follett Labor Government to rescue some shred of credibility and respectability from their previous planning policy by the Government's response to the Lansdown report. Unquestionably, the ALP's planning policy has come close to destroying, in a greedy 12 months, what has taken almost 70 years to create. I refer to Canberra itself.

While I can accept that some people have little or no taste, I cannot accept that they would be totally blind to what they were doing to this city's residential and social amenity. Yet this was the action of the Follett Labor Government. They were prepared to allow the destruction of Canberra as we know it, perhaps because of their sense of social justice, also known as envy, which was prepared to destroy suburbs such as Yarralumla, Griffith, Turner, Braddon and Ainslie. There was another perhaps more grubby but understandable reason, and that was revenue; that is, betterment, stamp duties and increased rates.

Driven by this desperate need for more funds to cover mismanagement of existing budgets such as health and the need to fund their political correctness initiatives, the Labor Government went further and allowed the planning rape of virgin suburbs like Banks, just as predicted in the Masterplan Consultants report; namely, that it was likely that the demand for the dual occupancy type of development would be generally uniform throughout all areas of Canberra - new areas as well as old, Mr Minister. Is it any wonder, therefore, that this brutal open slather assault by medium density and dual occupancy development upon this city incurred the wrath of the residents?

By a rich irony, I believe, the person who presided over this urban pillage - the destruction and threatened destruction of this city's visual charm, character and culture - was none other than our own Mr Bill Wood, who is also the Minister for the Arts. Mr Wood is a man who has lectured and hectored this side of the house on more than one occasion and accused us of being cultural philistines. This is the man who has presided over the visual destruction of much of Canberra under the ALP's planning policies. I do not blame the Minister himself, not personally anyway; but I do suggest that Mr Wood, and I hope the Follett Labor Government, will have to accept in a very backhanded way Sir Christopher Wren's valedictory:

If you would see his monument, look around.

I further suggest that it is Mr Wood's misfortune, thanks to the financial greed of the Follett Labor Government, that he will not again attain the level of respect, whatever it was, for good taste he previously enjoyed in the ACT, after the planning debacle of the last 12 months. Despite the rising clamour from groups of residents - and I draw a distinction between groups of residents and residents' groups - wanting to protect their local suburban amenity, the Government would not move to an inquiry into the urban destruction they were allowing. It took the Liberal Opposition, with the support of the Independents, to force this Government into the Lansdown inquiry - a belated one at that. A check of my records indicates that the Liberals called for an infill moratorium on 28 June this year, and it was finally introduced as Mr Wood's Clayton's moratorium on 21 August, as the Minister himself has indicated. The Lansdown report is the result.

As I said earlier, we welcome and support most of Lansdown, and certainly the Government's response, because we believe that it will provide certainty both to developers and to residents in the planning process - save for one qualification, and I will come to that later. Up until now, I think the view of most of the Canberra community affected by the infill blight has been that the planning process favoured the developer. Whether or not this assumption is or was ever correct, the Liberal Party believes that most of the Lansdown recommendations, and the Government's acceptance of them, I repeat, will now provide certainty to both parties and, further, go a long way, although perhaps not all the way, to overcoming the ACT's residential planning problems. Nevertheless, the Liberal Party would like to place on record our objection to the Government's decision to increase betterment to 100 per cent when unit titled. This is at variance with the Lansdown report. Mr Lansdown recommended only that an unspecified increase in the percentage of betterment be investigated. He did not nominate an amount; he simply asked that the matter be investigated. Certainly, the question of 100 per cent betterment is at variance with the Liberal Party's policy towards the matter of betterment in general.

It is further our view that the 100 per cent betterment, even in older areas, even for dual occupancies, and even when only unit titled, still will dissuade development. We also believe that it is unnecessary, given the other constraints now imposed upon dual occupancies in these older areas, which are: Limited to blocks of over 100 square metres in area; restricted to a floorscape less than 35 per cent of the block size; restricted to single-storey unless adjacent to an existing two-storey development; designed so that they reflect the character of the street; are consistent with the street setbacks; reflect the low density character of existing developments; and, finally, significant trees will be retained. We believe that there are enough restrictions in there already in relation to dual occupancy in older areas without adding 100 per cent betterment. It is also our view that space limitations provided for medium density are unnecessary, although I think their purpose needs to be explained. You might like to do so on the record, if you are planning to make any response to these comments.

There also remain, I believe, Minister, a number of questions you might like to address, and I will enumerate these. On the two-storey restrictions that have been imposed, how does this affect a person who wishes to Cape Cod their house? Secondly, what happens to the design and siting applications lodged before 21 August that lapsed because of inaction by the ACT Planning Authority? I do not say that in a critical sense. I just ask the question.

**Mr Wood:** Inaction by applicants, it would be.

**MR CORNWELL:** Thank you. Further, can you confirm that redevelopment applications prior to 21 August will be assessed on the old planning guidelines? Fourthly, if an application first submitted prior to 21 August had to be resubmitted or was subject to appeal, would it then be judged on old planning guidelines or those post-Lansdown? What do you mean by hardship, Minister, which is something you mentioned in the Government's response? I hope that it does not mean that the ALP mates and supporters can be looked after, but I would like a clearer definition of hardship. Concerning the local area plans for the suburbs of Yarralumla, Griffith, Turner and Ainslie, will this announcement delay or cause to be rejected proposed developments such as Hunter Street in Yarralumla, and Lefroy Street in Griffith? Finally, will two-storey developments already approved or built be now used to allow other two-storey developments adjacent or next-door to the approved two-storey development? These are some of the questions I have been asked by members of the community, and I would welcome a response at some time so that people may be clearer on what is the Government's intention. I have deliberately read them into the *Hansard* so that you can address the matters, Minister.

Community involvement in local area plans is to be welcomed. The Liberal Party believes that this initiative could do much to ameliorate the antagonism and distrust that too often exist between developers and residents. However, I would stress that the operative words are "could do". Unless the Government is prepared to ensure that these local area plans are acted upon and, more particularly, that the decisions arising from them are acted upon by the departments and authorities involved, I believe that the exercise is futile.

I offer this warning because enough examples have been brought to my attention which suggest that proper processes have not always been followed. Objections have been lost or mislaid in the department, significant new plans have been submitted under the guise of minor amendments, and there have been delays in acting upon the misplacing of green signs, and their withdrawal before time. I know that these examples, of themselves, might not appear critical or even of great importance, but they are to the local residents. More importantly, I think such mistakes or system failures damage the credibility of the system itself. It is with this one qualification that the Liberal Party welcomes most of the Lansdown recommendations - a long overdue inquiry - and most of the Government's response to them.

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

**MINISTER FOR HEALTH**  
**Motion of Want of Confidence**

**MR MOORE** (4.04): Madam Speaker, I seek leave to move a motion of no confidence in the Minister for Health.

Leave granted.

**MR MOORE:** Madam Speaker, sometimes it has been the practice in this house to indicate to people for some time beforehand that such a motion would be moved; but I believe it appropriate, if a motion of no confidence is moved, that it be dealt with as expeditiously as possible. I believe that that is why the Government and other members have granted me leave to put this motion. Madam Speaker, I move:

That this Assembly lacks confidence in the Minister for Health for misleading this house.

**Mr Berry:** Shame, shame!

**Mr Connolly:** Shame on you!

**MADAM SPEAKER:** Order! I am going to ask for total order in this debate.

**MR MOORE:** Thank you, Madam Speaker. I shall contain myself.

**Mr Berry:** That will be difficult.

**MADAM SPEAKER:** Mr Berry!

**MR MOORE:** Madam Speaker, this is, indeed, a very serious matter. I think it is very important to distinguish between the issue upon which it is based and the action that the Minister has taken. The issue, Madam Speaker, has been an issue of some heat in this Assembly over the last couple of days, but the action is separate from that issue. I believe that this Minister has deliberately misled this house.

Madam Speaker, I think it is important for us to look at the background of this matter, and to look, first of all, at how this Minister has handled this issue. Yesterday this house passed a motion which was then dealt with publicly by me, by Mrs Carnell, in particular, and by the Minister for Health, who also is the Attorney-General. That public appearance was the beginning of a series of misrepresentations which built up a picture as to how this Minister was going to act. Madam Speaker, when I come to the real reason for this motion, it will be a specific instance of deliberately misleading the house, but I think it is important to put it in its context. The context is that this Minister went into the public arena and constantly talked about an open slather. He constantly talked as though a piece of legislation passed in this house would in some way increase supply.

**Mr Connolly:** That is what my legal advice says.

**MR MOORE:** Even now, Madam Speaker, as I say "would increase supply", he interjects to refer to his legal opinion. Madam Speaker, his legal opinion specifically says that this would in no way affect supply. That is exactly what it says. Madam Speaker, he shakes his head now. Perhaps it is the arrogance of this Minister that has caused these sorts of problems.

Madam Speaker, on a previous occasion a no-confidence motion in a Minister has been carried in this house. It was against the previous Minister for Health. It was carried on the notion that a series of statements had been made and they had created an impression. They finally gave the house the impression that something was so when it was not so. Madam Speaker, that was indeed a serious matter, and you may well remember that it was reported seriously in the media. On this occasion, Madam Speaker, I considered the possibility of a censure motion. Indeed, I have discussed that with Ms Szuty. I discussed with Mrs Carnell and with Mr Humphries whether a censure motion would be more effective. Considering the heat of the time, Madam Speaker, that was indeed a temptation. Unfortunately, I think that that would be inconsistent with the previous no-confidence motion that was carried against Mr Berry. Where a case of deliberately misleading the house has occurred, there is no choice but for this house to demand the highest standard and to say, "You cannot mislead this house. You cannot mislead this house and be a Minister".

Madam Speaker, I said at the beginning that I would distinguish the issue from the action, and that is what I am intending to do. The notion of open slather was continued in this house today. That is conjecture. It is about what might happen in the future. It is a bit of political invective, although it does continue to increase the impression that something is when something is not. Madam Speaker, the specific action was a response from Mr Connolly when he informed this house that the AIDS Action Council did not support the legislation that went through yesterday. When he informed the house, Madam Speaker, that that was not the case, that he had been informed that that was not the case, that was entirely inappropriate and it was deliberately misleading this house.



Madam Speaker, I accept that this is third-hand, so it is not going to be enough; but my staff member informs me, having spoken to the general manager, Matthew Gillett, that he said that he had spoken to Mr Connolly. In fact, we interjected a number of times. When Mr Connolly was speaking, we interjected, "Tell us what Matthew Gillett told you personally". I am not using this to help form the background. What Mr Gillett said, according to what he said to my staff, was that the AIDS Action Council did support this piece of legislation. But, Madam Speaker, that is third-hand; so, while it sets the picture, it is not the most important thing. The most important thing, Madam Speaker, is what is in writing, the press release of the AIDS Action Council, with Matthew Gillett's name at the bottom of it, on the AIDS Action Council's official paper. Madam Speaker, I think it is appropriate that I read the press release in full so that it can be seen that I am not taking things out of context. This is a press release issued on AIDS Action Council paper. It is headed "Canberra Doctor to Approve Cannabis Use Immediately", and it says this:

The AIDS Action Council of the ACT announced today that people with AIDS would benefit from the provision of cannabis for medical use.

It goes on:

Dr Peter Rowland, a Canberra General Practitioner who specialises in AIDS care, said "Cannabis is an extremely valuable drug for relief of pain, anxiety and sleeplessness. I will start providing certificates for my patients as soon as I establish the necessary research protocol".

Madam Speaker, this is printed on AIDS Action Council paper. It continues:

Cannabis may also be very important as an appetite inducer for people who are suffering from the so-called "wasting syndrome" sometimes associated with AIDS.

Actually, Madam Speaker, it reads "form" instead of "from"; there is a typing mistake in it. It continues:

"When people with AIDS are ill it can become very difficult for them to get the necessary nutrients simply because they do not have the appetite to eat well. Many people have found that cannabis is their best solution to this" said Matthew Gillett, General Manager of the AIDS Action Council.

The large number of drugs that many people with AIDS need to take means that access to viable alternatives is very important.

Reinhold Bergmoser, Executive Member of ACT People Living With Aids, says that medical use of cannabis could mean a significant improvement in his health management: "Using cannabis would mean I could reduce the number of tablets I take by about 2,000 to 3,000 tablets per year. This is better for my health and cheaper for the health system".

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Madam Speaker, this Minister told this house that the AIDS Action Council does not support this legislation. I have presented clearly the evidence that the AIDS Action Council does indeed support this legislation that passed through this house. I cannot, for the life of me, understand why the Minister would do that. I cannot understand why he would publicly misrepresent the legislation in the first place, and then come into this house and give a general misrepresentation, unless it was for some political mileage that he believed he would get. But on this specific issue - and this is the critical one, Madam Speaker - deliberately misleading the house on this issue is totally unacceptable.

This house has already set a precedent, Madam Speaker. It has set a precedent that a Minister cannot mislead this house. Madam Speaker, as long as I continue to believe that Mr Connolly has misled this house, I have no choice but to move or to support a motion of no confidence. If Mr Connolly, or anybody else, can present evidence to show me that I am wrong, that he has not misled the house, it will be with pleasure that I will withdraw this motion. Even if I believed that the words could be misconstrued or misunderstood, or understood in a different way, perhaps I would be prepared to modify this to a censure motion.

**Mr Lamont:** To apologise?

**MR MOORE:** Mr Lamont interjects. If I have wronged Mr Connolly I will apologise, of course. At this stage, from what I heard Mr Connolly say at question time and what I have in front of me, and what I know, I believe that this Minister has misled this house. Madam Speaker, I think it is important for us to maintain the highest possible standards in this house, and I will pursue this. Madam Speaker, I am aware that in question time there was a somewhat heated debate. I am aware that not only was the Minister somewhat heated but I was also. That is why I say that if I have misheard I will be prepared to apologise. Madam Speaker, I think it is also important to note that, today being Thursday, I have the choice of either waiting to see the *Hansard* to double-check - - -

**Mr Berry:** You are not even sure that he misled the house now.

**MR MOORE:** I feel sure about what I heard, Madam Speaker. I believe that I will not need to apologise. I believe that this is the appropriate course of action. I also think it is important to understand that I could easily have let this issue cook for three or four days. Politically, Madam Speaker and Mr Connolly, it would have been very useful for me to change the whole nature of this debate by letting this cook for three or four days, in an open way. I chose specifically not to do that, even though I did not have the *Hansard* with me, specifically so that the issue could be dealt with now, openly, without it being the subject of conjecture. Madam Speaker, it is with regret that I have moved this motion, because I believe that in many ways Mr Connolly has been one of the most competent Ministers to have operated in this Assembly and in the former Assembly.

**MR HUMPHRIES** (4.18): Madam Speaker, Mr Moore is right to say that this is a serious matter, a matter of great concern - both the issue that it raises and the consequence of the issue that it raises. This is not the first time that a motion of no confidence has been moved in a Minister, including Chief Ministers, and it is not a matter that any of us should take lightly. Let me say, briefly, that the Liberal Party is yet to determine what to do about this motion. While Mr Berry may choose to giggle about it - he thinks it is a very amusing matter - I do take very seriously what does appear to be a prima facie case of Mr Connolly having - I can only assume quite deliberately - misled the house. Mr Connolly has been, apparently, very anxious in the last 24 hours to paint a particular picture about the actions of the Assembly yesterday in passing the amendment to the Drugs of Dependence Act and in doing so he has made what seem to me to be fairly extreme statements about this matter. What he said outside the house is not immediately a matter for concern in here.

**Mr Lamont:** It is of no concern.

**MR HUMPHRIES:** Okay, it might not be a matter for direct concern in this place; but, certainly, what he says to this house is a matter which is subject to the protocols and the conventions which are built up around matters concerning misleading of the house. The consequence of deliberately misleading the house, I think, Madam Speaker, is fairly well outlined and is fairly clear to this house and to all members in it, particularly Mr Berry. Madam Speaker, I have read this legal opinion which Mr Connolly has tabled and I have also heard what I think I heard Mr Connolly say about open slather.

**Mr Moore:** In this house.

**MR HUMPHRIES:** In this house; what he said in this house about open slather. He did say, repeatedly, to the best of my recollection, that the passing of yesterday's amendments would make it open slather for people to be supplied with cannabis. That is my impression of what Mr Connolly said. Madam Speaker, that is what I heard Mr Connolly say, and that is not what the advice which he has tabled in this place says. The advice is quite expressly different from what Mr Connolly has said in this place. I read from the first page of that legal opinion. It says:

The amendment does not cover the supply of cannabis. Should a person be certified in writing by a medical practitioner engaged in medical research to have a physical or mental condition such that the use of cannabis may be appropriate for the treatment of that condition, then the mere possession or cultivation or consumption of cannabis by that person would not be prosecuted as an offence.

That is the effect of this section 171B we have inserted in the Act. The opinion continues:

However, the supply of cannabis to that person would still be an offence under the supply provisions as set out in section 165 of the Act.

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Later on, on the next page, it says, for emphasis:

The Amendment does not alter the operation of the Act in relation to the supply of cannabis.

How can that be consistent with the statement that it is open slather on the supply of cannabis?

**Mr Connolly:** Open slather to prescribe cannabis to anyone.

**MR HUMPHRIES:** I do not think that those words appeared in connection with each other earlier today. "In connection with prescription" did not appear in conjunction with "open slather".

Madam Speaker, the other matter which Mr Moore has drawn attention to is the press release by the AIDS Action Council. Mr Connolly was very definite - at least, again, it appeared to me that he was very definite - during question time in referring to this question of what the AIDS Action Council thought about the action that had been taken by the Assembly yesterday. He created a very strong impression, in my mind - in fact, it caused me some surprise - that the AIDS Action Council did not support the decision taken by the Assembly yesterday. Mr Moore has already quoted this press release, so I will not do so; but I find it impossible to consider, on reading this press release, that anything other than full support by the AIDS Action Council of the ACT for the decision of the Assembly yesterday is reasonable. That is a perfectly reasonable interpretation of what they say. Indeed, they say that people with AIDS would benefit from the provision of cannabis for medical use.

**Mr Connolly:** Which they can get under the existing Act, and which is in no way dependent upon your foolish amendments. Therefore, you cannot draw on that press release as support for your foolish amendments.

**MR HUMPHRIES:** Is Mr Connolly saying that it is mere coincidence that the AIDS Action Council put out a press release today referring to the wonderful benefits of people with AIDS getting access to cannabis for medical use? Is it mere coincidence that this occurred today after - - -

**Mr Connolly:** They were asked for their views on the medical use of cannabis.

**MR HUMPHRIES:** They were asked about the medical use of cannabis.

**Mr Connolly:** Yes.

**MR HUMPHRIES:** So, this is a press release in answer to a specific question which in fact divorces this issue altogether from what was done in the Assembly yesterday?

