



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

9 April 1997

**Wednesday, 9 April 1997**

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The Assembly met at 10.30 am.

*(Quorum formed)*

**MR SPEAKER** (Mr Cornwell) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1997**

**MS HORODNY** (10.32): Mr Speaker, I present the Land (Planning and Environment) (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

**MS HORODNY**: I move:

That this Bill be agreed to in principle.

To explain the purpose of this Bill, I need to go back to the Stein report into the administration of the ACT leasehold system. Recommendation No. 95 of the Stein report stated:

‘any person’ should be entitled to approach the AAT or Supreme Court to civilly enforce breaches of the Land Act without being required to establish common law standing.

This recommendation came about because Stein was concerned that it was unclear from the Land Act whether any person, apart from the Minister, could apply to the Supreme Court to enforce an order or to require compliance with the terms of a development approval. Stein believed that the insertion of an open standing provision in the Land Act would remove any doubt as to the ability of a member of the public to seek to enforce breaches of the ACT planning and leasehold laws. Such a provision would enable a person, irrespective of their personal interests in the matter, to approach the Supreme Court to remedy or restrain a breach of the Act.

The Government, in its response to the Stein report, said that it agreed with this recommendation in part, but that the ability for people to question specific planning decisions in the Supreme Court was already available under the Administrative Decisions (Judicial Review) Act, so there was no need to amend the Land Act. This sounded fine;

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but in the Land (Planning and Environment) (Amendment) Bill (No. 4) 1996, which the Government introduced last year to implement its response to Stein, it deleted the relevant section of the AD(JR) Act altogether. The Government did the opposite of what it said it would do in its response to that Stein recommendation. This deletion took away what was previously a citizen's right to legally force the Government to correctly administer the Land Act.

The Planning Minister, Mr Humphries, has already publicly responded to my Bill by implying that the Stein report has been done to death in the Assembly and that the Greens should not be reopening the debate that occurred on the last sitting day of 1996 on the Government's amendments to the Land Act. I would say in response that the matter addressed by this Bill has not been adequately debated in the Assembly. The particular clause of the Land (Planning and Environment) (Amendment) Bill (No. 4) 1996 that dealt with the amendments to the AD(JR) Act slipped through the long and complicated debate we held in the wee small hours on the last day of sitting last year. Despite the raft of amendments to the Bill that were debated on that night, there was no mention at all of this clause of the Bill. I do not think anyone here realised the full implications of clause 87 of the Land (Planning and Environment) (Amendment) Bill (No. 4) 1996, and it certainly was not made clear to us by the Minister. The explanatory memorandum merely stated that this amendment removed the right of a person to seek a statement of reasons under the AD(JR) Act where the person considered that the decision was contrary to law. It did not mention that it also removed the person's right to make an application to the Supreme Court for a review of that decision.

In addition, the Minister's presentation speech merely stated that the AD(JR) Act was being amended to bring it into line with the standing of persons seeking review in the AAT of decisions under the Land Act, but the Minister failed to acknowledge that a judicial review of whether the rule of law is being maintained is quite different conceptually from an administrative review of the merits of a particular development application. The problems with this amendment to the AD(JR) Act were made apparent to us only earlier this year by the solicitor of the Environmental Defender's Office, who I understand contacted all members of the Assembly on this matter. The Environmental Defender's Office also went to the trouble of preparing and circulating possible amendments to the Land Act that would correct this error, which I thought had great merit and which I have tabled here today in this Bill.

The Bill does not seek merely to reinstate the relevant sections of the AD(JR) Act; it seeks to implement the full intention of the Stein report recommendation No. 95. It allows any person to bring civil proceedings in the Supreme Court to enforce any aspect of the Land Act, not just to seek judicial review of specific administrative decisions, which was previously allowed under the AD(JR) Act. The wording of the Bill is modelled on section 123 of the New South Wales Environmental Planning and Assessment Act 1979. As the Stein report said, the open standing provisions included in this Bill have been in every planning and environmental statute in New South Wales for as long as 15 years and are also in place in South Australia, Queensland and Tasmania.

These provisions have a demonstrated capacity to ensure that decisions are made in accordance with the law and not contrary to it. They have not been abused and they have not resulted in a flood of litigation. The costs and complexities of taking a matter to the Supreme Court have ensured that such cases are not undertaken frivolously. To quote Stein:

Open standing provisions are not to be feared but should be welcomed as an aid to enforcement. They have the capacity to ensure that administrators carry out their duties.

My Bill also includes another minor amendment to the Land Act that corrects what has been acknowledged by the PALM officials as a drafting error in the description of persons who are eligible to lodge appeals to the AAT against a decision on a development application. The Land (Planning and Environment) (Amendment) Bill (No. 4) 1996 changed the whole planning appeal system so that only those persons who were substantially and adversely affected by the decision could lodge an appeal. At one point the Bill stated that appeals can be made only where the rights of the person are substantially and adversely affected by the decision, when it should have said “interests”, which is the word used in other parts of the Bill. Because the word “rights” has a particular legal interpretation that differs from the word “interests”, it is important to clear this up as soon as possible, before it leads to confusion in appeal cases.

In making this minor amendment, I should point out that this does not mean that we support the Government’s changes to the appeal system that were made at the end of last year, which in our view severely limit the ability of the community to question the merits of particular development applications. If we had thought we had a chance, we would have undertaken broader amendments to the Land Act to open up the opportunity for third-party appeals; but, given that the Labor Party supported the Government’s restrictions to the appeals system, we knew the numbers were against us at this point in time.

In conclusion, the Government argued at the time of introducing its amendments to the Land Act last year that it wanted to eliminate trivial appeals that might hold up development; but the changes it has introduced to the Land Act and the AD(JR) Act have gone far beyond this, to really limit the ability of the public to ensure that the Government and its administrators fully carry out their legal responsibilities under the Land Act. This is just indicative of the Government’s general reluctance to have its planning decisions questioned by the public. What this Bill is about is establishing a legal mechanism for keeping the Government honest and publicly accountable in the way it handles planning matters in the ACT. I commend this Bill to the Assembly.

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

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**HEALTH AND COMMUNITY CARE SERVICES  
(VALIDATION OF FEES AND CHARGES) BILL 1997**

**MR BERRY** (10.42): Mr Speaker, I present the Health and Community Care Services (Validation of Fees and Charges) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

**MR BERRY**: I move:

That this Bill be agreed to in principle.

This Bill will, as its long title sets out, remove any doubts about the validity of two determinations made under the Health and Community Care Services Act 1996. The saga goes back over most of the last year and highlights the total inadequacy of Mrs Carnell's management of her health portfolio. It is littered with mistakes. Dozens upon dozens of charges set by determinations of the Health Minister under the Health Act are at risk. There is something like a dozen pages of health determinations which this Health Minister, through the inadequacy of her management, has put at risk. It becomes necessary, therefore, for the voice of sanity to emerge in this place, to move to fix the problem, since the Chief Minister has adopted such an arrogant disregard for her obligations under the relevant legislation.

Let us have a look at the events that preceded this. First of all, Mrs Carnell issued two determinations - determinations Nos 106 and 136 - to have effect from 1 July 1996. The Scrutiny of Bills Committee raised questions about the validity of those documents in its Report No. 10 of 24 July last year. So, this issue has some form. The Government agreed that those determinations were invalid. If the Chief Minister had had any courage at that point she would have come in here and said, "There has been an administrative mistake". If she had placed a Bill before the house so that we could have discussed the question of retrospectivity, the process could have been sorted out quite some time ago. But no. What did Mrs Carnell do? She tried to cover it up with another determination which attempted to give retrospective effect to dozens upon dozens of fees and charges.

Mr Speaker, loss of face became the issue here. Mrs Carnell did not have the courage to come in and say that somebody had made a mistake. Rather, to the contrary, she has moved to entrench the mistake. That retrospective regulation to which I referred, determination No. 227, has now been drawn into serious question because of the provisions of the Subordinate Laws Act. And not only determination No. 227 - this is where the whole situation becomes laughable, and this joke of a Chief Minister has demonstrated her inability to deal with these issues - but also determination No. 240, gazetted only two weeks later. Mistake after mistake!

The Subordinate Laws Act makes it pretty clear. Section 7 of the Act states:

A subordinate law shall not be expressed to take effect from a date before the date of its notification in the *Gazette* where, if the law so took effect -

- (a) the rights of a person (other than the Territory or a Territory authority) existing at the date of notification would be affected in a manner prejudicial to that person; or
- (b) liabilities would be imposed on a person (other than the Territory or a Territory authority) in respect of any act or omission before the date of notification;

That is pretty plain, on the face of it, I would suggest. It continues:

and where any subordinate law contains a provision in contravention of this subsection, that provision is void and of no effect.

The Subordinate Laws Act is fairly clear in its intent. It makes it fairly clear, in my view, that retrospective determinations such as the one issued by Mrs Carnell are suspect. My view does not really matter in the scheme of things. What does matter is the view of the eminent adviser to the Scrutiny of Bills Committee, which is the legislation watchdog for this Assembly. Those problems were raised by the Scrutiny of Bills Committee in its Report No. 17 of 28 November last year.

Let us take a look at some of the comments in relation not only to determinations Nos 227 and 240 but also to the problems arising from the fact that determinations Nos 106 and 136 were invalid. On pages 14, 15 and 16 of Report No. 17, the committee sets out its case and suggests a course of action to correct the problems and remove any doubt. For those who wish to have a look at the report, I think it makes it very clear that there needed to be remedial action. Mrs Carnell, though, seems not to be convinced that the committee's recommendations are worth while following.

On 5 December last year, I moved disallowance of determination No. 227 and, in doing so, I made it clear to the Government that the Labor Party would support retrospective legislation to sort out the problems caused by the faulty determinations. Quite simply, the Labor Party accepts the Scrutiny of Bills Committee's recommended solution. Irrespective of which legal advice you want to accept, doubts have been raised about the validity of the determinations. We could go on receiving legal advice from one quarter or another until we had a handful of legal advisings, but at the end of the day the doubt would still be there.

I set out to remove the doubt once and for all. The only way to do that is to take the course recommended by Professor Whalan and the Scrutiny of Bills Committee, but the Government has consistently refused to do it. Last December I offered them a chance to 'fess up, if you like, to admit before this place that they had mucked up this whole issue, that they had made retrospective determinations, which are not permitted under the Subordinate Laws Act, or at least to say that there was some doubt and they wanted to clear it up. What they have done is refuse to accept that this is a serious issue for revenue in the ACT. If the Government has acted without authority, then it is obliged to pay the money back. I know very well that the health budget cannot afford to be

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putting at risk any of its revenue, particularly when it has a Health Minister like Mrs Carnell at the helm. Have a look at the disastrous performance in last year's budget, which was overspent by \$22.3m. Why would you put at risk valuable revenue which is needed for health services here in the ACT? The Bill I have introduced will fix this mistake and settle the matter forever.