**Mr Connolly:** That is pretty much right, I think.

**MR HUMPHRIES:** No; I am sorry. Mr Connolly can make out his case when he rises in this place. He can say that. It seems to me, Madam Speaker, very clear that the AIDS Action Council were talking quite directly about the amendment passed in the Assembly yesterday. Why should they put out coincidentally a release talking about an issue which is dealt with elsewhere in other legislation? Surely, they are talking about the Drugs of Dependence (Amendment) Bill passed yesterday in this place. Indeed, the second paragraph makes it perfectly clear. It says:

Dr Peter Rowland, a Canberra General Practitioner who specialises in AIDS care, said "Cannabis is an extremely valuable drug for relief of pain, anxiety and sleeplessness. I will start providing certificates for my patients as soon as I establish the necessary research protocol".

Is he saying, in fact, "I am going to Mr Connolly to get a capacity under section 32, authorisation under section 32, to start doing these research exercises."? No. Dr Rowland, surely, is talking about prescribing pursuant to the Drugs of Dependence (Amendment) Bill we passed yesterday. Is that not what he is saying? Mr Connolly can enlighten me about this, but I must say that it looks very much like that is the case. Dr Rowland does not mention going to the Minister for a certificate.

Madam Speaker, I would welcome the opportunity for the Minister to say something about this matter. He will have our leave to speak a second time or a third time on this matter if he wants to; but I am afraid that it does look very much as though the Minister was attempting to create an impression, to quite deliberately create an impression, in the first place, that there was no support by the AIDS Action Council for the position of the Assembly in taking the step we did yesterday; and, secondly, that there was open slather on the use and supply of cannabis in the Territory pursuant to the passage of that amendment. Neither appears to be supported by the evidence. I think that both things were abundantly clear to the Minister when that happened. I look forward to his comments.

**MR CONNOLLY** (Attorney-General and Minister for Health) (4.26): Madam Speaker, I rise, more in sorrow than in anger, to speak to this motion of no confidence, although I would be entitled to be angry. I would be entitled to be angry at some of the outrageous aspersions that were cast on me during question time today. I would be entitled to be angry at Mr Moore's appalling attempt to politicise the issue of HIV and AIDS and people living with HIV on this World AIDS Action Day. I would be entitled to be angry; but, rather, I am sorry. I am sorry because Mr Moore, who does have a reputation, well earned, as a reformer in the area of cannabis law, has embarked on a course of action that has made him and the cause - a cause for which I have some sympathy - appear foolish. I told him that before he moved this amendment Bill. I told him that if he went down this path it would set back that cause many years. Unfortunately, he did not listen.

There are two heads to this allegation of misleading the Assembly. I presume that there are two. There was one in Mr Moore's case presented against me. Mr Humphries then introduced another allegation of misleading. No doubt, as we refute those two, people may come up with even more. It shows the highly political nature of this whole exercise.

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It shows that people are smarting. The petulant behaviour that we observed in question time today from Mr Moore and Mrs Carnell does not do credit to this place. I will refer, Madam Speaker, firstly, to Mr Humphries's allegations. Mr Humphries says that I have misled this place because I have referred to an open slather approach to cannabis. Now, he says, to the supply of cannabis. We do not have the *Hansard* record in front of us, and we had a fairly heated question time today. Let me state my understanding of the position, and my understanding of what I have said here and in other places: The ACT, yesterday, embarked on a dangerous approach of open slather to the use of cannabis. I base that on legal advice which I today tabled in this place.

That legal advice very clearly refutes the claims that Mrs Carnell and Mr Moore have been making, that the amendment moved yesterday is somehow linked to Part IV of the Act. As I said yesterday, very clearly - I urged members to listen to me yesterday - Part IV of the Act presently provides a mechanism whereby cannabis or another drug can be made available for research purposes. A doctor who wants to engage in medical research, who believes that cannabis may be an effective therapeutic agent, can seek approval, can develop clinical protocols, research protocols. There is all that technical language in Part IV of the Act. It can be done.

I said yesterday that your section 171B was unnecessary. If all it was meant to do was to duplicate those careful clinical research protocols it was unnecessary, and if it went further it was dangerous. You said yesterday, clearly, that you did not want to duplicate it. "Oh, no", you said, "We do not want all these complex clinical protocols". That was reminiscent of the language used in the AIDS press release. You wanted to be able to do it on a case basis; so that people can keep case notes; so that people can prescribe the drug; so long as they keep case notes they will be all right. If that is what you intended to do yesterday, and it seemed to be what you said that you intended to do - although Mrs Carnell denies that today - the legal advice that we have suggests that that is exactly what you did do.

The advice which I tabled today makes it very clear at page 3 that the term "medical research" is not defined in the Drugs of Dependence Act. You have not defined it. It could not be linked into Part IV of the Act anyway because it is not used in Part IV of the Act. Part IV of the Act refers to research generally. Section 171B of the Act is in no way linked to the clinical research provisions of Part IV of the Act. If a doctor prescribes cannabis, if he writes an authorisation for use of cannabis under section 171B - I have put this in lay terms, to the national media and to this place - on the legal advice that I have tabled, he is in no way constrained by the clinical research protocols and procedures as safeguards of Part IV of the Act.

What does the Government Solicitor say about how a doctor may go about it? What do you need to do to be conducting medical research? He says that it is not defined. He cannot find any guidance in Part IV of the Act. He says at page 4:

My conclusion is that the term "medical research" used in section 171B is not restricted by the provisions of Part IV and could indeed have a very wide and possibly unrealistic interpretation.

I can foresee a situation where a doctor is involved in research into matters totally unrelated to drugs of dependence and in particular the use of cannabis in the treatment of a physical or mental condition, but yet be entitled by this Amendment to certify in writing that the use of cannabis by a person is appropriate for the treatment of that person's physical or mental condition.

Debate interrupted.

## **ADJOURNMENT**

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

That the Assembly do now adjourn.

**Ms Follett:** I require the question to be put forthwith without debate.

Question resolved in the negative.

## **MINISTER FOR HEALTH**

### **Motion of Want of Confidence**

Debate resumed.

**MR CONNOLLY:** The Government Solicitor went on to say:

On the other hand, another doctor may be involved in the treatment of patients who are suffering from conditions, either physical or mental which may be appropriately treated with cannabis, but unless that doctor is engaged in medical research, that doctor, despite what may be a lengthy period of experience and training would not be entitled to certify in writing that the use of cannabis is appropriate in those circumstances.

This is a very confusing proposition. He continued:

What this could eventually lead to is some spurious claims by medical practitioners that they are engaged in medical research and indeed if I was the legal adviser of such doctors I would advise them to merely open a file and start keeping records and statistics of the treatment of people by the use of cannabis. Further, it seems to me to be an invitation to medical practitioners to experiment on their patients by certifying cannabis for them within the scheme of s171B and then observing the result.

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I use the lay term "open slather" and I have just read you a rather complex legal argument. I think they amount to very much the same thing.

The Government Solicitor then seeks the meaning of the term "physical or mental condition". He goes on:

These terms are defined to some extent in section 3 of the Act. Physical condition simply means:

- (a) a physical disease, illness, ailment, defect or injury;
- (b) pregnancy; or
- (c) a physical state which may be changed by surgery in the course of professional medical practice;

but does not include drug dependence;

In our view, this is wide enough to include virtually any ailment, possibly even stress or any other condition which is manifested physically. Mental condition is only constrained by what it is not:

"mental condition" does not include drug dependence;

If a medical practitioner, who was engaged in medical research -

going back again, that term is nowhere defined; it cannot be linked to Part IV, and basically means that as long as you keep the notes you can argue that you are engaged in medical research -

were to decide that the use of cannabis by the patient would be appropriate for their physical or mental condition whatever it may be, whether it be intractable pain from terminal cancer to arthritis to stress, or indeed an inability to gain weight, then this would bring the use of the cannabis within the purview of the section.

Mr Humphries says that I should be dismissed as a Minister - the most serious sanction that is available in a Westminster parliament - for misleading the Assembly, for saying that this is an open slather approach. I read you that legal advice, and I read it to you again:

If a medical practitioner ... were to decide that the use of cannabis by the patient would be appropriate for their physical or mental condition whatever it may be, whether it be intractable pain from terminal cancer to arthritis to stress, or indeed an inability to gain weight, then this would bring the use of the cannabis within the purview of the section.

**Mr Humphries:** How likely is that?



**Ms Follett:** You are just being silly.

**MADAM SPEAKER:** Order!

**MR CONNOLLY:** Madam Speaker, I will leave it to members to decide whether that amounts to a misleading of this house.

**Ms Follett:** Madam Speaker, I take a point of order. There is no more serious motion than a want of confidence in a Minister. I urge you to ensure that this Minister is heard in silence in his own defence. It is totally unacceptable to have Mrs Carnell and her colleagues rabbiting on in their usual fashion.

**MADAM SPEAKER:** I did ask for silence during this debate. I will try to maintain it.

**MR CONNOLLY:** Madam Speaker, I continue reading from the legal advice that I have tabled today and which has been the basis for my statements, both inside the house and outside the house, in which I have tried to simplify that advice and to put it into lay terms. I quote:

The section is inconsistent with other provisions of the Act, to such an extent that third parties may be the subject of prosecution even if the person who uses the drug in the circumstances envisaged by section 171B is protected by that section. This includes the supply (which has an extended definition under the Act) to a person protected by a certificate.

The section provides no checks or balances on a doctor's discretion to certify or recommend the use of cannabis - the term medical research is not restricted by the operation of any other section of the Act.

There is no real restriction on what physical or mental conditions a doctor might certify as being appropriate to be treated by cannabis beyond that it not be for drug dependence.

Madam Speaker, I am charged with misleading the house for describing this as an open slather approach to cannabis. Madam Speaker, that is the legal advice; that is the advice that I had before you.

I leave it for members to make the judgment as to whether statements like what I now read amount to what I have described as open slather:

The section provides for no checks or balances on a doctor's discretion to certify or recommend the use of cannabis - the term medical research is not restricted by the operation of any other section of the Act.

There is no real restriction on what physical or mental conditions a doctor might certify as being appropriate to be treated by cannabis beyond that it not be for drug dependence.

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Consider also this statement:

If a medical practitioner ... were to decide that the use of cannabis by the patient would be appropriate for their physical or mental condition whatever it may be, whether it be intractable pain from terminal cancer to arthritis to stress, or indeed an inability to gain weight, then this would bring the use of the cannabis within the purview of the section.

As I have said repeatedly, the zealots for cannabis claim that it is beneficial for everything from a common cold to cancer. This legal advice makes it pretty clear that a doctor can make the decision that he will trial the drug for anything from a common cold to cancer, can keep the research notes and can prescribe the drug. I have described that as open slather. I have tabled the legal opinion. Members can make up their minds whether this amounts to the most serious charge that a Minister can face under the Westminster tradition. (*Extension of time granted*) Madam Speaker, I believe that that refutes, and refutes totally, Mr Humphries's aspect of the allegations.

I turn, or I return, to Mr Moore's allegations. These are the ones that make me most sad, rather than angry, because it has been an attempt - I will not say a grubby attempt; I will say a sad attempt - to drag the AIDS community into this partisan political debate and to make political capital on AIDS Day. Mr Humphries and Mr Moore both say that the AIDS Action Council support what they did yesterday and that I have misled the house by saying that they have not said that they support what was done yesterday. The press release that has been read out and claimed to be in support of what was done yesterday makes no reference to legislative moves in this house. It simply says that they support medical use of cannabis in certain circumstances. As I said yesterday, that can be done under the existing Act.

I will read and then table a statement which I have just received from Mr Gillett, the general manager of the AIDS Action Council of the ACT. Members may recall that in question time I started to relate a private conversation that I had had with Mr Gillett at lunchtime and then I retreated because I really think that members of the public, members of community groups that the Government has a long, fruitful and supportive relationship with, like the AIDS Action Council, or even members of groups that we may be having disagreements with, should be able to have a conversation with a Minister without me having to come into the chamber and relate verbatim what was said. While I would like to have done that, it is an undesirable precedent for me to do so and I will not do it; but I will read and then table the statement. It says:

Dear Mr Connolly

In light of the way the AIDS Action Council's statement of earlier today has been interpreted, I find it necessary to clarify our position to you.

As you will notice from today's press release, the AIDS Action Council supports legal access to cannabis for medical use. Questions about the particular amendment which was passed in the Legislative Assembly

yesterday are not for the AIDS Action Council to comment on. It was never my intention to make any public statement on the amendment itself, nor was I empowered to do so by my Board.

That, effectively, was the impact of the conversation that I had with Mr Gillett. He had been saying that they were very careful to be not going one way or the other on the amendment. We had a discussion about the process of social reform, a discussion not unlike ones I have had with Mr Moore. I was quite inspired to see Don Dunstan on television last night. I think it is known that in South Australia, as I was involved in Young Labor, I had great admiration and respect for Don Dunstan. He said on television last night something that he had said to me once in his house, something that has been with me throughout my career in the Australian Labor Party. It is very much the process that has been behind our party over the generations. It is that in social reform it is very important to take the community with you; that the role of a reformist government, or a reformist Labor government, is to be that little bit in front of public opinion, but taking public opinion with you.

I have said to Mr Moore in this context that when you go too far out in front of public opinion you can set back a cause. At that very well attended and very pleasant function today for World AIDS Day, the president of the council made some very complimentary statements publicly in front of television cameras about this Labor Government and successive Ministers for Health and me. After that, the way Mr Moore carried on in question time appalled me. We had that conversation and Mr Gillett explained to me the context in which that press release was written and what they were saying. Yes, they support the medical use of cannabis; but they are not commenting on either your method of doing it, or my method of doing it, which is the controlled, clinical process under Part IV of the Act. From Mrs Carnell's statements today to the national media, she is trying to wriggle out from under this. She is now saying, "Well, section 171B is subject to Part IV anyway", so perhaps there is no difference.

Madam Speaker, turning again to the crux of Mr Moore's allegation, what an extraordinary thing on which to demand the ultimate price for a Minister. Even if I had stated a view contrary to the AIDS Action Council view in the cut and thrust of political rhetoric in question time, is a difference of opinion in ascribing motives to people the thing for which you dismiss a Minister? Mr Moore, really, grow up. In any event, you cannot make that charge, because the AIDS Action Council have made this very clear in this statement, which I table:

Questions about the particular amendment which was passed in the Legislative Assembly yesterday are not for the AIDS Action Council to comment on. It was never my intention to make any public statement on the amendment itself, nor was I empowered to do so by my Board.

That, in rather more formal language, relates the conversation that I had with Mr Gillett in very pleasant circumstances in Garema Place today. So, when you were carrying on in question time and thereabouts and saying, "The AIDS Action Council supports what we did yesterday", I was able to say, "No, they do not. It is not so".

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**Mr Moore:** They do.

**MR CONNOLLY:** Mr Moore says that they do. I table the statement yesterday from the general manager. I will read this to you again slowly. I will read the whole thing. I quote:

As you will notice from today's press release, the AIDS Action Council supports legal access to cannabis for medical use.

**Mrs Carnell:** Yes.

**MR CONNOLLY:** As do I. As we said yesterday, we would be prepared to do it under the safeguards, subject to appropriate clinical safeguards. We are happy to go down that path.

**Mr Moore:** For synthetic - - -

**MR CONNOLLY:** That is what is going on through the national program. But, as I have said to you, if doctors come and see me about seeking access and permission under the Act, I would be interested in looking at those applications. I have told you that time and time again, both publicly and privately; but you went ahead with yesterday's process, which I have described as an open slather. That is the other arm of the allegation, and I think that is refuted if you carefully read that legal advice - that it is open for a doctor to prescribe cannabis, to authorise the use of cannabis, for just about anything.

**Mr Humphries:** But will a doctor do that?

**MR CONNOLLY:** Brendan Nelson says that he is worried that doctors might. Brendan Nelson said on *AM* this morning that there are some - - -

**Mrs Carnell:** What did he say would happen?

**MR CONNOLLY:** On the legal advice; provided the doctor noted that he had seen a paper claiming that cannabis is helpful for the cure of the common cold, and there are thousands of articles written. There are zealots for cannabis. We have been getting some absolutely whacko stuff coming through our fax machine today from some of the zealots, including the extraordinary statement that it was cannabis that was on the sponge that was used at Calvary, thus ascribing miraculous origins for cannabis. There are some whacko claims about cannabis, so you do not have to look very far for a piece of paper about cannabis. I am not saying that in jest, because that is what was faxed through to my office today. (*Extension of time granted*) Thank you, members. That refutes part one of the claim.

I table the statement from the AIDS Action Council. While this is not entirely in accordance with the forms of the house, as you are all sitting there in judgment of me, about to press the button on the trapdoor, it would be useful if you read this statement before you leapt to a conclusion. Mr Moore accuses me of misleading the house and says that I should be dismissed as a Minister because I said that the AIDS Action Council had

not said that they support your law reform. I have here a statement which says precisely that. I also have another statement which has just arrived here, and no doubt many other places, from Sydney. It is a media release from the Australian Doctors Fund and it says this:

Connolly's stand on marijuana in the ACT has doctors' support.

The Australian Doctors' Fund (Australia's largest doctors activist group with over 2,500 contributors) has endorsed the stance of ACT Health Minister Terry Connolly in opposing ill-founded legislation on the so-called therapeutic use of MARIJUANA.

Spokesman for the Australian Doctors' Fund, Mr Stephen Milgate said, "Under legislation proposed by Mr Michael Moore, Independent Member for the ACT and supported by the Liberals, SKUNK (a high THC Marijuana type) could dramatically increase in usage in the ACT. (The legislation is silent on THC content.)

I referred in question time today to the danger of clinical trials where you have no control on the quantity of the drug consumed or the strength of the drug. The media release continues:

Minister Connolly has insisted that a permit for research usage of Marijuana should go through existing appropriate medical research channels, and not be the subject of new permissive - broad-brush - fill in the details later legislation. Mr Connolly is acting responsibly and in the interests of all constituents including those that this legislation is alleged to help by opposing the removal of proper medical research safeguards.

Dr Stan Doumani, a Canberra GP and ACT spokesman of the Australian Doctors' Fund, stated that he had no idea as to how he would prescribe Marijuana as suggested by the legislation. "We are not in the habit of prescribing any substance where there is an absence of sufficient medical and scientific knowledge about its effects and side effects. To do so would invite medical negligence claims."

"Nor is there any method of controlling the dosage situation which is not the case with any other form of medication."

"The whole issue is quite ludicrous. I cannot believe that politicians could act so irresponsibly."