We had determinations made which were invalid. People accept mistakes. Mind you, we have grown to accept a myriad of mistakes from this Government. You have only to look at the history of this Government and what has happened to this Territory since the Carnell Government came to power. The Territory is now in recession. The health budget has been mismanaged repeatedly, with mistakes left, right and centre. You become a little immune to mistakes when you are dealing with a government like the Carnell Government. I suppose that we can accept the mistake. What we would like to see is somebody who has the courage to come out and say, "Oops, we have made a little mistake. Will you help us fix it?". The Labor Party is always happy to help the Liberals patch up their mistakes, but we are not prepared to go quiet on it. Once you have made the mistake, it is better to fix it up properly than to try to patch it up in a hurried way and in a way that risks millions of dollars.

In the absence of any indication that the Government would take the responsible position I have advocated, I have had a Bill drafted. We said that we would support a Bill to patch up these retrospective mistakes if the Government brought it forward, but I think they have made it clear that they are not going to do that. We will not support a Minister being able to make retrospective determinations, because it is known to be in contravention of the relevant legislation, which I referred to earlier in my speech. The Government ought to have responded by introducing a Bill immediately to repair the damage. That was the appropriate thing to do; but they did not do it, so I have done it for them.

The problem created by the Chief Minister has to be fixed. There are millions of dollars worth of revenue at stake; but, most importantly, it is necessary to make sure that the administration of the Territory is not of a risky nature, and that is the nature of Mrs Carnell's entrenched position and intransigence over this particular issue. We saw millions of dollars worth of revenue lost in the health budget last year, and we do not want to see any more lost. Health cannot afford it. It is bleeding to death under Mrs Carnell, with \$22.3m overspent in one year. What outrageous mismanagement of the most important portfolio in the ACT! Nobody in the history of self-government would be more entitled to the championship belt in terms of loss of budget control than Mrs Carnell.

Today I am introducing the Bill, and I will also be seeking leave to withdraw my disallowance motion so that, once and for all, we can remove any doubt about determinations Nos 227 and 240 and correct the mistakes of determinations Nos 106 and 136. Mr Speaker, I commend the Bill to the house.

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



**AUDITOR-GENERAL (AMENDMENT) BILL 1997**

**MS TUCKER** (10.54): I present the Auditor-General (Amendment) Bill 1997.

Title read by Clerk.

**MS TUCKER:** I move:

That this Bill be agreed to in principle.

I am tabling this legislation today because I am committed to coming up with practical ways of putting the principles of ecologically sustainable development into practice. A key principle of ESD is integrating economic, social and environmental goals into policies and activities, as well as ensuring that environmental assets are appropriately valued. It is for these reasons that existing economic institutions and policies are being challenged all round the world. Although change is slow in being implemented, at least now both private and public sectors are recognising that they do have to give increased attention to environmental performance as well as reporting and accountability processes.

In the private sector, there is growing awareness of the benefits of integrating environmental management systems, including auditing and accounting techniques, into business planning. Obviously, appropriate regulatory change to public economic institutions is also an important part of the process of addressing market failures and finding more sustainable solutions. Everyone in this Assembly supports the principle that economic, social and environmental issues should be integrated into planning and policy implementation. Unfortunately, very few creative ideas are put forward to make sure that that happens in practice.

Members will be aware that this legislation is the same as an amendment I put forward in 1996 to the Auditor-General Bill. This issue was debated very quickly last year, but I think it deserves to be given closer examination. At the time, the amendment was rejected by both Labor and Liberal. I think both Mrs Carnell and Mr Whitecross missed the point of why I put forward the amendment. While I am fully aware of the role of the Commissioner for the Environment, setting up environmental watchdogs, if you like, is only part of the process of implementing ecologically sustainable development. Mrs Carnell and Mr Whitecross obviously did not understand how crucial it is to get our economic institutions thinking about environmental and social issues.

I was particularly surprised by the Labor Party's rather dismissive attitude towards the legislation, because it was the Labor Party that supposedly endorsed the whole process and practice of ecologically sustainable development. I could hardly believe that Mr Whitecross stood here and said that if our economic institutions are not working we should invent other institutions. The point is that our economic institutions themselves are responsible for environmental and social harm and they must be updated.

It is the failure of economists to take on the principles of ESD that is a major cause of environmentally sustainable development not being implemented. It is the ACT Government that is so keen on saying we need a whole-of-government approach, and I would like to remind them that, unless this is to be only empty rhetoric,

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a whole-of-government approach is not only about having a Commissioner for the Environment; it also means that departments and bodies with responsibility for financial matters must have expertise in social and environmental issues. We have general agreement that integrating environmental, social and economic policy is a good thing for a government to do; but, as I said earlier, we have very few practical examples in Australia of how this is actually implemented.

At the same time as I proposed the amendment I am proposing again today, I put forward the idea of environmental accounting. That was also rejected, although there was an agreement to have a Planning and Environment Committee inquiry into the issue. So, less than 12 months since I was told that there was no way we were ready for environmental accounting in the ACT, the Government has recognised the potential benefit from looking seriously at this issue. In fact, I was at a forum about two weeks ago - the Landcare Means Business forum - where the Minister for the Environment, as part of his speech about what his Government is doing, brought up the issue of environmental accounting. That statement from the Minister reinforced my belief that if you are persistent enough you can get the result, even if someone else takes credit for it along the way.

Hearing the Minister speak about the Government's willingness to take on environmental accounting, after an initial lukewarm response, has given me greater confidence that the issues before us today could also receive a more thoughtful and considered response. Maybe in another 12 months or so a Minister may stand up in a public forum and say that his or her government is responsible for overseeing a process whereby the Auditor-General's Office of the ACT is leading the way in Australia in terms of integrating environmental and social auditing techniques into performance auditing.

I would now like to inform members of the approach that has been taken by the Canadian Government in relation to broadening the role of the Auditor-General. Brian Emmett, the Canadian Commissioner of the Environment and Sustainable Development, was recently in Canberra. He became Canada's first Commissioner of the Environment and Sustainable Development as a result of legislation that was passed in 1995 requiring the Auditor-General to give increased attention to environmental issues as part of value-for-money audits. The objectives of the Canadian legislation include ensuring that environmental considerations in the context of sustainable development are taken into account in the Auditor-General's reports to the House of Commons, and requiring departments' sustainable development strategies to be prepared and tabled in the House of Commons. The legislation also requires the appointment of a Commissioner for Sustainable Development. The commissioner's role is to provide sustainable development monitoring and reporting on progress towards sustainable development. Brian Emmett, the commissioner, said this legislation has been effective in helping to raise awareness of environmental issues and promoting increased government accountability with respect to the environment and sustainable development.

In Canada, they have recognised that broadening the role of the Auditor-General to include responsibilities with regard to the environment has been useful in developing audit methodology, remaining abreast of state-of-the-art developments for environmental performance and other related matters. The ACT Audit Office has an important role in the ACT with regard to performance audits and performance indicators, so these

arguments are equally applicable to our own jurisdiction. The Canadian Government has also recognised the benefits of ensuring that the Auditor-General's Office is staffed with competent individuals who are well trained and knowledgeable about environmental matters and the audit of environmental issues. While this Assembly may not believe that it is appropriate to have a fully dedicated commissioner within the Audit Office, it certainly would be useful if some of the staff members had more expertise in environmental and social auditing techniques, and obviously useful if there was more overlap between the Commissioner for the Environment and the Audit Office.

The Auditor-General has a very important role in our system of government. The Greens believe that this role could be strengthened and improved by broadening the brief of the Audit Office. This Bill does not say that the Auditor-General must always consider social and environmental issues. What we are saying is that, where appropriate, the relative social and environmental costs and benefits should be taken into consideration. Having the Auditor-General take on this role will assist with reconciling competing objectives about environmental and economic issues, and it will also help the Auditor-General to identify areas where government activities could be run more efficiently through implementing better environmental management programs. At the moment, the Government has very little idea of where potential savings could be made through better environmental management programs.

In the past, I have also indicated why I think some recognition of social costs and benefits of government activities should also be considered by the Auditor-General. Some of the performance audits where I think it would be appropriate to take a broader view of costs and benefits include those audits which have looked at the effectiveness of education funding, because qualitative social factors such as high retention rates are often overlooked. The audit into government passenger cars could have integrated environmental factors such as fuel use and car pooling in the context of our greenhouse gas reduction obligations. The audit into road and streetlight maintenance and ACTEW's performance could also have considered environmental factors. As I said earlier, one of the benefits of taking this approach is that the Audit Office may be able to recommend areas where the Government could save money. The days of economic blinkers are over. We need to recognise that a narrow focus on the bottom line often is not the best way of assessing value for money. I commend this Bill to the Assembly.

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

**MEDICAL TREATMENT (AMENDMENT) BILL 1997**  
**Discharge from Notice Paper**

**MR MOORE** (11.04): Mr Speaker, in accordance with standing order 152, I move:

That order of the day No. 1, private Members' business, relating to the Medical Treatment (Amendment) Bill 1997, be discharged from the *Notice Paper*.

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The discharge of this legislation is a sad day for individual rights and for Territory rights. Discharge of the Medical Treatment (Amendment) Bill marks the end in this Assembly of the debate on voluntary active euthanasia. It is interesting that, since the Federal Parliament made its decision to override Territory legislation, in both the Australian Capital Territory and the Northern Territory, we have seen such dramatic public outrage. Even while the *Australian* was editorialising on what a sensible decision it was, its letters to the editor pages were filled with the opposite perspective. It is no longer just an issue of a narrow-minded minority, notably from the Catholic Church, who are carrying the debate, particularly the group known as Right to Life, who are continuing to get their views across to other Australians; the dramatic public outrage has fired up many Australians and the debate is now owned by all Australians. This is a new development in this issue.

It has been interesting that members of the Federal Parliament have been so blind to the arguments that they have ignored wider public opinion. Indeed, there is no doubt that the wider public opinion still continues to favour voluntary active euthanasia. Even in Mr Andrews's own seat, the same statistics apply as apply almost everywhere else in Australia, with over 75 per cent of his constituents being in favour of voluntary active euthanasia. It seems to me that one of the issues we saw in the vote in both houses of the Federal Parliament was the difference between what happens with single-member electorates and what happens with proportional representation, but there were other influencing factors.

What was called a conscience vote in the Federal Parliament was anything but a conscience vote. We know that there was manipulation and frightening of members in a series of ways. We also know that there were many members who voted, as has happened in this house, in different ways for genuine reasons, and I have no difficulty with those members taking that action. But we are conscious that there were those who were manipulated by threats about promotion positions, knowing that they would not be able to move into Cabinet positions or onto the frontbench if they did not vote in a certain way. Certainly, the overriding threat of preselection or no preselection was also there for members. Such issues are never dealt with in simple, straightforward ways, as often naive members of the public perceive.

I feel angry about the decision, and I feel most angry about the religious zealots. On the one hand, they demand freedom of belief, freedom to practise their own religion, their own beliefs; on the other hand, they deny the same freedom to others to practise their beliefs. These are the Paul Osbornes of the world. They attempt to protect this hypocrisy by claiming that people such as me are simply anti-religious. I am not anti-religious at all. In fact, I strongly support people's right to practise their own religion. What I strongly oppose is people trying to enforce their religion on others, and I would oppose somebody doing that to Paul Osborne just as strongly as I oppose him doing it to other people. Indeed, the Federal legislation that has overridden the Northern Territory legislation and the potential for this house to determine its own legislation in this area has meant that individuals will no longer have the right to practise their belief about the way they end their lives.