The Australian Doctors' Fund will write to every GP in the ACT to canvass their views on this latest development, Dr Doumani said.

Madam Speaker, there have been two pathetic bases for this pathetic motion. As I said, I rise more in sorrow than in anger because Mr Moore has such a record, a well-recognised and well-deserved record, on pushing for sane and sensible drug law reforms. He is internationally recognised, and properly so, and I commend him for

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what he has done. Having rushed legislation through yesterday, with this extraordinary Liberal Opposition's support, this amazing action by the ACT Liberals, which is being wondered at by doctors, lawyers and government leaders around Australia, in a fit of pique he then moved no confidence in me because I have had the sense to act responsibly, to do my duty by the people of Canberra, to plainly state the facts, to explain to the people of Canberra the import of the legal advice, which is that it is an open slather approach to the prescription of cannabis. I will not use the language of the Australian Doctors Fund, although I will quote them. They say that it is ludicrous, irresponsible, extraordinary. Madam Speaker, this no-confidence motion is a farce. Members who vote for this would be displaying extreme partisan pique.

**MRS CARNELL** (Leader of the Opposition) (4.50): I think extreme partisan pique is what the Minister has shown about this situation for the last two days. Every time he has opened his mouth over the last two days it seems that he has not quite managed to tell the whole truth. He said before that he had based everything he has said inside and outside this Assembly on the legal opinion that he has. Unfortunately, he received the legal opinion only today. It is very hard to understand how he based everything he said yesterday on a legal opinion he got today. It is a minor matter; but, if Ministers are going to be in charge of departments and are going to come into this house and give this Assembly information that we are to believe - that is the whole basis of being a Minister - you cannot have mild extrapolations of the truth all the time, even if it is about the legal opinion.

Mr Connolly has quoted from media releases and other things. There is any amount of media releases that everyone could quote from today. There is one here from the Redfern Legal Centre, which says:

Cannabis for medical uses in the ACT.

Redfern Legal Centre today congratulated the ACT Assembly for passing legislation enabling doctors to authorise marijuana for medical purposes.

"This is an important and beneficial change to our drug laws", said Steve Bolt, a solicitor at the Centre.

**Ms Follett:** I raise a point of order, Madam Speaker. I would make the point that we are not debating the merits of the legislation that has been passed.

**Mr Moore:** Terry Connolly just quoted from everything. He just quoted the doctors.

**MADAM SPEAKER:** Order!

**Ms Follett:** You could have taken a point of order. You did not. I am saying that there is a point of order; that we are debating - - -

**Mr Moore:** That is pathetic. Sit down. You are not helping him at all.

**MADAM SPEAKER:** Order!

**Ms Follett:** We are debating a motion of no confidence, not the merits or otherwise of the legislation that has been passed.

**MADAM SPEAKER:** That is quite correct. Mr Connolly's reading of documents was absolutely pertinent to his case. Mrs Carnell, I ask you to make yours the same.

**MRS CARNELL:** That is true, so I will keep quoting, Madam Speaker, because it is absolutely relevant to the case. It is absolutely relevant to the case because of the comments that Mr Connolly has been making, absolutely outlandishly, over the last couple of days, basically about society as we know it breaking down, about an open slather. I think there were comments about cannabis being stolen out of little grannies' backyards - all of those sorts of things. If Mr Connolly had such a problem, he, like everyone else, is quite able to amend any amendment that is in front of this house. He is quite capable of doing that. If he was not sure that this - - -

**Mr Connolly:** I told you that what you were doing yesterday was foolish, and you acted. You have taken your party right down the blind alley.

**MRS CARNELL:** I thought that we were to be heard in silence, Madam Speaker.

**MADAM SPEAKER:** Proceed, Mrs Carnell. Order, Mr Connolly!

**MRS CARNELL:** If the Minister was not sure that this particular amendment was in line with medical research, or if it allowed medical research to be somewhat broader than he would like, there was absolutely nothing to stop him. Rather than do that, he decided to go down the track of being, I think, partisan political; he was going to show, without any doubt, that he had somewhat misplaced information on this particular issue. This particular press release says that the ACT law is perfectly consistent with our international treaty obligations. Yesterday Mr Connolly said that that was not the case. Remember that this is a lawyer who - - -

**Mr De Domenico:** Dr Lawrence would not agree - - -

**MRS CARNELL:** That is right. It goes on to say:

The new ACT law clearly limits the legal use of cannabis to those being treated by doctors undertaking medical research.

Again, this was said by a solicitor. It is another legal opinion, it seems. It goes on to say:

It is unfortunate that we have seen the usual over-reaction to this very modest change to the drug laws.

This overreaction was on the part of the Minister. I must admit that I am really surprised with the Minister on this whole issue. If the Minister had problems, if there are any difficulties in this legislation which would lead to any open slather, I know that Mr Moore and I, and all the Independents, would be very happy to look at those issues, to look at them sensibly, and to look at them in this place. But, no; Mr Connolly chooses to go

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right off the top - the world as we know it is finished - and make comments about doctors being able to prescribe cannabis for anybody. Wrong! The Bill says quite categorically, as this legal advice says, that cannabis can be prescribed only for patients who are under a medical practitioner involved in medical research.

The issue here is that the Minister determined, for whatever reason, to make statements inside this house that were simply misleading. I accept that there is nothing we can do about what he says outside this house. Today we heard comments about the AIDS Action Council. Mr Connolly clearly attempted to tell people in this house that do not have regular contact with the AIDS Action Council that the AIDS Action Council had real problems with the intention of this amendment. That was the point he was trying to make. He gave anybody who was listening the impression that the AIDS Action Council have a problem with this approach. The fact is, categorically, that the AIDS Action Council have absolutely no problems with the intention of this amendment. They are saying that it is not up to them to talk about or to comment on pieces of legislation in front of this house - it is very difficult for them at this particular moment to do so - but they are categorical; they support the intention of this amendment. End of deal! Mr Connolly attempted to give the impression that that was not the case.

I think he quoted Brendan Nelson as saying that this is absolutely dreadful and that there is a real chance that doctors will be prescribing cannabis in a willy-nilly fashion. The next comment Brendan Nelson made, this morning, if anyone had been listening, was, "And if they do so they will be deregistered". That is what Brendan Nelson said. I must admit that I get cross with a Minister who is willing to half quote. That sounds like we are going to see medical practitioners out there willy-nilly prescribing cannabis. Brendan Nelson says, "If that happens they will be deregistered".

I have said, and I know that everybody else in this house has said, that if there are any problems, either legally or in practice, with this legislation we will move to amend it. We will be looking at this legal opinion to see how it gels with our opinion, and if there are any problems we will be amending it. That is the sensible way to go. This Minister has taken a silly approach and is going right off the top, giving very much the wrong impression not just to this Assembly but to people outside this Assembly as well. Most people in this house would expect, when a Minister gets up and says, "This is the case", that that is the case; not half the case, a quarter of the case, or a tiny bit of it; it is the whole situation as the Minister knows it.

The Minister knows that the comments he has made in this house over the last two days on this amendment are simply not the whole case. He knows that the legal opinion he sought overlooks - whether the author was told to overlook or not is another issue - a number of clauses in the current Bill. Mr Connolly read out the legal opinion. It makes some comments about medical research not being defined in the legislation. Certainly, it is not defined; but it is very much part of the legislation. In paragraph 32(c)(ii) it says that in the case of a program of research a clinical trial protocol will be required. As we know, if a word is not defined in the legislation we go to the *Oxford Dictionary* for a definition of that word. "Clinical", Madam Speaker, means medical; of hospital origin. That is what the word means. If that is so, in the case of a program of research, a medical trial protocol, read "medical or hospital trial protocol". That is the way the legal system works in this country.



The fact of the matter is that the Minister, continually, either directly or indirectly, has given this Assembly the wrong impression about this whole situation. The Opposition made it very clear. We believe in cannabis being used for clinical trials. If there are any problems with the legislation, why did not the Minister, if he was acting rationally and sensibly and in the interests of the ACT, approach us and speak about his concerns? He did not. He has not spoken to any of us once.

**Ms Follett:** He did not get much time.

**MRS CARNELL:** That was because he went public immediately.

**MS FOLLETT** (Chief Minister and Treasurer) (4.59): Madam Speaker, I will speak very briefly upon this matter. I want to make it clear at the outset that I have total confidence in Mr Connolly as Minister for Health and as Attorney-General. In looking at the issue, I have taken particular note of the comments made by Mr Moore, the mover of the motion. Mr Moore, quite deliberately, has couched his case around one document, and that is a press release from the AIDS Action Council. Mr Moore believes that that press release is at odds with the Minister for Health's statement - - -

**MR MOORE** (5.00): I raise a point of order, Madam Speaker. I know that it is particularly unusual, but perhaps the Chief Minister and members of the Assembly would give me leave to make a very short statement. I realise that I am rising in the middle of the Chief Minister's statement, but I wish to modify the motion.

**MADAM SPEAKER:** That is extremely unusual.

**MR MOORE:** It is extremely unusual, Madam Speaker. Madam Speaker, when I stood and spoke I said that if I was wrong I would apologise to Mr Connolly. Madam Speaker, the document that Mr Connolly - - -

**MADAM SPEAKER:** I assume that leave is granted. Continue, Mr Moore.

**MR MOORE:** The document that Mr Connolly tabled does, I believe, put a different light on the issue. Madam Speaker, I believe what I have heard from Mr Connolly and I believe what I said when I was speaking to this motion. It is, indeed, a serious matter. Madam Speaker, I also understand the heat. I mentioned that when I was speaking. I understand the heat for both Mr Connolly and me on the issue. Taking that into account, Madam Speaker, I believe it appropriate that I modify the motion. I still think there is a serious matter before us. I intend to move an amendment to modify the motion to a motion of censure. I accept that there is heat in this, Madam Speaker. I accept that you can put a different light on it. Inasmuch as there is a different light, I think that maybe it should be dealt with as a censure motion rather than as a motion of no confidence. For that reason, Madam Speaker, I seek leave from members to modify the motion to read "That this Assembly censures the Minister for Health".

**Mr Berry:** No.

**Mr Lamont:** I understand that you did apologise.

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**MADAM SPEAKER:** Order! The Chief Minister has the floor. Continue, if you wish, Ms Follett.

**Ms Follett:** Could I clarify the situation, Madam Speaker? Mr Moore has sought leave for a particular course of action.

**MADAM SPEAKER:** Yes, I believe that leave has been granted.

**Ms Follett:** Leave has not been granted.

**MADAM SPEAKER:** Leave has not been granted. All right.

**Mr Moore:** Madam Speaker, after the Chief Minister has spoken I will move an amendment that way.

**MS FOLLETT** (Chief Minister and Treasurer) (5.02): Madam Speaker, Mr Moore's entire case, and indeed the only issue he has raised in moving the motion of want of confidence against Mr Connolly, is that Mr Connolly's pronouncements were, in Mr Moore's opinion, at odds with a press release issued by the AIDS Action Council of the ACT. Mr Moore read out the media statement on which he based his case. I listened very carefully because I had not seen that statement before. At no stage in the reading of that media statement did I hear any reference to the amendment to the Drugs of Dependence Act that was passed yesterday. It was always, in my mind, fairly questionable whether that statement was directly related to the legislation passed in this Assembly. The statement, from memory, said that the use of cannabis would benefit some people suffering from some classes of illness, including HIV/AIDS. I have no doubt that there are any number of medical practitioners, and probably patients, who share that view; but at no point in that press release did the AIDS Action Council refer to the legislation that was passed yesterday. At no stage did they say that the legislation that was passed yesterday would provide the benefit which they were supporting. At no stage was that connection made. I think that was always fairly doubtful ground for Mr Moore to be running on, Madam Speaker.

That ground has been totally refuted now by the letter which Mr Connolly has tabled from Mr Matthew Gillett, dated 1 December 1994. I believe that that letter does clarify the AIDS Action Council's position, and it reinforces the fact that there was not the intention in that press release to link the benefits of cannabis in the treatment of some illnesses with the legislation that was passed yesterday. In other words, Madam Speaker, Mr Connolly's comments were not misleading. There is no other possible complexion that can be put on the case that has been put by Mr Moore, the refutation of it put by Mr Connolly, and now by Mr Gillett. There is simply no other complexion that can be put on that matter.

Mr Humphries raised the matter of Mr Connolly's comments about whether this legislation represented an open slather approach or whether it did not. I consider, Madam Speaker, that the legal advice that Mr Connolly has provided is sufficiently broad in its terms and represents a sufficiently open situation in relation to this legislation that the use of the vernacular term "open slather" is not unreasonable. It could not be judged

as being misleading. Mr Connolly could have said, as did Dr Nelson of the AMA, that the legislation is ad hoc and ill considered. He could have said, as other commentators have said, that the legislation is unenforceable and impossible to police. Mr Connolly used the vernacular "open slather". I believe that he used that entirely reasonably, having had access to the advice from the Government Solicitor's Office.

Mrs Carnell made the point that Mr Connolly should not have used that term before he had the legal advice. Mr Connolly is the Attorney-General. He is a lawyer. I think I can trust him enough to make a preliminary assessment of the impact of this legislation, and also to make a fairly short and sharp comment upon it that, were he being asked for a legal opinion, or in a court of law, he would have probably couched quite differently, as has the Government Solicitor's Office. I think the comment that it was open slather is absolutely reasonable, given the advice on the legislation.

Madam Speaker, I say again that I do not consider, in any way, that the case against Mr Connolly has been made. In fact, I do not believe that it has even been well supported. I consider that the two issues of substance have been thoroughly refuted. The major issue is that which led Mr Moore to move the motion, and that issue has been refuted to the point where Mr Moore has now retreated from his original position. I think that is a pretty fair indicator to other members of just how strong his case was at the start. Nevertheless, Madam Speaker, I accept that Mr Moore was genuine in his intention in moving this motion. I most certainly accept that Ministers ought to apply, and in this Government do apply, the highest standards, and I believe that Mr Connolly has lived up to those standards.

Madam Speaker, I think it is regrettable that we have had this occurrence. In my view, it has come about because the legislation was introduced and passed with such astonishing rapidity, absolutely astonishing rapidity. There were fewer than 24 hours between first sight of it and the passage of it. I believe that it is unacceptable to say, as Mrs Carnell said, "We will fix it up later". It is totally unacceptable. What do you expect a responsible Attorney-General to say about that kind of approach? It is totally unacceptable. We must be cautious, we must be careful in this Assembly, to make sure that the laws that we pass are well thought out, are well considered and are acceptable to the rest of the community. Madam Speaker, I repeat that Mr Connolly has my total support. There is nothing in the case put against him today that would in any way change my opinion on that matter.

**MS SZUTY (5.10):** Mr Connolly referred to the two charges which were made earlier this afternoon, one from Mr Humphries and one from Mr Moore. I would like to deal with the charge from Mr Humphries in the first instance. I would like to indicate to members my view on both the no-confidence motion and the censure motion, as it will become, I believe, shortly. I believe at this time that the no-confidence motion has no substance whatsoever. I am doubtful whether the censure motion has any substance; but, given that I have not heard all members in the debate, I would like to hear from other members as to whether the Minister for Health should be censured over this matter.

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Mr Humphries indicated that Mr Connolly had used the words "open slather" in relation to the supply of cannabis. When he made those remarks I found it hard to recall whether Mr Connolly had used the words "open slather" in relation to the supply of cannabis. He has certainly used the words "open slather". There has been a very heated political debate since the passage of the amendment to the Drugs of Dependence Act yesterday in this Assembly. I believe that when Mr Humphries referred to Mr Connolly's use of the words "open slather" he was referring to them in the context of the supply of cannabis, and that is certainly not how I recall Mr Connolly using those words.

The second issue is Mr Moore's belief that Mr Connolly had misquoted the AIDS Action Council. I wrote in my notes at the time Mr Moore was speaking that I believed that Mr Connolly was referring to a personal conversation that he had had with Mr Gillett in Garema Place today. I note the letter from Matthew Gillett, the general manager of the AIDS Action Council, which I believe confirms the statement that Mr Connolly made during question time. I agree with the Minister; I took it as an aside. I was listening and I heard Mr Connolly pause. Mr Connolly said that he was a bit hesitant about recounting a personal conversation. I must admit that that is the impression that I got when he was speaking.

I believe, Madam Speaker, that the no-confidence motion against Mr Connolly has no substance. Mr Moore began his remarks by drawing the analogy between the no-confidence motion that the Assembly is dealing with today and the no-confidence motion that we dealt with some months ago in relation to Mr Berry. I see the two situations as being different. I do not see them as similar in any way. I certainly will not be supporting the no-confidence motion, and I do not believe that there are grounds for a censure motion against Mr Connolly either. As I said earlier, I think this debate has been heated and full of political invective. It is not a debate that I would relish. What has been said by a number of members taking part in this debate has been quite inflammatory. If there appear to be problems with a particular amendment that this Assembly passed yesterday, I hope that we can all calmly revisit it and end up with an amendment which we are all sure does exactly what we intend it to do.

**MR LAMONT** (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (5.14): Madam Speaker, I express my appreciation for the comments just made by Ms Szuty. They bear out the claims made by the Attorney-General in his answer to the original proposition put by Mr Moore. My staff, as you would appreciate, keep a fairly close ear on question time because of the need, at times, to supply additional information to members and to ensure that we pick up any suggestions that are being made by the Assembly in relation to matters for which I have responsibility.

It so happens that in respect of today's question time I am advised that the intent and the import which both Ms Szuty and Mr Connolly have put on the statements referred to by Mr Moore are entirely accurate. Mr Moore asked a question about what Mr Gillett said about the legislation, and Mr Connolly responded in words that imported that he put out a press release saying that they support serious research in cannabis. Mr Gillett did not say that he supported the Moore Bill and he said to Mr Connolly today that they are not

going to be entering into the debate. Then Mr Connolly paused and said that he did not want to repeat a private conversation; that it was inappropriate that he do so. I believe that that quite clearly vindicates the position argued by the Attorney and supported by Ms Szuty. It is obviously the position that this side of the house, as the Chief Minister has said, is very happy to countenance.

**MR KAINE** (5.15): Madam Speaker, I have listened patiently to the debate up until now. I can only suggest that the members of the Assembly exercise some caution in what they are going to be asked to do shortly. We have heard all sorts of debate about what was said and what was not said, and what was meant, and what was implied and what was not implied. There has not been a great deal of weight to the debate.