As far as this religious zealotry goes, I do not think it could have been put better than it was put by Crispin Hull in his very moving article in the *Canberra Times* last Saturday, 5 April, where he summed up the view of others with the words:

It would be so nice to have the childish, religious certainty of the Lyons Forum MPs.

There are some other very important issues that I know members of this house agree on, including the issue of Territory rights. We have now seen from both houses of the Federal Parliament a Federal mistreatment of the Territories. I would like to emphasise that it was not by all members, but by a majority of members of both houses. It reinforces the anti-self-government sentiment that was so widespread in this Territory. Self-government was not about allowing this Territory the right to make its own decisions for its own people; it was about, as we all feared, ensuring that the Federal Government could go about cutting funds to the Territory. That is what it has reinforced, and I think that is a great disappointment.

But it is worse than that because it adds an uncertainty for future policy in the ACT and the Northern Territory, for example, on X-rated videos, and I know that there has been a recent decision on that in the Federal Cabinet. In the Northern Territory and the Australian Capital Territory, the governments and the assemblies no longer have 100 per cent certainty about managing Territory affairs. We simply never know when a member of the Federal Parliament, a backbench member, perhaps, a private member or a government, will say, "No, I do not think I like that", perhaps for some moral reason, perhaps for some personal reason, and will go about overturning Territory legislation.

There is a great irony in this for people who live in the Northern Territory because, as I understand it, they are approaching statehood. What happens to their legislation if they are given statehood?

**Mr Berry:** Statehood, but.

**MR MOORE:** As Mr Berry interjects, it will be statehood, except for this particular issue, possibly. So it will be statehood that is not really statehood. It will be Clayton's statehood, as we have a form of Clayton's self-government, demonstrated by this high-handed action of the Federal Parliament.

It continues to get worse, because there is no doubt that the Andrews Bill has raised uncertainty about the Medical Treatment Act 1994, the passive euthanasia Act, and it seems to me that that uncertainty can be resolved only in court. On the one hand, I suppose it is possible for our Attorney-General, Mr Humphries, to go to the High Court and say, "Will you resolve this issue for us? Will the court make a decision and tell us whether the Andrews Bill has interfered with our right to adequate pain relief and to the issues associated there?". The cost of doing that would be, I presume, quite extraordinary, and perhaps we are going to have to wait until such time as an action is taken, at which time no doubt this Government would have to be involved as well.

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It is interesting and ironic that that should be the case, because even Andrews himself had contacted my office and said that he was drawing up legislation intended to avoid those consequences. We know that Mr Humphries and Mrs Carnell went before the Senate committee and explained that that uncertainty existed. But the Senate committee, in bringing down its particular style of report - and what else could they do? - were not able to deal adequately with this issue. The moral rectitude governed all.

Some interesting things have come out of the debate in the Federal Parliament. It has been pointed out to me that, for the female politicians, the women in parliament, the vote carried in the House of Representatives was very close to 50 : 50. It was interesting that the young parliament that debated this issue in the Assembly chamber some weeks ago supported voluntary active euthanasia by about two-thirds to one-third. The issue is changing. It is only a matter of time before Australia has voluntary active euthanasia. Unfortunately, it will not happen in the Territories, perhaps, for a very long time. Reversing legislation like this means reversing a two-thirds majority, roughly, in the House of Representatives.

The focus now is on the States. In South Australia, legislation is already before the South Australian Parliament; in Tasmania, the Greens have indicated that they will be introducing legislation; and I have been in discussion for some time with members in New South Wales, who seem most interested in getting legislation up on voluntary active euthanasia and in introducing a referendum to allow the people to decide. I feel very confident that that referendum will pass easily. The majority of people will still say that individuals have the right to make their own choice, to practise their own beliefs.

Those in the Lyons Forum, those in Right to Life, have had at best a very temporary victory. This issue will continue and will come back. For those MPs who voted according to their own conscience, who did what they believed was right on this issue, I have no problem whatsoever. There will always be a difference of opinion on this. As for those who were not sure and who were manipulated, who were put under pressure and who succumbed, I think they ought to have trouble looking in the mirror in the morning. What they have done is deny people in the most vulnerable situation a right to practise their own belief. They did it, ironically, at a time when they were demanding for themselves a conscience vote - the very same thing that somebody who wants to make their own decision about their end-of-life situation is demanding as well: Simply a conscience vote.

Question resolved in the affirmative.

## MANUKA CAR PARK REDEVELOPMENT

Debate resumed from 11 December 1996, on motion by **Ms Horodny**, as amended:

That this Assembly calls on the Government to:

- (1) immediately withdraw its call for expressions of interest for the development of block 4 section 41 Griffith (the Manuka carpark); and
- (2) undertake a study, with full public consultation, of options for the future of the Manuka carpark that best meets the needs and concerns of Manuka traders, the users of Manuka shops, local residents, and traders in surrounding shopping centres, and taking into account the evaluation checksheet for major retail development applications included in the Government's Retail Policy.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.18): Mr Speaker, I have already spoken on this matter, and I seek leave to speak a second time.

Leave granted.

**MR HUMPHRIES:** I thank members for that. Mr Speaker, I want to indicate the Government's view about some of the proposals that are contained in this motion and to ask the Assembly to not pass the motion in this form today, because I believe that it is appropriate for the processes put in train already to be allowed to come forward, to produce an answer to the problem that has been posed for Manuka and then to assess that particular result on its merits at that point in time.