I am very concerned about Mr Moore. Mr Moore moved a motion of no confidence. Before the debate has been completed Mr Moore backs off and reduces it simply to a question of censure. Why did he do that? He has not given me any good excuse or reason for backing off. If he believed that the Minister deserved a motion of no confidence, what has happened during the debate that made him suddenly change his mind? I am concerned about Mr Moore's motives and what he hopes to achieve from this motion. We know that Mr Moore's travelling companion, who, one would have assumed, would be well acquainted with what his intentions were, well acquainted with what he intended to do and why he intended to do it, has said that she will not support a motion of no confidence, and she is doubtful about whether there is enough substance for her to support a censure motion. So, what are we on about? Why have we wasted so much time this afternoon debating a motion that even the mover is clearly not convinced about?

Madam Speaker, it is at times like this when I wonder why anybody has any confidence in this place. We have spent six years trying to turn this house into an institution that people could have some respect for. We have had our ups and downs, we have had our characters, we have made our mistakes and we have tried to rectify them. I very much suspect that if we are not careful about what we do in the next few minutes we will put ourselves back to where we were in 1989. I do not favour that. I have not put six years of my life into this place only to be told at the end of it that I am a clown; that we should not be here, we should be off somewhere else doing something else. Madam Speaker, I urge Mr Moore not only to reduce his allegation and his claim from one that warrants a no-confidence motion to one which merely warrants a censure, but to back off and let the matter lie.

**MR MOORE** (5.19), in reply: Madam Speaker, I think the best thing for me to do is to move my amendment. I move:

Omit "lacks confidence in", substitute "censures".

Madam Speaker, the AIDS Action Council put out a press release following a new piece of legislation. The new piece of legislation makes cannabis available for medicinal purposes. The AIDS Action Council put out a press release that supports a doctor, Dr Peter Rowland, and in it used the word "immediately". The press release is headed "Canberra Doctor to Approve Cannabis Use Immediately" and it is on AIDS Action Council paper. Clearly, Madam Speaker, the AIDS Action Council are approving an

action that has been taken. They are not saying suddenly, out of the blue, "Yes, of course we support medicinal use of cannabis. We just happen to put it out now because that is a convenient time to put it out". The Minister, being aware of this, came into this Assembly and said, "The AIDS Action Council does not support your legislation".

I have conceded, Madam Speaker. I moved a motion of no confidence in Mr Connolly and, to the extent to which that has caused him a great deal of discomfort, I do what I said I would do, which is to apologise. For that I apologise. But it is important still, Madam Speaker, to keep this in perspective. The clear perspective is that this Minister gave this house the impression that the AIDS Action Council did not support what happened in this house yesterday, and clearly, Madam Speaker, they do.

Madam Speaker, Mr Kaine has raised the issue of why I have done this and why I have backed off. I said in the initial part of my speech that I thought it appropriate to bring this matter to a head today rather than have it hang over the weekend as to whether there would be a no-confidence motion in Mr Connolly or not, which would have damaged Mr Connolly severely. That, indeed, would have been a worse case scenario. Madam Speaker, I did not have in front of me the actual words that were used. I accept that Mr Lamont's people monitor these things carefully. Madam Speaker, I have even heard of people who tape things, although we know that they ought not, and who have the opportunity to replay them. To take a step in this case which would result in the Minister losing his portfolios is a most serious matter and, Madam Speaker, for that I have apologised. I have apologised quite clearly. Madam Speaker, I can remember one other occasion in this house when I made a mistake - it had to do with Mr Collaery - and I went out immediately and said that that was a mistake. I do not mind when it is necessary for me to make an apology.

Nevertheless, a serious matter still exists. A Minister has given an impression when he knows something else to be true. We have a difference, I know that. We have a problem with the interpretation of language. You may interpret one way and I may interpret the other. That is why, Madam Speaker, I have moved the amendment. Even today in his speech, Madam Speaker - I realise that this was in the heat of debate and under pressure; I think it has to be put in that context - Mr Connolly said, "I have depended on this legal advice". He had it in his hand. But the legal advice was dated today. Madam Speaker, all members have to be careful, but Ministers have to be particularly careful to ensure that what they are saying is accurate.

**Mr Connolly:** And I spoke to my legal advisers yesterday. They advised me and they furnished me a written advice today.

**MR MOORE:** Mr Connolly now interjects that he spoke to his legal advisers yesterday and that they furnished him with the written evidence today. We know that Mr Connolly went out of this chamber and was immediately doing interviews, immediately putting out comments, before he had that level of legal advice. Madam Speaker, it is a serious matter. I believe that the impression created by this Minister is still entirely inappropriate and it deserves from this house a message saying, "We do not accept this from Ministers"; not a message of such import as Mr Berry knows the result of, but a message that is very clear. That is why I think this house ought to censure the Minister in as far as he has misled this house.

Question put:

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

The Assembly voted -

AYES, 8      NOES, 9

Mrs Carnell    Mr Berry  
Mr Cornwell   Mr Connolly  
Mr De Domenico   Ms Ellis  
Mr Humphries Ms Follett  
Mr Kaine      Mrs Grassby  
Mr Moore      Mr Lamont  
Mr Stefaniak   Ms McRae  
Mr Stevenson   Ms Szuty  
                 Mr Wood

Question so resolved in the negative.

Original question resolved in the negative.

#### **LEGAL AFFAIRS - STANDING COMMITTEE**

#### **Report on Evidence (Amendment) Bill (No. 3) 1993 - Government Response**

**MR CONNOLLY** (Attorney-General and Minister for Health) (5.30): Madam Speaker, I seek leave to make a ministerial statement.

Leave granted.

**MR CONNOLLY:** As we have been discussing AIDS issues, I should point out that, right about now, there is an ecumenical service for World AIDS Day at All Saints at Ainslie. Unfortunately, I will not be there. I would like to have been there, and I suppose that other members would like to have been there. In the past members have been able to be present, but today members are here. I am sure that all members join me in wishing everybody well at that ecumenical service.

Today I am responding on behalf of the Government to report No. 6 of the Legislative Assembly Standing Committee on Legal Affairs on the Evidence (Amendment) Bill (No. 3) 1993 on unsworn statements. The committee resolved to inquire into the use of unsworn statements by an accused in June 1993. Later, on 9 December 1993, the Government introduced a Bill to abolish unsworn statements. At the time of its introduction I said:

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... I am aware that the Legal Affairs Committee of the Assembly has an interest in this matter. It is certainly not the Government's intention to proceed to debate this Bill until that committee has had the opportunity to make such inquiries and conduct such hearings as it feels appropriate, but the Government did feel that it was appropriate to nail its colours to the mast and join New South Wales and Tasmania, which have recently moved to abolish this right.

Since then, New South Wales and Tasmania have abolished the right of an accused to make an unsworn statement, leaving the ACT as the only jurisdiction in Australia where this remains.

Turning to the committee's report, I am pleased that the first recommendation supports the Government's position. That recommendation is:

that the right of the accused to make an unsworn statement during criminal trials be generally abolished.

Naturally, the Government agrees to that recommendation. The Government does not, however, agree to the second recommendation, namely:

that the Evidence (Amendment) Bill (No. 3) 1993 be amended to confer a discretion on the court to shield an accused from cross-examination (in whole or in part) where the intellectual disposition or cultural background of the accused makes this appropriate in the interest of justice and in the circumstances of the case.

In my view, such an amendment is simply not necessary. It is a very well established principle that there is basic discretion inherent in all criminal trial judges to exclude evidence that is otherwise admissible if it would unfairly prejudice the accused person. Further, sections 58 and 59 of the Evidence Act 1971 provide to the court a specific statutory discretion to disallow irrelevant questions going only to credit or scandalous or insulting questions. The fact is that there is already ample capacity in the court to protect an accused witness where questioning may be unfair.

Mr Humphries, in his speech presenting the committee's report, made reference to Aboriginal and Torres Strait Islander defendants. This Government's commitment to ensuring that the rights of our Aboriginal and Torres Strait Islander citizens is well known. I can assure the Assembly that I am confident that the inherent discretion in our judges, which I have discussed above, is adequate to protect their rights and interests. In addition, members should note that those jurisdictions which have large numbers of Aboriginal and Torres Strait Islander citizens who may be before the courts, such as the Northern Territory and Western Australia, have not found that an additional statutory discretion is necessary for the courts to protect the rights of such defendants.

The Government agrees with the final recommendation of the committee, namely:

that clause 5 of the Bill be amended to provide that the discretion given under proposed section 70(3) applies to the whole of section 70(2).



The Bill, as well as abolishing unsworn statements, also provided for increased protection for an accused giving sworn evidence. Section 70 sets out the circumstances when the accused can be asked questions, with the permission of the judge, concerning past convictions for the purpose of attacking their credibility or to show that they were inclined to commit the offence for which they are standing trial.

The amendment provided that in one of those circumstances, where the accused makes imputations on the character of the prosecution or a witness for the prosecution, the accused should be asked such questions only where there are imputations that are not such as would necessarily arise from a proper presentation of the defence. Additionally, an extra subsection was added to expand the discretion of the judge in giving permission for such a question, unless the court is of the opinion that the question is relevant to his or her credibility as a witness and that, in the interests of justice and in the circumstances of the case, it is proper to permit the question to be asked. This additional requirement in the original Government Bill was meant only to relate to questions resulting from the impugning of the prosecutor or his/her witnesses' character, not to the other situations set out in section 70.

The committee has agreed with a submission by the Law Society that the additional discretion should apply to all the situations, not just to the one where the accused has made imputations on the prosecution. They have also written to me on this matter. Their argument was that specifying the discretion may well change the interpretation of the general discretion applicable to all the situations. In their view, there are no circumstances in the other situations where the new discretion would not be appropriate to be exercised.

The ACT is the only jurisdiction where the permission of the judge to ask questions in all the situations exists. In Queensland and Victoria, the judge's permission is required to ask a question where the accused has sought to give or lead evidence of his or her good character or to make imputations on the prosecution, but the discretion is not spelt out. In New South Wales, the permission of the judge is required only where the accused has made imputations concerning the prosecution. Also, New South Wales is the only State that spells out the discretion, and it is in the same terms as the proposed amendment, that is, the interests of justice and the circumstances of the case. While the original Government amendment is in line with the New South Wales legislation, because the ACT is the only jurisdiction which requires the court's permission in all circumstances anyway the Government agrees to the committee's recommendation that the additional discretion should apply to all the situations, although, in my view, in practice it should make no difference to the way the court currently operates. I will present the necessary Government amendments when the Bill is debated. I commend the committee for their work on the Bill. I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

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## **PERSONAL EXPLANATION**

**MR HUMPHRIES:** I wish to make a personal explanation under standing order 46.

**MADAM TEMPORARY DEPUTY SPEAKER** (Mrs Grassby): Yes, Mr Humphries.

**MR HUMPHRIES:** I think it was suggested in question time today by Mr Connolly that members of the Opposition had not turned up to the AIDS Day function that was held today at lunchtime. I want to record that I and, as far as I am aware, my colleagues were not invited to that function. That is why we were not at that occasion.

**MADAM TEMPORARY DEPUTY SPEAKER:** I find that amazing, Mr Humphries. I think everybody I know got an invitation.

**MR HUMPHRIES:** We did not, Madam Temporary Deputy Speaker.

## **SUSPENSION OF STANDING AND TEMPORARY ORDERS**

### **Precedence to Executive Business**

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

That so much of the standing and temporary orders be suspended as would prevent Executive Business being called on forthwith.

## **POSTPONEMENT OF ORDER OF THE DAY**

**MR BERRY** (Manager of Government Business): Pursuant to standing order 150, I move:

That order of the day No. 1, Executive Business, be postponed until the next day of sitting.

Question resolved in the affirmative.

**EVIDENCE (AMENDMENT) BILL (NO. 3) 1993**

Debate resumed from 9 December 1993, on motion by Mr Connolly:

That this Bill be agreed to in principle.

**MR HUMPHRIES** (5.37): This Bill abolishes the use of unsworn statements in our ACT courts. Since this process was begun, this particular rule now finds its lone existence in Australia here in the ACT. The Government has moved, and the Legal Affairs Committee has broadly supported it, for the abolition of the right to make an unsworn statement. At the present time a person who is accused of a serious crime in the Supreme Court has the right to do a number of things. One is not to give evidence. A second is the right to give ordinary evidence under oath or affirmation, which is evidence that can be cross-examined by counsel for other parties. The third option at the present time is the option of making a statement from the dock which is unsworn and which, therefore, is not susceptible to cross-examination. The present laws certainly govern the way in which the court and counsel in the court can comment on the fact that the accused person has made this unsworn statement. Certain inferences may be drawn from it and certain others may not be, in terms of what the jury is told.

This Bill is a significant piece of legislation. It is a reform that certainly is controversial. It does not, for example, have the support of the Law Society of the ACT, and it must be acknowledged that the Bill does provide for something of a decline in the benefit the accused person in a criminal proceeding has when appearing in that trial. After today, that person will no longer enjoy a right to make a statement in the court from the dock. The options available to that person are diminished. However, having said that, I again place on record the firm view of the Legal Affairs Committee of the Assembly that this is an appropriate way in which to proceed. The right to make an unsworn statement is a right which, I think, could fairly be said to be abused as often as it is used appropriately, and there are in this Bill protections built in to ensure that people who give evidence from the dock have the opportunity for limits to be placed around the sort of cross-examination of them that can arise as a result of having done that. It would be unusual to see these rights abolished without some kind of protection being put in their place, and the Legal Affairs Committee, with one small modification, accepts that those protections are appropriate; that is particularly in relation to subsection 70(2) of the Evidence Act. This is a controversial arrangement, and I am pleased that the Government has picked up and supported, broadly speaking, the recommendations of the Legal Affairs Committee.

There is the question of whether the Government ought to have allowed for some protection for those who come from backgrounds which might demand special consideration. Particularly, I draw the attention of the Assembly to the recommendation of the Legal Affairs Committee, which reads:

that the Evidence (Amendment) Bill (No. 3) 1993 be amended to confer a discretion on the court to shield an accused from cross-examination (in whole or in part) where the intellectual disposition or cultural background of the accused makes this appropriate in the interest of justice and in the circumstances of the case.

The Government has effectively accepted this recommendation but has argued that a specific amendment is not necessary to achieve that - that the general discretion inherent in the court's jurisdiction, that is, a discretion to exclude evidence which would be prejudicial to the accused person, is enough to make sure that that kind of thing will happen.

I understand that very specific use of that discretion is made in other courts in the rest of the country and I accept that this is an acceptable way for our courts similarly to protect such people. It may be that there are practices about where this kind of protection can be afforded. I do not know of a common practice that Aboriginal people or people from, say, a non-English-speaking background might be more likely to gain advantage of that discretion in our courts; but certainly I accept that at least there is an inherent capacity for that to happen, and I welcome that response.

The Opposition supports this Bill and hopes that there can be some monitoring of its effect. The Legal Affairs Committee was not sure that there was any particularly good data on how the position of an accused person had changed subsequent to the abolition of this right in other jurisdictions. I would go so far as to say that there does not appear to be much data on that. It may be that the best way of us knowing that we have made the right decision is to somehow assess, for example, the conviction rates that flow from the increased opportunity that would be availed of to give sworn evidence. Perhaps that can be done within the existing resources of the Attorney-General's Department. Notwithstanding those reservations, it is important for us to accept that this is an anachronism and should be abolished. Accordingly, we support this Bill.

**MR CONNOLLY** (Attorney-General and Minister for Health) (5.43), in reply: I thank the Opposition for their support for the Bill. Essentially, the committee that had a look at it agreed that this was a sensible thing to do. The Government has picked up one of their key problems, a problem that had also been identified by the Law Society, so I think we are in a position where we are all comfortable with this. Obviously, there will need to be some monitoring of what happens with the abolition of unsworn statements; but with the passage of this Bill tonight the ACT joins the rest of Australia and, by and large, the rest of the common law world in abolishing unsworn statements. While we will keep an eye on it here, I would imagine that there will be some work done in other jurisdictions as well.

This is a piece of law reform that does bring the ACT into line with the rest of the country. As I said in the press statements when we originally moved on this, this really was all about the great injustice that often occurred, particularly in rape trials. The survivor of the sexual assault would be cross-examined and her life made very difficult - yesterday we passed legislation to make that easier through video evidence - and then the accused would get in the box and make an unsworn statement, usually making all sorts of accusations about the victim, and not be subject to cross-examination.

Some years ago a woman could have said that the process of a rape trial was appallingly skewed against the woman because she was subject to often harsh and vicious cross-examination and intimidated in the courtroom in the witness box, whereas the accused could get in and make a statement and not be subject to cross-examination.

In two days we have removed both of those injustices. We have provided for video evidence for the victim, and we have basically said that those accused now have the same choice as other witnesses: They can get into the box and make a statement, but they are subject to cross-examination. So, both of these measures amount to a significant piece of law reform.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Bill, by leave, taken as a whole

**MR CONNOLLY** (Attorney-General and Minister for Health) (5.45): The amendment that has been circulated in my name, as adverted to, picks up the recommendations of the committee. I formally move:

Page 2, lines 18 and 19, clause 5, paragraph (c), proposed subsection 70(3), omit "paragraph (2)(c)", substitute "subsection (2)".

I table the explanatory memorandum.

Amendment agreed to.

Bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

### **BETTING (TOTALIZATOR) ADMINISTRATION (AMENDMENT) BILL 1994**

Debate resumed from 29 November 1994, on motion by Mr Lamont:

That this Bill be agreed to in principle.

**MR DE DOMENICO** (5.46): This Bill tries to put flexibility back into ACTTAB so that it can operate on a commercially level playing field with its competitors. So said Mr Lamont when he introduced the Bill into the house. If that is the aim, why did the ACT Government decorporatise ACTTAB last year? If ACTTAB were a corporate body, this Bill would not be necessary. This Bill attempts to give a bureaucratic organisation, as ACTTAB now is, the entrepreneurial ability to compete in the open market. So, even if the Opposition and the Assembly thought the Bill was okay, we suggest that the aim is flawed.

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The amendments give the Minister the ability to cut returns to ACT race clubs and the Racecourse Development Fund and the Territory, to enable ACTTAB to offer better odds to punters, just in case a corporate body such as Tabcorp in Victoria begins a raid on the market share by upping the ante or offering more to its punters in Victoria. It sounds, in theory, like a good idea and, in theory, it is. The Minister can alter the cut to the ACT bodies by a disallowable instrument under the Subordinate Laws Act 1989. In relation to a disallowable instrument, Mr Lamont's presentation speech stated:

Any decision to change the deduction rates will be determined by a disallowable instrument, and members can be assured that the whole process will be transparent to the Assembly and the people of Canberra.

When I read that speech I remembered Mr Berry's statement to this house when he introduced a Bill to decorporatise ACTTAB. He said that every direction, every piece of paper and everything else was going to be done with the knowledge of the Assembly. What the Minister omitted to say was that, if the Assembly disallows any changes to the prescribed payments to the clubs or the Racecourse Development Fund, the payments that already have been cut cannot be reversed. In other words, it is a Clayton's disallowable instrument. If there is any doubt of that, the Minister himself, in a letter to Mrs Carnell dated 29 November, said:

I am further advised that the effect of disallowance has no retrospective application. Any actions or decisions taken in relation to a determination are a valid exercise of power until the instrument is disallowed.