I want to emphasise to members that this is a process which is very far from having a conclusion at this point in time. What, in fact, the Government has done up to this point in time has been only to have an unusual process of public consultation at an early point in the proposal built into this particular process and to follow that with an assessment by an assessment panel of the five expressions of interest which have been put forward, and which members of the public have seen, because they were publicly displayed at Manuka for a period of time before Christmas.

At the point where that concludes - and that conclusion is imminent - in a sense, then the existing public consultation mechanisms which are built into our Land Act will come into operation; that is, a preliminary assessment under the Land Act. If necessary - I do not believe that it is necessary - the processes to vary the Territory Plan will also come into effect. Both of those processes contain extensive mechanisms for public consultation on the proposals concerned. That is a suitable process to engage in at the point where we, the community, know who it is or what it is that is putting forward a proposal for the development of the car park at section 41.

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Up until now, in this public process that I have referred to, we have been debating only the concept of whether section 41 should be developed. I might say that that has had its limitations, because there have been many concerns expressed based on fears which will not be justified when the proposal comes forward in a more concrete form. People are worried about five-storey proposals; they are worried about very large dimensions of the buildings that might be built on section 41. Those sorts of concerns have been expressed about the proposal when, in fact, some of the proposals - indeed, in some cases, all of the proposals - lack those features.

Mr Speaker, I personally believe that the best thing to do at this point in time would be to allow a particular proposal - one of the five proposals that have been put forward as expressions of interest - to be placed on the table and then to have a debate structured around that particular proposal. I know that Ms Horodny believes that this is some sort of *fait accompli*, that once it is on the table it cannot possibly be taken off and that it is going to happen if it is there. Let me assure her that the planning processes in this Territory are far more rigorous than would allow that to happen, and the existence of those processes will put the person or persons who put forward such a proposal to great trouble as they bring forward their proposal into the public gaze and provide for considerable public exposure.

Mr Speaker, I also want to indicate to the Assembly that I have had indications of a fairly significant shift in the view of the community groups which opposed the development of section 41. I had a meeting with a prominent member of one of those community groups a couple of weeks ago, who indicated to me that he believed that, with some slight modification of the process whereby we consider how a particular proposal is approved for that site, the proposal itself, the basic proposal to develop section 41, Griffith, could proceed, and, indeed, in his view, should proceed and proceed soon.

Mr Speaker, if that representation to me, which was from one of the most prominent members of the community critical of the proposals when they were first put forward, is an accurate reflection of a viewpoint, then much of the concern that gave rise to Ms Horodny's motion, I think, is dissipated, if not completely obviated, by those words. Some of the specific concerns which have been put forward in this process, I would say, can be dealt with very quickly. There has been some debate, for example, about the loss of two rows of Italian pines separating this site from the occasional care centre at Manuka. I can assure members of the Assembly and of the public that the Government's intention is that, although there are gaps in one of those rows of trees and its value is a little bit debatable, we are quite prepared to indicate that both rows of trees should be retained in any proposal which is proceeded with on that site. I can also advise that ACT Heritage has indicated that there are no heritage issues relating to the site.

There will, of course, be some environmental impact during the construction of any development on section 41. That is unavoidable, obviously. The noisy activities will not be occurring during the whole period of construction, and PALM - Planning and Land Management - will ensure that peak activity does not occur at the times when children are attending the centre. The construction activity will be monitored so that it is undertaken



in accordance with Australian standards. Dust and particles are a more real source of pollution than is noise. Of course, good housekeeping practice, such as dust suppression through watering and so on, will be used to minimise this problem as the development proceeds, if it does. Longer-term air pollution is not foreseen as a problem with this development.

There has been some concern raised about the possible garbage and loading facilities at the occasional care centre. The location of the truck loading bays and wet and dry waste storage close to the playground fence is an issue which the successful proponent will have to address carefully at the design and siting stage. PALM will ensure, as part of the assessment process, that these facilities do not impact on the occasional care centre. There was also concern expressed about the need for temporary car parking during the construction phase. That is a matter which was required to be addressed in the expressions of interest process and, indeed, I believe, has been addressed by most or all of the parties putting forward expressions of interest. I can assure members that there will be provision for temporary car parking that will adequately address the needs of users of the Manuka centre.

There are requirements for both informal consultation during the disclosure responses, as has been done with the public display of the five proposals, and formal consultation. I have already referred to that. The formal consultation will commence after one of the schemes has been selected, and there will be extensive statutory consultation through the preliminary assessment. I see the amendment which has been circulated by Ms McRae. I accept that there is an amount of public consultation which can also occur on the analysis which the Government has done of the five expressions of interest. I will be suggesting some modification of the second paragraph of Ms McRae's amendment to ensure that matters that were considered commercial-in-confidence and that were disclosed in the analysis process by the assessment panel are not disclosed, to the detriment of the parties making the expressions of interest. I have asked for some work to be done on that now, and I hope that that will come down very soon.

Mr Speaker, let me say that it is important that we put a concrete proposal on the table at this point in time. I do not understand any reason why that should not happen. I have, at the request of the Greens, not proceeded to make a decision or announce any decision about the outcome of the expressions of interest process, because I respected the right of the Assembly to debate this motion before that happened; but I believe that it would be appropriate for the Assembly - and, I would suggest, pursuant to the amendments Ms McRae has put forward - to allow a successful expression of interest to be put on the table, to allow the community to see what that is and what it actually proposes, and to debate whether that meets the needs of the people of Manuka and the people who use Manuka, and then allow us to consider that through the normal processes provided for in the Land Act and, indeed, as the amendment suggests, that the Assembly itself might impose in that process. That would be a good way of resolving this issue. I think that to say that there should be no further consideration of what has happened up to date would be very foolish and a very unfortunate response to what has been a fairly full public consultation about those proposals.