What that says is that, if the Victorian TAB, for example, decides that for the Geelong trots meeting tomorrow afternoon they are going to offer more than 85 per cent, and the Minister then decides that he is going to offer the same as Victoria and does it, he then comes into this place and puts down the instrument. It lies on the table for a number of days - I think it is 28. In turn, this Assembly decides that this is not what the Assembly wants him to do, so we move disallowance and that disallowance is successful.

If these amendments go through, there is no retrospective action that can be taken, after the Assembly decides that, for that money that has been already taken out of the RDF and the other areas to be returned. So, notwithstanding that this Assembly has disallowed something, that disallowance is a Clayton's disallowable instrument. It is not retrospective; nothing can happen. Any change that is made cannot be undone, and by the time it is done, obviously, it is too late. This is not transparent at all. It is done, and the community and the clubs will find out after the event. It is a cunning way of doing something, and there will be no recourse through this Assembly. This is a problem with the amendment.

Another mystery is the apparent urgent need for this legislation. The Minister and the department say that the occasional regional race meeting may require an increased offering to punters to match the competition. Also, the Minister said, major metropolitan race meetings will not attract the need. The Tabcorp of Victoria has yet to launch any competitive market rate which could have motivated this need.

These changes are a reaction to a belief that ACTTAB should be prepared for such an eventuality. The problem is that, when we are dealing with something as important as betting, we do not have a lot of the information that we ought to have to make a sensible decision. For example, we would all like to know the answer to these questions: How many race meetings will this apply to? What sort of cut will be made to the Territory, the RDF and the race clubs in prescribed payments? What increase in turnover will such competition offerings lead to? Will the increase in turnover be more than the cut in prescribed payments? What is the break even line? What will it cost the Territory, the clubs and the RDF? The answers to these essential questions are just not available. Why not find out the answers to those questions and then come into this place and present legislation based on information you have before you?

There are more questions. What else could these cuts apply to? Could the Government cut the payments to the clubs and the RDF without a trigger such as a Tabcorp competition situation? The answer to that is yes, because there is nothing in this legislation which says that competitive forces have to be the trigger to changing prescribed payments. There is nothing, for example, to stop the Government doubling its cut and reducing payments to the racing club and the RDF. This would be a great way to generate revenue. It would destroy the ACT racing industry and ACTTAB, but we have already gained much insight into this Government's respect for the commercial reputation of ACTTAB through the handling of the VITAB affair.

We requested further information from the Minister's department last Friday, when the Opposition was briefed. Nothing has come back from ACTTAB, by the way. I do stress that the Minister did write to Mrs Carnell, giving some of the information that was requested. We would like to have, for example, assurances like a formal undertaking to "maintain the relativities of the existing deduction split". Such assurances may not ease the concerns of the racing codes, who did not receive notice of the Minister's intention to change this legislation until the Opposition, in its routine consultation rounds, informed the clubs of the pending legislation. That is a great area of concern as well. The clubs at once sought a meeting with the Minister, and up until late last week had received no response to their inquiries.

I am not convinced, given the Minister's track record up to now in the consultation situation, that the clubs and the RDF will be given the Minister's greatest care and consideration. I am able to quote letters signed by Mr Manwaring, and representing Mr Huddy and Mr Platts - the three codes are represented - saying:

Dear Mr De Domenico,

We thank you for your initiative in circulating the Government proposed legislative changes to the Betting (Totalizator Administration) (Amendment) Bill 1994. Without your effort there would once again have been no industry consultation.

Attached for your information is a copy of letter forwarded to the Minister Mr Lamont as a joint submission from the racing industry.

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That letter says:

Dear Mr Lamont,

In response to your proposed legislation to alter the Betting (Totalizator Administration) (Amendment) Bill 1994, we on behalf of the Racing Industry offer the following:

We support the need for the Legislation to allow the practical operation of ACTTAB to be in line with Victab deductions.

However, we feel it essential for the protection of the racing industry that the 3.5 per cent return and the 0.5 per cent to the Racing Development Fund should at all times be maintained.

That is a very significant piece of information. Here are the three codes saying, "We insist for our future viability that the percentages of turnover we currently get should be left the way they are". The letter goes on:

Any reduction that needs to take place should come from the 6 per cent that the Government receives. Any shortfall in Government revenue will surely be offset by the telephone and betting auditorium levies generated by bookmakers.

That is a very interesting observation. We know that since June last year, while the Government has continued to take the 6 per cent, on top of the 6 per cent it has been getting the 1.25 per cent surcharge on telephone betting that was introduced and it has also been getting whatever the surcharge is on the proposed auditorium. However, the percentages received by the racing codes have remained the same. One would think that any well run organisation would be able to absorb those sorts of difference, should there be any.

The Minister in his advice also implies that the increased turnover generated from offering a competitive product will offset any reduction in prescribed payments. That is a very interesting statement. In other words, any increased turnover will more than offset the prescribed payments changes. When you sit down and do some calculations, you get some very interesting answers. I am advised that the approximate turnover of ACTTAB is \$100m. At \$2m a week, the current rate is 3.5 per cent, and with the 2.5 per cent the return to the three codes is \$70,000, on the current turnover. You do not have to be a smart mathematician to realise that it would require an increase in turnover to \$2.8m per week, or a 40 per cent increase in turnover, to obtain that \$70,000.

We should keep in mind that, in the Minister's own words, we are not going to be looking at major meetings at the weekend; in the words of Mr Glanville, the chairman of the TAB, we are looking at something like the Geelong trots. Something like the Geelong trots, I am advised by the TAB, does not turn over anywhere near \$800,000; yet that is what it needs to turn over in order to get that \$70,000 currently coming out of a \$2m turnover.



It is no wonder that the three racing codes have written to us and to the Minister saying, "Please, do not change the percentages we are currently getting". I will leave my remarks on the Bill there. I intend to move some amendments later on and I will make some further comments then.

**MS SZUTY (5.58):** I must admit that when I saw this Bill it looked like one of those very simple straightforward Bills. I decided to give it fairly careful examination. From my point of view, the Bill is about giving the Minister flexibility in a couple of areas where he does not have it at the moment, but I think it is important to state that it is in a couple of areas where he does not have it at the moment. Basically, he is seeking flexibility in particular to alter the percentage of return that comes to the Territory, in the first instance, and to modify the percentage return that comes to the Racecourse Development Fund, in the second instance.

According to the Act, the Minister already has the capability to increase the percentage return to the Racecourse Development Fund if he so chooses, but not to decrease it. The situation with the racing clubs is that the Minister has the flexibility at the moment, and this Assembly can disallow an instrument Mr Lamont makes in relation to the racing clubs. I must admit that it took me some time to gather that information from reading the Minister's presentation speech. I went over it at quite some length before I fully understood what the legislation was intending to do. Mr De Domenico is right when he says that we do not really know at this stage what Tabcorp's intentions are. We know that they are seeking to be competitive in a number of areas where they have not been competitive to date, and ACTTAB quite rightly have approached the Minister and indicated that, should Tabcorp adopt these strategies in the future, ACTTAB would want to take advantage of them, for good reasons.

As a prelude to the Minister's closing remarks in principle on this Bill, I would like to raise the issue for him to address of how the disallowance provisions are going to work. I understand that the disallowance provisions currently exist in relation to the racing clubs, so I would appreciate hearing directly from him how the setting of the percentage by the Minister happens in relation to particular events and how this Assembly could effect some change as a result of supporting a disallowance motion in relation to it. The Minister might also extend his comments to how that will work in relation to the two areas where he does not have complete flexibility at the moment, that is, in relation to the return to the Territory and in relation to the return to the Racecourse Development Fund.

**MR LAMONT** (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (6.01), in reply: I thank both members for their comments. I will leave the major part of my comments until the amendments that have been circulated are moved by Mr De Domenico. In doing so, I indicate that those foreshadowed amendments basically exhibit both political naivety and, I would suggest, a naivety as to the way in which ACTTAB operates. This Bill proposes to ensure that ACTTAB can remain linked with Tabcorp for those race meetings that Tabcorp determines will have an altered or varied return to punters. At the moment, there is a standard return equated for all race meetings by the Tabcorp-ACTTAB arrangement. If as a marketing ploy Tabcorp determined, as they

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have indicated that they will, to target a particular series or type of meeting to provide for a better return to the punter and therefore to encourage increased turnover on those types of races or meetings, we in the ACT, to remain linked, would need to be able to follow suit so that our dividend remained the same as the dividend used by Tabcorp. If that does not happen, there is a simple response. The pooling arrangement will not operate.

Mr De Domenico and his leader, without prescription - although one could be forgiven for thinking they had already achieved what they have sought to do in the last couple of days - indicated that one of the greatest catastrophes ever to beset ACTTAB was a two-week period when they were not linked to a superpool. What I am saying is that, in order to improve the opportunity for ACTTAB to gain and to retain and to grow and expand, we need to ensure that those pooling arrangements continue to operate. That is why the board of ACTTAB has sought my concurrence to the legislation before the house, that is, to ensure that the dividends remain consistent between ACTTAB and Tabcorp. As I have said, failure to do so will mean that the linking arrangements cannot occur on those particular types and classes of races.

This Bill provides that, where there is an increased return to the punter, which means a reduced take to the TAB, the reduction is equally shared amongst the beneficiaries of the operation of ACTTAB. Tabcorp at this stage have indicated that there is a range of meetings they would target. That range of meetings would include, as an example, the type of meeting Mr De Domenico has outlined in his comments. It would be my intention - this is specifically for Ms Szuty - upon the signing of such an instrument, to make that instrument available to members of the Assembly, even though the Assembly may not be sitting. As far as Assembly members are concerned, they would not need to wait until a formal tabling of such an instrument before being made aware that an occurrence provided for under this amendment had taken place.

**Mr De Domenico:** What has that to do with it? How does that affect the disallowance?

**MR LAMONT:** As I think is clearly demonstrated, where there may be a concern raised in such circumstances by a member of the Assembly, I will take account of that, as I have in other areas. It is a simple position that it is structured as it is to ensure that we are able to maintain the linking arrangements. Mr De Domenico's amendment will not change that position - except for one point, and that is that the distribution in real terms, in dollar terms, not only will remain the same as it is with the current distribution for the racing clubs but will also increase if additional business is attracted.

What Mr De Domenico is saying, on the one hand, is that there is to be no effect upon the racing clubs in terms of sharing the distribution and the cut to allow for the link to continue. If the link did not continue for those race meetings, the distribution to the club would be zero. You and your friend made great play during August of saying, "Look at this. You have an ACT pool alone of \$50 or \$60. What a nonsense!". That is the situation, Ms Szuty, that would apply to these race meetings if the linking did not occur.

**Mr De Domenico:** That is, with respect, Minister, nonsense.

**MR LAMONT:** You again show your ignorance.

**Mr De Domenico:** You need to calm down and try to explain to us why we should accept this piece of legislation.

**MR LAMONT:** I get upset when the Opposition spokesperson shows such a fundamental naivety about this matter. What I am clearly saying to you, Mr De Domenico, is that, if Tabcorp decide that for the Ballarat trots for the next month they will increase the distribution to the punters by 5 per cent, and we say that we are not going to do that, it would mean that the link would not operate, the pool would not operate, and therefore the distribution to the clubs would, in effect, be zero for that race meeting. You would not be able to attract a sufficiently large pool to attract punters to use ACTTAB. If you want an example of that, Ms Szuty, it was quite clear when we were finalising the arrangements with Victoria, in the first two weeks of August. It was quite clearly and demonstrably shown, even in comments made by Mr De Domenico.

This series of amendments by Mr De Domenico do not go to the question of my authority to issue the instrument. What they go to, Ms Szuty, is not protecting the interests of ACTTAB. They do not go to the question of my authority to issue the instrument; they go to one simple matter - a stunt. I say that it is a stunt, for a simple reason. I have the authority to do much of what is proposed in this legislation, as you have already pointed out; but what I have determined to do, to give effect to the desire of ACTTAB to remain linked in the interests of racing and punting in the ACT, is to ensure that this process is put into place as outlined in these amendments, to ensure that there is not able to be a charge such as the one attempted to be levelled by these two opposite.

It is our fervent hope, and it is most certainly in a commercial sense the hope of the TAB, that we are successful in the commercial venture of trying to attract new punters, bigger punters, to those mid-week race meetings, where we currently do not have a turnover that is deemed to be appropriate. That is why Tabcorp is doing this - trying to grow the size of their turnover.

**Mrs Carnell:** Are they doing it? We were told by your briefing people that there had been no indication that they were, David.

**MR LAMONT:** My briefing people told you as well that, because this next two weeks will be the last two weeks of legislation preparation in the ACT until probably April next year, we needed to consider what happens between now and April next year, if Tabcorp have indicated that they propose early in the new year, at the latest, to become involved in this type of activity.

**Mrs Carnell:** That was not the case, David. This is the whole hassle.

**MR LAMONT:** That most certainly is the position as it has been put to me by ACTTAB.

**Mrs Carnell:** That changes the whole thing. Quite seriously, they told us that there was no proposition at all.

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**MR LAMONT:** My understanding is that the reason this legislation has been required and requested by ACTTAB is to ensure that if Tabcorp does proceed earlier or anywhere - - -

**Mrs Carnell:** Have they indicated that they will, ever?

**MR LAMONT:** They have indicated that they will, that it is their desire to cut their arrangements.

**Mr De Domenico:** When?

**MR LAMONT:** If you would just wait. It is their desire to grow the opportunity for punting during these types of meetings, and I have been over that. I will give you any commitment you wish that the only occasions when this authority will be used will be those occasions where Tabcorp does alter those returns.

**Mr De Domenico:** Tell us how we could disallow it. Explain how we can disallow it.

**MR LAMONT:** Because you will find that Tabcorp, as far as I have been advised, would be saying that on this series of meetings over this month or this week or next week or next month they will be undertaking this course of action. This action, once advised to me, will give me the authority to issue the disallowable instrument, with a copy to be circulated to the MLAs upon signing, not upon tabling, and for the matter to be disallowed during the sitting period, if that is the case.

**Mr De Domenico:** What if the Assembly is not going to sit until April and you get advice of this in January? When are we going to disallow it?

**MR LAMONT:** Obviously, in April.

**Mr De Domenico:** It does not make any difference because you cannot give the money back.

**MR LAMONT:** I missed that interjection.

**Mr De Domenico:** If we disallow in April, are you going to return the money that you have already not distributed to the RDF if we allow these amendments through?

**MR LAMONT:** No, because what would happen in those circumstances, Ms Szuty, is that you would find that the effect of that would fall, in my view, unequally on the percentage that would be taken from the TAB by the Government. The people of the ACT would be affected by such a proposition. What it is about is quite clearly saying that, to remain linked and for the racing clubs to gain the benefit, we need to be able to follow the dividends that are proposed by Tabcorp. If we do not do that, Ms Szuty, it operates to the disadvantage of the ACT racing clubs. What I am saying, Ms Szuty, is quite clearly that, where that occurs in that commercial sense, the effect of that should fall equally on the distribution arrangements that are currently provided.

It is just too simple for an Opposition to be all things to all people. These two people over here have gone out and deliberately said, "Do not worry; we will make the Government side take all the risk, and if there is an increase in turnover you will be able to pick it up". That is what is being proposed by the amendments put forward by Mr De Domenico. That is singularly what is being proposed by the Opposition. What I am proposing, Ms Szuty, is a continuation of the ability of ACTTAB to remain linked and, in a commercial sense, to allow all of the industry and the TAB to benefit.

I already have the power to vary the rate of deductions payable to the ACT race clubs, as you have pointed out, Ms Szuty. This Bill basically gives me the flexibility to determine the levels of payment to the Territory and the RDF. That is, in effect, what happens with this amendment.

**Mrs Carnell:** Mr Lamont, can we remain linked if we do not pass the legislation? It is a simple question and it is an important question.

**MR LAMONT:** What happens, Ms Szuty, if ACTTAB - - -

**Mr De Domenico:** Can we remain linked if we do not pass this legislation?

**MADAM SPEAKER:** Order! You will have your opportunity later.

**MR LAMONT:** No. The effect is no.

**Mr De Domenico:** Why not?

**MR LAMONT:** Because there would be two different dividend rates. Therefore, Ms Szuty, that simply is their position. All they are saying is that any effect of this should fall only on the distribution to the Territory. That is the only thing they are saying. Let us say that Tabcorp moved between now and March to permanently reduce their deduction rate. (*Extension of time granted*) If that were to occur, we would be permanently forced out of the pool. That might suit these people in the lead-up to an election; it most certainly would not suit the punters in the ACT or the ACTTAB. I suggest to you, Ms Szuty, that these amendments are a case of the clubs wanting their cake and wanting to eat it too. The clubs support the Bill, as Mr De Domenico has said.

**Mr De Domenico:** No, they do not.

**MR LAMONT:** Yes, they do. They support the Bill, but they want only the Government to bear the pain. What they are saying is that they want only the Government to bear the pain, and that the Government should adjust its take to offset the variations as far as the clubs are concerned. If there is a reduction for the Geelong trots, it will apply for that day. It is not a permanent reduction. That is specified in the instrument. Any proposal to vary the deduction rate will involve the advice of Treasury, ACTTAB and the Bureau of Sport, Recreation and Racing. Obviously, where these reductions are to occur, it will require consultation with the industry.

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The reason why this legislation has been prepared and brought forward now is principally to ensure that ACTTAB is able to continue with pool arrangements between the cessation of sittings of this Assembly and the commencement of sittings of the next Assembly. Ms Szuty, I commend the legislation as it stands and seek your concurrence to protect the interests of all of the racing industry and reject the amendments of Mr De Domenico, when he sees fit to move them.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Bill, by leave, taken as a whole

**MR DE DOMENICO** (6.18), by leave: Madam Speaker, I move:

Page 2, line 7, after clause 4, insert the following clause:

#### **Monthly payments to declared clubs**

"4A. Section 33 of the Principal Act is amended by omitting from subsection (1) "an amount equal to the percentage" and substituting "3.5% or such other higher percentage"."

Page 2, lines 8 to 15, clause 5, omit the clause.

Page 2, line 20, clause 6, paragraph (a), omit "; and".

Page 2, lines 21 and 22, clause 6, paragraph (b), omit the paragraph.

The essence of my amendments is quite simple. They seek to ensure that all the racing bodies continue to receive the same percentages as they are receiving now. That means, quite simply, that, if the Government wishes to give more back to the punter, then the percentages must remain the same. I note that, as well as the 6 per cent from the TAB turnover, the Government has the turnover from telephone bookmaking betting and the turnover from the betting auditorium. It should have plenty of money to continue to link with the Victorian TAB and, at the same time, make sure that the current percentages being returned to the racing, trotting and greyhound bodies remain the same.

Why is it so important, especially today, Madam Speaker, to protect the interests of the three bodies? If Mr Moore and Ms Szuty had read the Auditor-General's report which was tabled today, they would realise why it is so important that the three racing bodies be protected as much as this Assembly can protect them. Let me read from today's Auditor-General's report on the Australian Capital Territory Totalisator Administration Board. Under the heading "Significant finding", at page 63 of the Auditor-General's report, he says:

Based on the operating results for the prior two years ACTTAB may have difficulty in meeting its financial obligations.

Why did the Auditor-General say that? On page 64 he goes on to say:

The financial statements of ACTTAB were certified by its Chairman on 26 September 1994. An unqualified audit opinion was provided to the Minister for Sport on 11 October 1994. The Board's annual report, which includes the audited financial statements, had not been tabled in the Legislative Assembly at the date of finalising this report.

The Auditor-General goes on to say that the total cost of the VITAB fiasco - he does not use the word "fiasco" - was \$3.501m. He says:

Based on the operating results of the prior two years it appears that ACTTAB will have difficulty in meeting its financial obligations as a result of its debt commitments to the Government.

He goes on and talks about liquidity. He expresses concern about the liquidity of ACTTAB. Mr Berry, I suggest that you listen, because this is all your doing. The Auditor-General goes on to say, under "Viability" - and this is very important, Mr Berry:

Based on current rates of interest the annual payments related to the VITAB loan will be approximately \$600,000 per year. If profits remain at their current level it is unlikely that cash generated from operations will be sufficient to meet repayments of the loan and other financing arrangements may need to be made.

**Mr Lamont:** What is the relevance?

**MR DE DOMENICO:** I will tell you what the relevance is, Mr Minister, Mr Moore and Ms Szuty. The relevance is that the Auditor-General's concern for the future viability of ACTTAB is very disconcerting to all members of this Assembly. Is it any wonder that the racing bodies have said, "Let us enshrine in legislation that, notwithstanding what happens in terms of ACTTAB, we continue to get at least our existing percentage return from whatever the turnover is before they need the extra cash to pay off \$600,000 per year"? We know that for the past two years, before the VITAB fiasco, ACTTAB was operating at a loss anyway. On top of that existing loss, it now has \$3.5m to repay. Once again, it is very important that we read very carefully what the Auditor-General said under the heading "Viability".

**Mr Lamont:** Madam Speaker, on a point of order: I go to the question of relevance.

**MR DE DOMENICO:** Madam Speaker, with the greatest respect, the Auditor-General of this Territory talks about the viability of the TAB. We are discussing legislation, which the Minister wants, which will make disallowance impossible. For the Minister to suggest that there is no relevance, to me, is beyond comprehension.

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**Mr Lamont:** No; it is the relevance to the amendments before us.

**MR DE DOMENICO:** The relevance to my amendments - - -

**Mr Lamont:** It is a stunt.

**MR DE DOMENICO:** I heard Mr Berry, in this place earlier this year, when we talked about the VITAB deal, say that that was a stunt as well. Is it any wonder that every time legislation comes before this house, which has anything to do with betting and the TAB, we examine it with a fine-tooth comb? The Auditor-General's report came out after this legislation was brought into the Assembly. The Opposition was not aware of what the Auditor-General was going to say. Perhaps the Government was; I do not know. The Auditor-General said quite clearly:

Based on current rates of interest the annual payments related to the VITAB loan will be approximately \$600,000 per year. If profits remain at their current level it is unlikely that cash generated from operations will be sufficient to meet repayments of the loan and other financing arrangements may need to be made.

**Ms Szuty:** Did he take into account no Northern Territory money?

**MR DE DOMENICO:** That is the other point. That is a scathing attack on the finances of VITAB and ACTTAB. For the Minister to say that that is not relevant is a nonsense.

The Opposition's amendments say quite clearly: Notwithstanding the turnover which ACTTAB generates, the current return to the three bodies - the greyhounds, the trots and the racing club - and the RDF must remain enshrined in legislation. If the Minister wants to change the returns, he has to come into this house and move amendments to legislation - not by way of a Clayton's disallowance. If the Minister does not want to do that, he can make the adjustments from whatever the Government's take is. It is no fault of the racing bodies that we are in this financial situation because of the VITAB deal.

**Mr Lamont:** It has absolutely no relevance to this Bill; none at all.

**MR DE DOMENICO:** That is a nonsense, and you know it. You may wish that it did not, Mr Lamont.

**Mr Lamont:** At least Mrs Carnell knows that.

**MR DE DOMENICO:** No; she does not, Mr Lamont, I can assure you. Mrs Carnell, you will find, is in agreement, Mr Lamont, because your Government has put - - -

**Mr Lamont:** It is your party's stunt.

**MR DE DOMENICO:** Mr Lamont, if you really wanted to give the TAB the flexibility that it requires, you would privatise it. If you did not want to privatise it, you would corporatise it.



**Mr Lamont:** What control would I have over its distribution to the clubs? Absolutely none. It is sheer hypocrisy on your part.

**MR DE DOMENICO:** The Minister should refrain from doing that. He is not at the Kingo now. He is here, and we are trying to have a rational debate on legislation that is very - - -

**Mr Lamont:** I hear more sense there than I have heard out of you this afternoon.

**MR DE DOMENICO:** I suggest, Mr Lamont, that, if you hear more sense at the Kingo, you should go there and let somebody who is more competent debate this legislation. This Opposition will not accept anything that this Minister says. This legislation is flawed; this legislation is unnecessary to achieve what you want it to achieve. This legislation, without the amendments proposed by this Opposition, Mr Minister - the Independents should listen very carefully and should read again what the Auditor-General has said - is flawed. It does not have the support of this Opposition, unless you support the amendments.

**MRS CARNELL (Leader of the Opposition) (6.28):** I would like to ask the Minister a couple of questions quite seriously. In reality, this side of the house has no problems with the TAB being competitive. I want to make that comment straightaway. We do want to corporatise it. That is not a new statement. In terms of this legislation, we want to ask a couple of questions. Mr Lamont, can we stay linked if this legislation is not passed? Is it not true that we can adjust the amount that we pay to the punter without this legislation? If a mid-week trots meeting goes from 84 or 85 per cent to 90 per cent, that adjustment can be made now under existing legislation. I am very interested in getting an answer. If you could actually clarify some of these questions for us, we could be persuaded very easily on this Bill.

**Mr Lamont:** No; you could not.

**MRS CARNELL:** Actually, we could be persuaded very easily.

**Mr Lamont:** You are supporting the Bill. You have supported it in principle. None of your amendments go to that question.

**MRS CARNELL:** We believe that the current legislation would allow you to adjust the amount that the punter gets, without any extra legislation.

**Mr Lamont:** So, we could pay the same dividend.

**MRS CARNELL:** No. But that is very important. If anything jeopardised our link with Tabcorp, obviously we would be very concerned. It is our understanding - and maybe you can show that we are wrong - that the actual link, even if we changed the amount that we paid to the punter, is not based upon this legislation. We could go to 90 per cent without any problems under current legislation. The effect of this legislation, as we understand, has to do only with the amount of money that the RDF gets out of what is left.

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Another issue needs to be clarified. When we had our briefing, there was no indication at all from Tabcorp that they were going to move down this track.

**Mr Lamont:** On particular projects.

**MRS CARNELL:** No; none at all. I actually asked that question quite specifically, because we would be somewhat negative towards legislation for some hypothetical situation that Tabcorp had not indicated was likely to happen. If the answer we should have got at the briefing was that they had indicated that from 1 January next year they are likely to go down this track, it dramatically changes our position on this whole issue. The other information that we were given was that the racing clubs have not been consulted at all.

**Mr Connolly:** Legislation without consultation; dear, oh dear!

**MRS CARNELL:** It is very interesting, because Mr Connolly has been very negative about that. I have actually apologised for him. I wonder whether the Minister is interested in apologising for a letter from the Greyhound Racing Club, which says:

Thank you for your initiative in circulating - - -

**Mr Lamont:** And the others; there are three of them. It has already been read. I was not as stupid as you were. I did not vote on and put through abysmal legislation, as you did yesterday.

**MRS CARNELL:** Mr Lamont, I am asking some quite sensible questions on this legislation. It appears that the racing clubs were not consulted. We were also told at our briefing that the racing clubs would not be parties to decisions on whether or not the ACT actually did run with Tabcorp on any particular meetings; and they would also not be parties to any discussions about how the particular percentages that they get from the TAB would be lowered - and I assume that they will always be lowered - after a decision to go with Tabcorp on a revised return to the punters. Those issues are really important ones. Mr Lamont, we found it very hard to understand why the racing clubs did not want to be parties to those consultations, taking into account that the three parties that have a real interest in this are the racing clubs, the TAB and the Government. We understand that the Government and the TAB will be parties to those decisions, but not the racing clubs.

In a nutshell, the questions that I would like you to answer are: Will we be able to stay linked if this legislation is not passed? Do you have the power now to change the amount that you pay to the punters on a particular race meeting? Will you ensure that the racing clubs are parties to consultations on what will actually happen to the vast percentage of the money that they actually get to run their establishments? If they are not parties to those decisions, it dramatically impacts upon their capacity to do the job that they are there to do.

The reason that the VITAB issue actually does impact upon this, Mr Lamont, is that we are concerned that the TAB, because of their own financial problems, will attempt basically to duckshove their financial problems onto the racing clubs. That is what our amendments are about. We are concerned that, if that is allowed to happen, then the TAB, which is in financial straits, could, under legislation, basically duckshove their financial problems onto the racing clubs without the racing clubs being able to have any input at all into that decision. If you could clarify those very simple issues, the Opposition could rethink our position on this.

**MR LAMONT** (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (6.35): First of all, none of the amendments that you have moved this afternoon go to the questions that you have raised. You have agreed with this Bill in principle, and then you have said, "There are a number of concerns". You have moved the amendments. The amendments that you have moved do not address the issues.

**Mrs Carnell:** Because we believe that you can do it currently.

**MR LAMONT:** Let me go through and once again explain it to you. Mrs Carnell, you were probably outside with a piece of rope when all this started. The simple fact is this: If we do not follow the same dividend, so that the distribution - - -

**Mrs Carnell:** It goes from 85 to 90 per cent.

**MR LAMONT:** Do not interrupt.

**Mrs Carnell:** You interrupted me the whole time, Mr Lamont.

**MR LAMONT:** They are your questions. If you do not want the answers, I will not answer them. Ms Szuty, do you have any questions?

**MADAM SPEAKER:** Mr Lamont!

**MR LAMONT:** I will go through it again. I will use monosyllables so that you can understand, Mrs Carnell. The proposal is that, if we do not follow the distribution rate determined by Tabcorp, then ACTTAB, out of its take, makes up the difference. Is that correct?

**Mrs Carnell:** Yes.

**MR LAMONT:** Do you understand?

**Mrs Carnell:** Yes.

**MR LAMONT:** Are you with me?

**Mr De Domenico:** Yes.

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**Mrs Carnell:** This is simplistic, because obviously I need it to be simplistic. You can adjust the 85 per cent to 90 per cent without this legislation?

**MR LAMONT:** What, indeed - - -

**Mrs Carnell:** Yes?

**MADAM SPEAKER:** Order! Let the Minister answer the questions.

**Mr De Domenico:** He cannot.

**MADAM SPEAKER:** Just let him finish. You will find out.

**MR LAMONT:** Are we ready?

**Mrs Carnell:** It is a simple answer - yes or no.

**Mr De Domenico:** Yes or no; can you, without this legislation, adjust the dividend?

**MR LAMONT:** I am happy to stay all night, Madam Speaker.

**Mrs Carnell:** Just say yes or no.

**MADAM SPEAKER:** Order!

**MR LAMONT:** You are asking about the position that will apply if you do not follow Tabcorp within the pool and you then alter the distribution to each of the clubs. As a result, who pays for the RBF and Government take? That is the question which you would need to ask. Is that correct?

**Mr De Domenico:** Yes.

**MR LAMONT:** The ACT Government's take or the TAB's take is affected, if we are to be able to do that. What I have proposed in relation to all of these issues is to allow the TAB, at their request, to remain linked in the pooling arrangement, and to pay the dividend. The effect of that will be an alteration in the dividend on those races. Do not forget, Ms Szuty, because it is almost lost on the Opposition, that what we are talking about is specified events and circumstances. It will not be, as Mr De Domenico has attempted to make out, "Oh, shucks, we are a bit pinched this month. Let us alter the dividend to the clubs".

**Mr De Domenico:** There is nothing in the legislation that prevents you doing that, Mr Lamont, if you read it carefully.

**MR LAMONT:** The disallowance process in relation to that is quite clear, either under this legislation or under existing legislation.

**Mr De Domenico:** It is useless. Your own letter says that disallowance is not retrospective.

**MR LAMONT:** What you are saying is that it is not retrospective if the race has commenced already and the distribution has occurred already. Once again, it goes back to the essential position that I put when introducing the legislation: What we are talking about, even though you cannot understand it, is ensuring that we remain linked on particular events that Tabcorp wishes to adjust their distribution on. This process will set in train an open process, as I have outlined, to allow ACTTAB to do so. None of your amendments go to any of the questions about the retention of linking or anything else.

**Mr De Domenico:** Yes, they do, because - - -

**MR LAMONT:** No, they do not.

**Mr De Domenico:** You just said that we can remain linked - - -

**MADAM SPEAKER:** Order!

**MR LAMONT:** This is where your naivety and ignorance are to the fore. Quite clearly, Ms Szuty, none of the amendments proposed by the Opposition go to the question that is fundamental to their position. They do not believe that there should be any alteration to the distribution to the clubs; that the only way that they can be advantaged in this process is upwards; that, if there is any downward adjustment, it should be borne only out of the distribution to the ACT Government and by the profitability of ACTTAB.

It has been suggested to me, and I think quite properly, that if we are unable, in a business sense, to maintain, if you like, the relativities that we are talking about, ACTTAB would have to make a commercial decision as to whether or not it remained linked. If it said, "No; in a commercial sense, we just cannot do that, because our own operating costs are not met", then what happens? They are out of the pool. They say, "We cannot commercially accept retention in the pool". There has also been a suggestion, which I think is implied, "Maybe you can still pay, in an ACT pool, the same dividend as is paid in Victoria". That is nonsense; that is absolute nonsense.

**Mr De Domenico:** What about the extra money that you are getting through the betting auditorium?

**MR LAMONT:** Here we go! What about the extra money from the betting auditorium? That is a completely separate issue.

**Mr De Domenico:** But it still comes through to the TAB, Mr Lamont.

**MR LAMONT:** What?

**Mr De Domenico:** The money is still coming into the government coffers, is it not?

**MR LAMONT:** What?

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**Mr De Domenico:** Is it still coming into the government coffers from the betting auditorium? Where is the money going to?

**MR LAMONT:** Mr De Domenico, you have once again demonstrated your ignorance. Into the TAB?

**Mr De Domenico:** No; the government coffers.

**MADAM SPEAKER:** Order!

**MR LAMONT:** Mr De Domenico, once again, you are trying to confuse a range of issues. I would suggest that, in your position, I would attempt to do so, too. Your arguments are shown to be flawed; these amendments are shown to be a nonsense. I believe that the interests of punters, racing and the TAB are served by this public and exposed process.

I have indicated, Ms Szuty, in response to Mr De Domenico's point about the profitability of the TAB, that this instrument will be used for race meetings. That will be able to be tested, not by waiting until the Assembly sits, as happens now with a disallowable instrument, but as they are signed and circulated to the members of the Assembly. I do accept and do acknowledge that there will be occasions when race meetings are held and the distributions are altered. I emphasise that race meetings may be held and distributions may be altered between the time that the instrument is made and the time that the Assembly sits. I have said quite clearly that that could be the case. Everything that I have said is about the alteration to the distribution associated with race meeting alterations through Tabcorp. That is the purpose for which this authority can be used; that is the purpose for which any adjustment can be made - not because this month the TAB feels that it is down a little and would like a greater slice of the cake. That is not the position that this legislation addresses or attempts to allow.

I can make those decisions under other provisions in the legislation, which are also disallowable instruments, which would also not be presented to this Assembly until the Assembly sat. But you would not know about it when I issued the disallowable instrument. You would not know about it for four months if I made one next week, and we did not sit again until April next year. What I am proposing as a safeguard, if you like, Ms Szuty, is that those disallowable instruments be the subject of immediate notice to members of this Assembly.

**MS SZUTY (6.43):** I will not be supporting Mr De Domenico's amendments, but I would like to make some points in relation to this Bill. I take Mr De Domenico's point that consultation did not occur with the racing clubs, and that is regrettable. Although they were not actually directly involved in terms of what the Minister is trying to do by the provisions of this Bill, they are indirectly involved. As the legislation that we are considering involves a quite major change, it is actually unfortunate that they were not involved in the original consultation process.

I also note Mr De Domenico's point about the formal arrangement that will be established with ACT Treasury, ACTTAB and the Bureau of Sport, Recreation and Racing. It would actually be possible to include a representative of the racing clubs in that arrangement, if the Minister wanted to consider it. Then the racing clubs would feel included in any decisions that are made about the percentage returns that are likely to be received in relation to particular events. The other point that I would like to note is that the Minister has indicated that he is intending to link the relativities between the percentage returns to the ACT, to the race clubs, and to the Racecourse Development Fund, so that, in terms of the percentages which exist at the moment, the proportions will be in line with how they operate at the moment; they will just be higher or lower across the board.

Mr De Domenico raised the issue of the flexibility of the return. It is possible that the returns will be increased or decreased. The Assembly is aware that introducing flexibility into these arrangements may have a detrimental effect in some circumstances, and it is for that reason that the Assembly will want to keep a very close eye on the operation of these provisions.

I did ask the Minister earlier about the disallowance provisions and how they would work. I now understand, I believe, how they will work. If the Assembly disallows the rates that are determined for a particular event, then we return to the previous rate which was in place before the new rates were determined for that event.