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**MS McRAE** (11.29): I seek leave to move together the amendments circulated in my name.

Leave granted.

**MS McRAE:** I move:

- (1) Omit paragraph (1), substitute the following new paragraph:  
    “(1) proceed now that expressions of interest in block 4 section 41 Griffith (the Manuka carpark) have been lodged;”
- (2) Paragraph (2), omit “undertake a study, with full public consultation of”, substitute “make available for public consultation the Government’s analysis and evaluation of each of the proposals, including consideration of”.
- (3) Add the following new paragraph:  
    “(3) even if a variation of the Territory Plan is not required, the preferred option is referred to the Assembly for approval.”

The amendments now seek to do exactly what the Minister has outlined, and that is to put on the table the considerations that have been put to the Minister; to open up and not keep secret the different proposals; to allow the evaluation of each of the proposals to become public so that no-one is under any delusion that there is a secret deal done or anything that furthers a particular interest over any other. The inclusion of requesting that the Assembly look at the changes is an additional requirement that is not normally imposed in these matters, because normally they would come to the Assembly only were they a variation to the Territory Plan; but, given the heat that was in this and given the sensitivity of the Manuka site, we believe that this is an appropriate addition. I anticipate that the Minister will circulate the further amendment that he wants to put.

Of course, Labor would have no problem with the Minister’s right to maintain confidential what has been given to him in confidence, in terms of business-in-confidence material; but, clearly, the public would like to see the various proposals and come to some understanding of why the Minister was advised to go along a particular way and the decision was made in that particular way. Given that there are five proposals, that should be a quite interesting public exercise anyway. So, I commend my amendments to the Assembly. We do not want to stop the process; but we do want to make sure that it is a fair, accountable and open process which enables very thorough public scrutiny of a sensitive and very popular area of Canberra, so that we can be assured, collectively, as an Assembly, that the decisions that are made are actually in the best interests of all concerned.

**MS TUCKER** (11.31): I would like to say a few words on this because, even though Ms Horodny has been dealing with the issue in her planning work, I have been contacted by a lot of my constituents about this whole development and the process which has occurred. I was glad to hear Mr Humphries say this morning that he is sure that there is total flexibility still available. It does seem a very back-to-front process, though. It is what happened in Ainslie, and it did not work there either. If you go out to the community and say, "Here are the proposals", even if you come and bring it to the Assembly, we have these five proposals. Basically, it is like the referendum that happened in Tasmania. The question was not "Do you want a dam?" but "Which dam do you want? This one, this one or this one?". Maybe people did not want any dams.

The feeling and the feedback I am getting from the people of Manuka is that the scale of this development is not what they want. They are not happy with the process. It was interesting that the child-care centre became involved just recently. The residents and people working in Manuka had not seen the drawings that were displayed. That just shows that you put them in a place which was not accessible. They had not been aware of them until quite recently.

**Mr Humphries:** It was in a shopfront.

**MS TUCKER:** It was in a court, I understand, upstairs. Is that not right?

**Mr Humphries:** No; it was downstairs.

**MS TUCKER:** Downstairs, but in a court?

**Ms Horodny:** No; it was upstairs.

**MS TUCKER:** The community are telling me that it was upstairs; you are saying that it was downstairs. They did not find it, upstairs or downstairs. They did not know, and they are business people who are working there. They were suddenly very alarmed to see the scale of this development.

What I am saying here is that, if Mr Humphries is giving this place an assurance that there is total flexibility, then I am sorry for the people that have gone to all the work to put in the expressions of interest, because they are not going to be very happy if suddenly this Government does actually listen to the community and says, "Really, the scale of this development is not wanted. It is inappropriate. So, go away with all of your expressions of interest. We are starting again. We are actually going to do something much smaller, because we can see how it is going to upset the whole balance of how Manuka works".

I was speaking at a function to one gentleman who works in planning and who said that there is always an anchor in a shopping centre. That anchor is often a supermarket. What it does is actually change the balance of how a place works. Obviously, if you have a development of the scale that is being mooted now, that anchor is likely to be shifted. Obviously, that is going to make a huge impact, not to mention the impact on all the other business areas in the district and the smaller shopping centres who are also extremely concerned. I have also been contacted by them. So, it is not just the people of Manuka

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who are very concerned about the impact of this sort of development; it is the people in the surrounding areas as well. I do not see that having the option for this Assembly to look at one of the five, as Ms McRae is suggesting, is changing the process in any meaningful way. I hope that we do indeed see that flexibility, Mr Humphries, if people do not like it.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.34): Mr Speaker, I seek leave to speak again.

Leave granted.

**MR HUMPHRIES:** Thank you. Mr Speaker, I move the following amendment to Ms McRae's amendments:

Proposed amendment to paragraph (2), omit "the Government's", substitute "an".

The amendment is a very simple amendment. It takes out from Ms McRae's paragraph (2) the words "the Government's analysis and evaluation" and substitutes, in effect, "an analysis and evaluation". The reason for that amendment, Mr Speaker, is to ensure that material which was presented to the assessment panel and which was considered by those putting forward expressions of interest to be commercial-in-confidence will not be put on the table in a way which would embarrass those people putting it forward. For example, with the expressions of interest, companies were asked to indicate what their financial capacity was to deliver the proposals that were being put forward, and they had to table information about their financial position, their resources and so on. It is not necessary to consider that from the point of view of the community's views about what should happen to section 41; but it is very much a part of that process. We want to take those elements out. But, essentially, what we will have to do is be able to put on the table an analysis and evaluation of each of the proposals that were put forward for section 41.