**Mr Connolly:** Yes; but prospective, not retrospective.

**MS SZUTY:** Yes; it will not be retrospective, but it will be some date in the future. Mrs Carnell raised the question of whether we can dispense with these amendments anyway and whether we can adjust the return to punters, rather than change the provisions which the Minister intends to change under this legislation. I do not believe that you have answered that question directly, but I can see -  
- -

**Mr Lamont:** What it means is that the TAB goes broke.

**MS SZUTY:** I can understand what you are doing in terms of wanting the flexibility to adjust the percentages of return to these entities, but Mrs Carnell's question is a valid one. If you have taken the decision to improve your flexibility in this way, then you have chosen to do it in this way. Madam Speaker, I did indicate earlier that I supported the Bill in principle. I believe that the Assembly will pay very close attention to its operation. I will not be supporting Mr De Domenico's amendments as he has proposed them.

**MR LAMONT** (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (6.47): Madam Speaker, I have sought clarification on the linking arrangements and whether they can remain the same. The rate cannot be adjusted by ACTTAB, as the agreement between ACTTAB and Tabcorp requires that ACTTAB cannot have a different deduction rate from Tabcorp's and remain linked - no constant dividend, no link. If there is to be a change in that vein with the punter, then that comes out of the profitability of the TAB

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and sends the TAB down the gurgler, which is the reason why we have sought to adjust the distribution to take account of that. That might be what the Opposition desires; it might be what they see as being politically correct, so that they can work up the TAB and flog it off to their mates in New South Wales, as they proposed that we do in August.

**MR DE DOMENICO (6.48):** I am disappointed that Ms Szuty, notwithstanding the fact that she still, as I understand it, is not satisfied with the way that the Minister has answered a couple of questions, is not going to support the amendments anyway. That is a pity.

**Mr Berry:** Tony, come on!

**MR DE DOMENICO:** Mr Berry, I am suggesting that you had your chance to make a contribution to this debate. I do not blame you for not speaking. I would not have spoken, if I were you, had I read the Auditor-General's report. If you are going to interject, then I will respond to those interjections.

**Mr Lamont:** I am just saying that you want to stay here all night.

**MR DE DOMENICO:** Mr Lamont, you can blow as much as you want to blow, but this Opposition is still pressing these amendments. I am saying to you, Ms Szuty, "Be it on your head and on the heads of others who intend to support this legislation as it stands, if anything should occur along the lines of the VITAB situation". I can recall, Ms Szuty, when Independent members of this Assembly gave the former Minister the levers to do what he wanted to do with ACTTAB. You should read today's Auditor-General's report as to what happened then. At that stage the then Minister said, "Leave it all to me. I have the levers in my hand. I will let this Assembly know, chapter and verse, what I am going to do". This Minister has come in today and has said the same thing. He said, "Do not worry about a thing; disallowance will happen". I come back and say, Ms Szuty, "Please reconsider".

The Minister said time and again, "I am further advised that the effect of disallowance has no retrospective application". Let us say that next Wednesday the Minister decides to adjust the percentages. He gives us a copy of that decision, and there is nothing at all that we can do about it until we sit again. If we believe that the Minister has made the wrong decision, we can do nothing about it. It is not retrospective; so we can do nothing about it. We come back in April, and we disallow it. The money does not go back. The Minister has to make another decision to do so again. Then he comes to us with that decision, and it sits for 28 days. If that happens to be the wrong decision as well, it is not retrospective. There is nothing at all that we can do about it.



Who pays if this happens? Through no fault of their own, the racing codes pay. Notwithstanding what the Minister says - even if we are going to take the word of the Minister - the legislation, as it stands, does not prevent the TAB taking more money from the racing codes in order to bolster its own coffers. Needless to say, it needs to bolster its own coffers. The Auditor-General says so. The Auditor-General says quite clearly that it is going to be needing to borrow more money in order to come up with its viability; ACTTAB is close to the wind. Why should the racing codes be asked to pay the price for something that they had nothing to do with? The Minister did not even consult the three areas of the industry that are going to have to pay the price if anything happens.

**Mr Wood:** You are talking about consultations. Come off it!

**MR DE DOMENICO:** Mr Wood and Mr Lamont, you can carry on like monkeys as much as you like. This is very important legislation. The Auditor-General is suggesting that a particular statutory authority that you people had control of is close to being bankrupt. That is what the Auditor-General said. If you think that it is funny, Mr Lamont, we in the Opposition do not believe that it is a laughing matter. For that reason, Madam Speaker, we will be pressing these amendments.

Question put:

That the amendments (**Mr De Domenico's**) be agreed to.

The Assembly voted -

AYES, 7      NOES, 10

Mrs Carnell    Mr Berry  
Mr Cornwell   Mr Connolly  
Mr De Domenico   Ms Ellis  
Mr Humphries Ms Follett  
Mr Kaine      Mrs Grassby  
Mr Stefaniak   Mr Lamont  
Mr Stevenson   Ms McRae  
                 Mr Moore  
                 Ms Szuty  
                 Mr Wood

Question so resolved in the negative.

Bill, as a whole, agreed to.

Bill agreed to.

*1 December 1994*

## **TENANCY TRIBUNAL (AMENDMENT) BILL 1994**

Debate resumed from 10 November 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

**MR HUMPHRIES** (6.56): Madam Speaker, I will not detain the house for long. This Bill basically fixes up some mistakes that were made in the many amendments to the Tenancy Tribunal Act which received a hasty passage a few weeks ago. These amendments put in place the original intention of the Assembly. My discussions with the parties to this matter suggest that that is what these amendments do. Therefore, I indicate my party's support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **ADJOURNMENT**

Motion (by Mr Berry) proposed:

That the Assembly do now adjourn.

## **Tuggeranong Festival**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (6.57): Madam Speaker, I want to make a comment on the Tuggeranong Festival, which was held over last weekend. It was an outstanding event, which was very well organised by a dedicated group of Tuggeranong people who put their heart and soul into it. It is a clear demonstration of the energy that is there. All members will agree that the community in Tuggeranong is rather more distinct than communities in other parts of Canberra.

**Mr De Domenico:** Especially the small business people.

**MR WOOD:** Mr De Domenico, the whole community. That was something that you ignored in recent statements. I do want to commend that festival. Annette Ellis was a very active part of it. I am sure that I can convey, on behalf of the Assembly as a whole, our congratulations to the people who worked so hard.

**Assembly Sittings**

**MR BERRY** (Manager of Government Business) (6.58), in reply: It has been a good day.

Question resolved in the affirmative.

**Assembly adjourned at 6.58 pm until Tuesday, 6 December 1994, at 2.30 pm**

*1 December 1994*

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**ANSWERS TO QUESTIONS**

**MINISTER FOR SPORT**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1390**

**Sport Portfolio - Market or Political Research**

Mrs Carnell - asked the Deputy Chief Minister -

For each and every department or agency for which you have ministerial responsibility -

- (1) What market or political research has been conducted (a) in the year 1992-93; (b) in the year 1993-94- and (c) since 1 July 1994.
- (2) What was/is the purpose of that research.
- (3) what were/are the questions asked.
- (4) What was, or is expected to be the cost of that research.
- (5) What were the results of that research. (Can copies of the results, including reports, of any research conducted during the specified periods be provided.)

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

(1) In relation to my portfolio responsibility for sport the Bureau of Sport, Recreation and Racing has not conducted any political research in the year 1992-93, 1993 94 or since 1 July 1994. It is difficult to define market research, however the Bureau has assessed community needs through several reviews and consultation with sporting bodies and other agencies regarding future directions and planning in sport and recreation. Details on these are as follows:

(a) 1992-93

- information on participation in sport and recreation was obtained through 1994 grant applications received in June/July 1993;

(b) 1993-94

- conduct of a Forum on Future Directions in Sport and Recreation and publication of the ACT Sport and Recreation Councils draft strategic planning document "More than a Game, A Vision for 2000" during 1993;
- review of the ACT Academy of Sport program undertaken by consultants Coopers and Lybrand in late 1993;

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- \* needs assessment and evaluation of ACT Sports House undertaken by Coopers and Lybrand in late 1993/early 1994;
- \* survey of all ACT sporting associations on facility development needs and trends in participation initiated in June/July 1994;
- \* survey of all sporting associations on the ACT bid to host the 1997 Australian Masters Games undertaken in June 1994;
- \* consultation with ACT sporting associations and a wide range of interested parties regarding the opportunities for the ACT from the 2000 Sydney Olympics undertaken during early 1994 and a public seminar held in June 1994;
- \* information on participation in sport and recreation, including enhanced information on gender breakdown for officials and coaches, was obtained through 1995 grant applications received in June 1994;
- \* consultation with client groups was enhanced by a new workshop format for the annual Grants Seminar held in May 1994;

(c) since 1 July 1994

- \* The Sport and Recreation Council and the Bureau held discussions with 14 major sports in evaluating their development and assessing their performance.

(2) The purpose of these reviews and community consultation processes was to assess needs for programs and facilities, determine trends, evaluate the effectiveness and impact of programs on participation by target groups and assist in assessing priorities and strategic planning.

(3) The questions asked for each of the surveys undertaken by the Bureau of Sport, Recreation and Racing are at Attachment A.

(4) The costs which can be attributed to these projects are approximately \$30,000 for the Academy of Sport Review, \$10,000 for the ACT Sports House Inc. Needs Assessment and Evaluation and \$5,000 for the Sport and Recreation Councils "More than a Game" strategic planning process. Other costs associated with general consultation and surveys were absorbed within the normal operations of the Bureau.

(5) A preliminary summary of results for the Sport and Recreation Facilities Survey is at Attachment B. Major recommendations from the Academy of Sport review were addressed by additional funding in the 1994-95 Budget. The Government is currently forming its response to the ACT Sports House Inc. consultancy report which has not yet been publicly released. Other information gathered, such as participation rates, have been compiled onto a database for use as required. An example is at Attachment C.

A

SPORT AND RECREATION FACILITIES - PLANNING SURVEY

NAME OF ORGANISATION:

NAME OF CONTACT:

POSITION HELD IN ORGANISATION (e.g. Secretary):

PHONE NO:

FAX NO:

ARE THERE SHORTFALLS IN THE CURRENT PROVISION OF FACILITIES  
FOR YOUR SPORT IN CANBERRA?

AT LOCAL LEVEL ---- REGIONAL LEVEL ---

NATIONAL LEVEL ---- INTERNATIONAL LEVEL ---

IF NOT, YOU NEED NOT CONTINUE WITH THIS SURVEY.

PROJECTED REGISTRATIONS IN YOUR SPORT FIVE YEARS AHEAD

(i.e. 1999):

(This information should preferably be by region e.g. Civic, Tuggeranong,  
Belconnen, Gungahlin)

COMMENTS ON TRENDS (e.g. declining, static, slow/strong growth, variable by region):

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CURRENT FACILITIES USED: List if possible - if the list is long, possibly describe by class e.g. most government sportsgrounds. We would also like this information to describe the distribution of facilities by region across the city.

WHO MANAGES/OWNS THE FACILITIES YOU USE?

FROM YOUR SPORTS DEVELOPMENT PLAN, WHAT ARE YOUR FUTURE FACILITY NEEDS? (IF YOU HAVE DEVELOPED A PLAN OF YOUR FUTURE NEEDS, PLEASE ATTACH, ALSO IF YOU HAVE SUBMITTED A PLAN TO ANY PREVIOUS QUESTIONNAIRE ON THIS SUBJECT PLEASE SUPPLY THAT RESPONSE.)

CAN YOU SUGGEST ANY POTENTIAL PARTNERSHIPS BETWEEN YOUR SPORT AND ANY OTHER AS FAR AS SHARED OR JOINT FACILITIES? (e.g. Touch with Hockey, Volleyball with Indoor Hockey)

WOULD YOU SEE YOUR SPORT AS HAVING THE CAPACITY TO CONTRIBUTE FINANCIALLY TOWARDS DEVELOPMENT OF PARTICULAR FACILITIES? IF SO, TO WHAT EXTENT EITHER IN \$ TERMS OR AS A PERCENTAGE.

WOULD YOU BE INTERESTED IN PARTICIPATING IN DISCUSSIONS/WORKSHOPS SPECIFICALLY ON PLANNING FOR FUTURE FACILITY NEEDS?

PLEASE RETURN INFORMATION TO THE BUREAU BY 9 JUNE 1994.

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Dear

I am writing on behalf of the ACT Sport and Recreation Council on a number of issues related to development opportunities for sport and recreation facilities within the ACT.

You will be aware that the draft document *Sport and Recreation in the ACT More Than A Game A Vision for 2000* has been widely circulated among sporting organisations for comment. This vision will be further developed over the next few months, by the ACT Sport and Recreation Council in consultation with government departments and non-government agencies. The result will be guiding directions for sport and recreation development in the ACT towards the Year 2000.

One of the key issues raised in the draft document is the need for the Government and ACT sport and recreation parent bodies to develop a more effective long term, coordinated approach to facility planning and development. Specific strategies recommended in the draft document are:

That a Facilities Development Committee should be established as a sub-committee of the Council; that sport and recreation organisations be encouraged to develop five year forward facility needs and development plans; and that future government major capital works program directions be developed to accommodate identified priorities.

A further impetus to ensuring coordinated and targeted facility development has arisen with the Olympic Games to be held in Sydney in the Year 2000. As a member of the ACT 2000 Committee, which was established to maximise the benefits of the 2000 Olympics for the ACT, I have agreed to advise the committee on sport and recreation facility development and improvement needs, especially in relation to the hosting of national and international sporting competitions and international training camps in the ACT during the seven year lead up to the Games.

Due to the long lead time required for facility development, the Council recognises the need to act quickly in implementing facility planning and development strategies.

You will recall that some eighteen months ago, the ACT Sport and Recreation Council conducted a survey of sporting organisations about their immediate facility development and maintenance needs. The Council wishes to encourage you now to consider the longer term facility development needs of your sport. This will: follow up the survey; reflect the community opinion as expressed in the *More Than A Game* document; and take advantage of the possible opportunities that may arise from the work of the ACT Olympic 2000 Committee.

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I would appreciate early feedback from organisations that have already considered their long term facility needs. In particular, information regarding any identified facility development projects that need to be undertaken in the next few years, in order to meet aspirations of hosting events. in the seven year period leading up to the 2000 Olympics, would be very valuable.

Your focus, at this stage, should primarily be on the international or national events or camps that you would like to host during the next seven or so years, .the extent to which existing facilities can or cannot meet the requirements of, the event, and the necessary trading or development of facilities needed to host the event, with approximate costings if possible.

While Olympic sports are already likely to have given some of these issues considerable thought, non-Olympic sport and recreation groups may not have. done so. Nevertheless, in the light of the opportunity to include sporting activities and events in Canberra as a major part of the Centenary of Federation celebrations in 2001, long term facility planning and development is equally important.

During 1994, one of the Councils priorities is to conduct a workshop session on various aspects of facility development and planning. This training workshop will provide valuable assistance to sport and recreation in establishing their long term facility development plans. I also invite you now to indicate your organisations interest in participating in such a training workshop. Any comments on the preferred content and format of such a workshop is also welcome.

I look forward to a preliminary response from your sport or recreation organisation by Friday 11 March 1994 so that the Council and the ACT 2000 Committee can begin to set some parameters for facility development over the next six or seven years, especially in relation to the need to upgrade existing facilities in order to accommodate international competition.

Please find attached a summary of the information I am seeking from you.

If you require further information, and to submit a response please contact the Executive Officer of the ACT Sport. and Recreation Council, Cathy Taylor on phone: 207 2054 or fax: 207 2071.

Submissions may be sent to:  
ACT Sport and Recreation Council  
PO Box 1156  
TUGGERANONG ACT 2901

The Council looks forward to working with you and your organisation during 1994.

Sue Baker-Finch  
Chairperson

21 Februarv 1994

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## SPORT AND RECREATION FACILITIES - TOWARDS 2000

### Summary of Information Requested

- Any specific facility development projects you have already identified to be undertaken in the next few years.
- Your long term needs in relation to facility development and improvement for:
  - national competitions and/or training facilities
  - international competitions and/or training facilities
  - other events
- Opportunities you have identified for hosting events at all levels regional, national, international and invitational and:
  - the extent to which existing facilities can or cannot meet the requirements of the event
  - the necessary upgrading or facilities required
  - approximate costings for these facility changes
- Interest in the workshop session planned for 1994 on various aspects of facility development and planning.

Submissions may be sent to:

Cathy Taylor  
Executive Officer  
ACT Sport and Recreation Council  
PO Box 1156  
TUGGERANONG ACT 2901

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*1 December 1994*

PO Box 1156  
Tuggeranong ACT 2901  
ACT GOVERNMENT  
BUREAU OF SPORT.  
RECREATION AND RACING

All ACT Sporting Organisations

#### ACT BID FOR 1997 AUSTRALIAN MASTERS GAMES

The ACT Government has expressed interest to the Confederation of Australian Sport (CAS) in the ACT hosting the 6th Australian Masters Games in 1997. The Bureau of Sport, Recreation and Racing is currently preparing the bid and wishes to seek the support of ACT sport in this exciting endeavour.

The ACT Sport and Recreation Council, the ACT 2000 Committee and ACTSPORT have all supported the bid in-principle and the ACT Minister for Sport, Mr David Lamont MLA announced on 3 June 1994 that he would commit whatever resources are necessary to ensure a successful Masters Games in Canberra.

I have attached some background information on the Games, including the expected timing of the event, participant numbers and economic impacts of previous major masters events, and general administrative and organisational arrangements. The VicHealth 5th 1995 Australian Masters Games being held in Melbourne currently has a minimum target of 8000 participants in about 50 sports .

One of the most important criteria for a successful bid is the support of local sporting organisations, as the success of the games depends not only on strong government support but also the willingness and enthusiasm of sports to plan and organise the competitions and associated activities. I am therefore seeking an indication of your support for the ACT bid to host the 1997 Australian Masters Games and your assistance in providing information on the capacity of available and planned facilities, your volunteer base and administration for this scale of event.

Please relate your responses on facilities only to the capacity of venues for the Masters Games. The ACT Sport and Recreation Council is undertaking a broader planning survey of facilities needs, which this information will complement.

It may be helpful to ask your counterparts in other states which have hosted the games about what were their requirements and experiences. Accommodation and facilities in the surrounding region may also be required for some sports and I would appreciate an indication of this need.

An Organising Committee would be established by the ACT Government to be responsible for all aspects of the Games organisation. This Committee would have a number of sub-committees responsible for specific functions. An early indication of suitably qualified people in your organisation who may be willing to be a member of these committees would also be appreciated.

Department of the Environment, Land and Planning

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*1 December 1994*

We have had several approaches concerning promotion of the ACT at the forthcoming masters events in Alice Springs and Brisbane in October 1994. An estimate of the number of people in your sport who would be attending either of these events and be willing to promote Canberra if our bid is successful, would assist us in planning of any promotional materials.

As the bid document is to be with CAS by the end of July 1994 for an announcement in August/September I would appreciate an early response by 8 July 1994. Could you please complete the attached response sheet and return by fax or mail as soon as possible.

Please contact Ms Dale Inabinet on 205 7188 for any further information or advice.

Yours sincerely  
Mark Owens  
General Manager  
Bureau of Sport, Recreation and Racing

June 1994

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1 December 1994

ACT BID FOR 6TH AUSTRALIAN MASTERS GAMES IN 1997 -  
RESPONSE SHEET

Your responses to the following questions will assist in developing a strong bid for the ACT to host the 1997 Australian Masters Games. Your cooperation is appreciated.

NAME OF ORGANISATION:

.....

NAME OF CONTACT:

POSITION HELD IN ORGANISATION:

PHONE NO: FAX NO:

1. DO YOU SUPPORT THE ACT BID FOR THE 1997 AUSTRALIAN MASTERS GAMES?

Yes

No

Comments:

.....

2. WOULD YOUR SPORT INTEND PARTICIPATING IN THE GAMES?

Yes

No

Comments: . . :

3. WOULD THE PROPOSED TIMING IN LATE OCTOBER/EARLY NOVEMBER BE  
SUITABLE FOR YOUR SPORT?

Yes

No

Comments

.....

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4. BASED ON MASTERS GAMES EVENTS IN OTHER STATES, PLEASE INDICATE SUITABLE STANDARD FACILITIES YOU WOULD PROPOSE USING?

Please list below or attach.

5. PLEASE INDICATE ANY FACILITIES NEEDED AND NOT CURRENTLY AVAILABLE.

List below or attach.

Please indicate below any proposals to address these needs before 1997.

6. DO YOU CONSIDER YOU WOULD HAVE THE VOLUNTEERS AND ADMINISTRATIVE SUPPORT TO STAGE AN EVENT IN YOUR SPORT?

Yes

No

Comments:

.....

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7. PLEASE INDICATE (WITH NUMBERS IF POSSIBLE) IF YOU WOULD HAVE PEOPLE WITH EXPERTISE IN THE FOLLOWING AREAS WILLING TO BE INVOLVED IN THE ORGANISING COMMITTEE OR SUB-COMMITTEES.

Accommodation - bookings, rates

Transport - requirements, drivers, liaison

Special events and hospitality - functions, invitations, entertainment

Ceremonial/protocol - medals, presentations, momentos

Communications - telephones, results, computers

Medical Services - co-ordinate for athletes, spectators etc.

Security - determine policing, co-ordinate requirements

Sports - advice to sports, links to committees, volunteers

Could you please nominate a contact person(s) to follow up on more details.

8. PLEASE INDICATE THE NUMBER OF PEOPLE IN YOUR SPORT ATTENDING MASTERS EVENTS IN 1994.

Honda Masters Games, Alice Springs, 15 - 23 October 1994

World Masters Games, Brisbane, 26 September - 8 October 1994

THANK YOU FOR YOUR ASSISTANCE.

PLEASE RETURN THIS COMPLETED SHEET TO ACT BUREAU OF SPORT, RECREATION AND RACING, PO BOX 1156 TUGGERANONG ACT 2901 , OR FAX TO MASTERS BID CO-ORDINATOR ON 2072071 BY 8 JULY 1994.

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## A.C.T. SPORTS FACILITIES SURVEYS

August 1994

### SUMMARY RESPONDENTS TO JUNE SURVEY

ACT Athletics Association  
ACT Australian Football League  
The Hockey Centre  
ACT Softball Association  
ACT Table Tennis Association  
ACT Tennis Association  
ACT Touch Association  
ACT Waterski Association  
Canberra Drag Racers Club  
Greenhills Conference Centre  
Weston Creek Tennis Club

### RESPONDENTS TO ACT OLYMPIC COUNCIL SURVEY

ACT Athletics Association  
ACT Basketball Association  
ACT Cycling Federation  
ACT Fencing Association  
ACT Gymnastics Association  
ACT Hockey Association  
Modern Pentathlon Association ACT  
ACT Rowing Association  
ACT Showjumping Club  
ACT Tennis Association  
ACT Triathlon Association  
ACT Volleyball Association  
ACT Amateur Wrestling Association

### SHORTFALLS IDENTIFIED

Athletics -

Local

- all weather runups for long jump at district tracks.
- improved grass tracks

Regional/National -

- Staged development of major all weather facility e.g. Woden Park, Holder High
- Club house/storage/weight training facility close to grass track and cross country, walking training areas.
- Low rent office space on southside, like Sports House.

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National/International

- Upgrade of AIS facility,- tv lighting, seating, warmup.

Australian Football

Local

- Training and competition grounds in Tuggeranong.

Cycling

For all levels, a top class velodrome.

Drag Racing

Local/National/International

High standard 400 metre track with support facilities

Fencing

Local/National

Competition venue with floor plates for pistes

Hockey

Local

- Improved grass fields. -Southside synthetic centre

National/International

- continued development of Lyneham centre for training and competition

Modern Pentathlon

Local/National/International

Major storage/administration/training/ competition(fencing) building.

Rowing

Local/National/Training

Permanent fully bouyed 6 lane course on LBG

National/ International

Full international class facility - Lake Jerrabomberra

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Softball

New centre at Hawker will help to meet needs across all levels of competition and training.

Table Tennis

Local

- An 8 table centre to enable local development.

Tennis

Local

- 3-5 new clubs in Sth Tuggeranong( 16 courts), Gungahlin(14 courts), Northwest Belconnen(4 courts).

National/International

- Upgrade of 4 courts at Lyneham centre to high standard to enable hosting of major tournaments.

Touch

Local - additional lit fields in Tuggeranong, Belconnen and Southwell Park.

Volleyball

Local/National

Good quality facilities at reasonable cost.

Waterskiing

Local

- Permanent training areas for all Divisions

National/International

- Second tournament site adjacent to current site.

Wrestling

Local/National/International

Multipurpose training/competition/administration building could be shared with other sports e.g. weightlifting, martial arts.

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## Major Trends Emerging

Strong demand for quality indoor facilities for a wide range of sports - incorporating training and administration areas if possible.

Many of these are incompatible in a multiple use facility due to need for at least semi-permanent setup e.g. table tennis, fencing. Could be met by specialist areas attached to multiple purpose core.

Some sports could share or jointly use facilities e.g. proposal for fencing/modern pentathlon building, wrestling with martial arts, weightlifting etc.

There is a broad appreciation of the need for multiple use facilities and a willingness to explore possibilities.

Some sports are seriously examining making a major contribution towards a facility development e.g. tennis, volleyball. There is a clear need for Government to facilitate joint ventures or assist in funding.

Lake Jerrabomberra could be a long term proposition for multiple water sports use but financial arrangements for capital and recurrent costs would need careful examination in the context of the Penrith Lakes development.

There is a need for sports to provide a facility development plan, even in fairly basic form, as part of their overall development plans to assist the ongoing assessment of need and capital works programming.

## Possible Solutions/Combinations

1. High standard all weather athletics facility associated with indoor competition/training area such as that suggested for wrestling/weightlifting.

- May also link indoor facility with velodrome upgrade.

- Could provide efficient use of infrastructure e.g. parking due to differing peak usage periods.

2. At least one major indoor centre of at least 4 court capacity in main hall, with provision for expansion or adjoining special purpose halls.

- Probably viable to construct one on north side and one south. North side centre could include tennis as major user/owner/manager with provision for other users. Outcome of major Tennis ACT feasibility study in October will be valuable.

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ACT & District Archery Council  
123 registered members as at 20/9/93  
ACT & Region Disabled Sport and Recreation Association Inc.  
104 registered members as at 16/7/93  
ACT Amateur Wrestling Association  
157 registered members as at 9/16/93  
ACT Association for Women in Sport and Recreation  
ACT Athletic Association Inc.  
678 registered members as at 31/3/93  
ACT Australian Football Junior League  
2175 registered members as at 29/7/93  
ACT Australian Football League  
2765 registered members as at 23/9/93  
ACT Badminton Association Inc.  
445 registered members as at 23/9/93  
ACT Baseball Association Inc.  
1789 registered members as at 23/9/93  
ACT Basketball Inc.  
4820 registered members. as at 23/9/93  
ACT BMX Association Inc.  
ACT Bocce Federation Inc.  
84 registered members as at 31(7/92  
ACT Bowls Association Inc.  
1921 registered members as at 31/07/93  
ACT Calisthenics Association Inc.  
655 registered members as at 20/9/93  
ACT Companion Dog Club Inc .  
ACT Cricket Association Inc.  
2872 registered members as at 23/9/93  
ACT Cycling Federation  
117 registered members as at 20/9/93  
ACT Deaf Sports & Recreation Association Inc  
36 registered members as at 9/16/93 .  
ACT Debating Union Inc.  
No membership details as at 20/9/93  
4 ACT Diving Association  
34 registered members as at 25/10,93  
ACT Dressage Association  
219 registered members as at 20/9/93  
ACT Eight Ball Association  
376 registered members as at 20/9/93  
ACT Fitness Advisory Council Inc.  
ACT FUTSAL Inc.  
1480 registered members as at 9/23/93  
ACT Gymnastic Association Inc. 4531 registered members as at 23/9/93  
ACT Hang Gliding Association No membership details  
ACT Hockey Association Inc. 3345 registered members as at 23/9/93  
ACT Ice Hockey Association Inc. 155 registered members as at 31/07/93  
ACT Ice Skating Association Inc. 54 registered members as at 31/07/93  
ACT Indoor Cricket Federation Inc. 8000 registered members as at 31/3/93

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ACT Little Athletics Association Inc.  
2860 registered members as at 31/07/93  
ACT Minor Rugby League Inc.  
3018 registered members as at 31/07/93  
ACT Mirror Class Association Inc.  
107 registered members as at 30/6/92  
ACT Monaro District Golf Association  
9017 registered members as at 9/16/93  
ACT Motor Sport Council Inc.  
No membership details as at 16/9/93  
ACT Netball Association Inc.  
5468 registered members as at 23/9/93  
ACT Orienteering Association Inc.  
573 registered members as at 23/9/93  
ACT Parachute Council Inc.  
56 registered members as at 30/6/92  
ACT Pistol Association  
519 registered members as at 20/9/93  
ACT Rogaining Association Inc.  
159 registered members as at 31/07/93  
ACT Roller Sports Committee  
74 registered members as at 27/-1/93  
ACT Rowing Association  
401 registered members as at 20/9/93  
ACT Rugby League Inc.  
5027 registered members as at 1/10/93  
ACT Rugby Union Inc.  
7330 registered members as at 23/9/93  
ACT Ski Association Inc.  
616 registered members as at 23/9/93  
ACT Soccer Federation Inc.  
11333 registered members as at 23/9/93  
ACT Softball Association Inc.  
5475 registered members as at 23/9/93  
ACT Sports House Inc.  
No membership details as at 23/9/93.  
ACT Swimming Inc.  
No membership details as at 20/9/93  
ACT Table Tennis Association  
120 registered members as at 20/9/93  
ACT Tennis Association Inc.  
1560 registered members as at 23/9/93  
ACT Touch Association  
6030 registered members as at 30/6/93  
ACT Triathlon Association Inc.  
551 registered members as at 31/07/93  
ACT Veterans Athletic Club Inc.  
471 registered members as at 20/9/93  
ACT Volleyball Inc.  
2150 registered members as at 23/9/93  
ACT Water Polo Association Inc.  
332 registered members as at 30/4/92  
ACT Water Ski Association Inc.  
362 registered members as at 30/6/93  
ACT Weightlifting Association  
58 registered members as at 9/16/93  
ACT Womens Bowling Association Inc .  
1050 registered members as at 31/07/93  
ACT Womens Cricket Association Inc.  
137 registered members as at 20/9/93

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ACT Womens Hockey Association Inc.  
1610 registered members as at 23/9/93 ACT Womens Soccer Association Inc,  
647 registered members as at 20/9/93 Adult Skate-Fit Group  
60 registered members as at 20/9/93 Arabian Riders & Breeders (ACT & Southern NSW) Inc.  
61 registered members as at 30/6/93 AUSSI Masters Swimming ACT Branch Inc.  
77 registered members as at 9/16/93  
Australian Council for Health Physical Education & Recreation  
75 registered members as at 30/1/92 Australian Society of Sport Administrators - ACT Chapter  
60 registered members as at 23/9/93 Australian Taekwondo Association - ACT  
320 registered members as at 20/9/93 Australian Underwater Federation - ACT Inc.  
94 registered members as at 31/07/93  
Belconnen Dog Obedience Club Inc.  
No membership details as at 20/9/93 Brindabella Motor Sport Club  
220 registered members as at 3/6/92 Canberra & Dist. Racing & Sporting B/casters  
No membership details as at 23/9/93  
Canberra Australia Day Sports Carnival  
No membership details as at 23/9/93 Canberra Casting Club  
15 registered members as at 3/7/92  
Canberra Cycling Club Inc.  
117 registered members as at 20/9/93  
Canberra Drag Racers Club  
61 registered members as at 19f1/93 Canberra Kennel Association Inc.  
No membership details as at 20/9/93  
Canberra Modified Sprintcar Association Inc.  
60 registered members as at 20/9193 Canberra Ornithologists Group Inc.  
No membership details as at 20/9/93  
Canberra Rifle Club Inc.  
88 registered members as at 20/9/93 Canberra Road Racing Club Inc.  
154 registered members as at 28/7/92 Canberra Roller Skating Club  
No membership details as at 30f7/92 Canberra Sabretooths Grid Iron Football Club  
No membership details as at 20/9/93  
Canberra Tenpin Bowling Assoc. Inc.  
2159 registered members as at 26/7/93 Canberra Youth Theatre Company Inc  
368 registered members as at 20/9/93  
Dragon Boats of the ACT Sporting & Cultural Assoc  
766 registered members as at 3017/93  
FE-HR Holden Owners Club ACT Inc.  
11 registered members as at 20/9/93 Judo Federation of Australia (ACT) Inc.  
369 registered members as at 31/07/93  
Modern Pentathlon Assoc. ACT Inc.  
66 registered members as at 9/16/93  
Motorcycle Club of Canberra Inc.  
190 registered members as at 31/7/92

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Muscular Dystrophy Assoc of Canberra Inc.  
73 registered members as at 20/9/93  
Older Womens Network  
53 registered members as at 20/9/93  
Pegasus Riding for the Disabled ACT Inc.  
198 registered members as at 20/9/93  
Share n Craft Group  
No membership details as at 20/9/93  
Shonan Aikido Renmei Inc.  
No membership details as at 20/9/93  
Southpaw Stroke Club  
41 registered members as at 20/9/93  
Southside Community Service  
28 registered members as at 20/9/93  
Squash ACT  
1347 registered members as at 20/9/93  
The ACT Darts Council Inc.  
959 registered members as at 22/6/93  
The Combined Dirt Track Racing Association Inc.  
62 registered members as at 20/9/93  
Tuggeranong Link of Community Houses & Centres -  
No membership details as at 20/9/93  
Tuggeranong Valley National Football Club  
356 registered members as at 20/9/93  
Woden Senior Citizens Club Inc.  
registered members as at 20/9/93  
Total Registered Members: 113166

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

**QUESTION NO. 1483**

**Housing and Community Services Portfolio - Publications**

MR DE DOMENICO - Asked the Minister for Housing and Community Services -

Since your appointment to the relevant portfolio -

- (1) How many rate-payer funded leaflets, advertisements, pamphlets and any other written material have been distributed on which your photograph and/or message has appeared.
- (2) How many of each have been printed and distributed.
- (3) What is the total cost of producing and distributing each.
- (4) How many more are scheduled.
- (5) Will you supply copies of each to myself.

MR LAMONT - The answer to the Members question is as follows -

(1) Between 13 April and 10 November 1994 my photograph and/or message has appeared in the following client or consumer information publications:

- Two quarterly editions of the Tenants Newsletter;
- The reprinted booklet A - Z of Home Purchase;
- The reprinted booklet Tenants Handbook.; and
- A pamphlet promoting the International Year of the Family and detailing services available through the Housing and Community Services Bureau.

(2) The following quantities have been printed and distributed:

- 12,500 copies of the Tenants Newsletter printed and distributed for the June and September 1994 editions;
- 2,000 copies of the A - Z of Home Purchase booklet printed and distributed in October 1994;
- 400 copies of the updated and reprinted Tenants Handbook (edition one) printed and distributed in October 1994; and
- 5,000 copies of the International Year of the Family pamphlet were printed. Of these 3,200 have been distributed to date.

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*1 December 1994*

Production and distribution costs for each publication were:

Two editions of the Tenants Newsletter cost \$9 300 per issue or \$18 600 for the two editions;

The A - Z of Home Purchase booklet costs were \$2,635;

The Tenants Handbook (edition one) costs were \$875; and

The International Year of the Family pamphlet costs were \$1,200.

The Tenants Handbook (edition two) is scheduled for printing and distribution in late November.  
An introductory letter is scheduled to accompany the Handbook.

The next regular edition of the Tenants Newsletter is scheduled for publication in December 1994.  
It is likely that this edition may include articles on the Public Housing Open Day, the Single-Share Accommodation Scheme and/or community consultation on the Housing Assistance Plan.  
As I have been involved in all these activities it is possible that my photograph and/or name may be included in such articles.

No more International Year of the Family pamphlets are scheduled.

Copies of the following publications are provided to you as requested:

Tenants Newsletter June and September editions; Tenants Handbook (edition one); A- Z of Home Purchase; and The International Year of the Family pamphlet.

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APPENDIX 1:

(Incorporated in Hansard on 29 November 1994 at page 4185)

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**QUESTION WITHOUT NOTICE TAKEN ON NOTICE  
10 NOVEMBER 1994**

MR MOORE

My question refers to a letter the Chief Minister wrote to us today where she discusses what we refer to as the Caretaker period which she suggests should commence 36 days immediately before polling day namely the 13 January. Chief Minister in the arrangement that you attached you did not deal with paid advertising or information programs which includes reference to any Minister or Government Member during the Caretaker period.

MY ANSWER IS:

In addition to the assurance that I provided when the question was asked I would draw your attention to part (f) of the document which sets out the arrangements. This states that:

The Government will ensure that Departmental publications and advertising prepared during the election period do not include photographs or statements by Ministers and do not involve issues which are controversial between political parties.

In addition to this the Secretary of my Department has written to his colleagues in the Government. Service and provided them with detailed advice on the arrangements. Publications and advertising campaigns are one of the areas highlighted in his advice. In particular agencies have been advised that:

- publications and advertising prepared during the election period should proceed only if they constitute a normal operational requirement of a Department or Agency and they should not include photographs and statements of or by Ministers; and
- campaigns highlighting the role of particular Ministers or addressing issues which are of a controversial nature between political parties should be discontinued during the election period.

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