Let me respond, Mr Speaker, to one thing which Ms Tucker said and which I think is a matter of concern. She likened this process to the referendum in Tasmania, where people were asked, not "Do you want a dam or not?", but "Which dam do you want?". There is a very big difference between that and this. A preliminary assessment under the Land Act does not say, "You are going to have a development at section 41, but you get to comment on how it gets shaped". That is not what it does. A preliminary assessment under the Land Act is a very extensive process, which does entail consideration of all the issues that Ms Tucker referred to - the impact on neighbouring centres, size and scale, and capacity to affect the amenity of surrounding householders. All those issues have to be taken into account, and a perfectly possible outcome of that process is that a proposal of this kind or any kind should not proceed. That is a potential outcome of that process.

I must say that I sense, time and again, on the part of the Greens an intense reluctance to let the processes which this Assembly has voted into place in the Land Act take their course, as if somehow environmental assessments under the Land Act, preliminary assessments, preliminary environmental reports and so on are all a waste of time; they are all designed to cook the books and get desired results. I have to say that, although I did not personally draft that process - it was drafted and prepared by others in the debate by the Assembly some years ago - those processes are very robust and very extensive. I wait to hear what are the weaknesses in those assessment processes.

It will take months of work on the part of the Planning and Land Management Group of the Department of Urban Services to assess all those issues, to take on board community concerns about those issues, to process them and to put them back to the proponents to have them commented on. It is a very arduous process for any proponent to go through, and to suggest that this is not going to adequately reflect community concerns is just not right. It is just not true.

So, I would say that it is not necessary to scuttle this whole exercise and sink it to the bottom of Lake Burley Griffin in order to achieve what Ms Tucker and Ms Horodny have said are their objectives. We can achieve them now through the processes outlined in the Land Act, and I simply say to them: Let those processes take their course. If, at the end of the day, you do not agree with the result that comes out of it, put another motion to the Assembly saying that the proposal should not proceed. Put that to the Assembly then. You could do that, I suspect. But let the processes take their course. The indications to me via the spokesperson for the community groups that I met with are that the concerns are not the same as they were a few weeks ago or a few months ago. If that is the case, and I have been assured that it is, then I think that we owe it to the community to reap the benefits of this process rather than dwell on the supposed drawbacks of it.

**MS McRAE (11.39):** Mr Speaker, we will be supporting this amendment to the amendments to Ms Horodny's motion because I think what has been underestimated by others in this house is what a major concession this is. There has never actually been, in my memory anyway, a public analysis of projects where things have been rejected. Normally, of course, a Minister makes a decision. The decision is made public. Maybe the analysis of the decision is made public as to why the Minister accepted the advice, what the nature of the advice was, why the project is good or bad, what is going to go ahead and what the limitations on it are. But I cannot ever recall having access to all the other proposals and expressions of interest, the analysis around them and the pros and cons of them.

So, I do not think it should be underestimated what a concession this is and how it puts on the table information to enable the general public to have a really good look at what sorts of ideas there are in the community, what sorts of proposals there are drifting around, what sort of money is available for development within the ACT and the type of energy that we have in the business sector that is willing to do this, because these proposals actually cost an awful lot of money, time and effort to put in.

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In a way, this is a quite big step forward. If nothing else, there is public acknowledgment of the work that has been done on the part of each of these proponents to try to persuade the powers that be that they have some good ideas for the future of Canberra. I do not think it is any concession at all to allow the Government to not put forward commercial-in-confidence material. Clearly, that would not be advisable. But I think it cannot be emphasised too much what a major concession this is, to put this material forward and to let the public have a look at it. It is a very marked difference from the normal processes and it does mean that all those people who are directly affected by it can have a bit of a look at it.

It does expose the Government to a higher level of criticism. I am sure that everybody will have a pet project. The community will probably divide into five different groups and say, "No, Minister; you have got it wrong. We like this one. No; we like that one. Look at the colour of that; it is much better". It does open up for a whole range of extra debate and input that we have never seen before and, as the Minister said, we can still end up with people saying, "A pox on all your houses. We do not want any of it at all", which may then lead to a motion being put to the Assembly if the strength of feeling is there.

So, I do think that, with all the ducking and weaving and all the history of this redevelopment at Manuka, we have ended up on a track where the public can be confident that they can have access to the decision-making process; they have the protection of the Assembly when the changes are being made; they have the option of putting forward further motions; and, on top of that, they get to have a very thorough look at just what the processes of government decision-making are. So, we have no problem in supporting the amendment to our amendments, and we still commend our amendments to the Assembly.

**MS TUCKER** (11.43): Mr Speaker, I seek leave to respond to Mr Humphries on comments that he made. I will be very brief.

**MR SPEAKER:** You can speak to the amendment, Ms Tucker. You do not need leave.

**MS TUCKER:** Mr Humphries was saying that there are very robust processes in place and that I really did not understand the assessment process. We do have concerns with it. In fact, there were debates in this place and amendments put forward by Mr Moore when we debated the Land Act. Of course, we have problems with the process. These assessment procedures are often a justification by the developer for what has been proposed. So, the community is also expressing concern about those processes, Mr Speaker, and let me be quite clear that we also are concerned.

Question put:

That the amendment (**Mr Humphries's**) to Ms McRae's amendments be agreed to.

The Assembly voted -

*AYES, 13*

*NOES, 4*

Mr Berry  
Mrs Carnell  
Mr Corbell  
Mr Cornwell  
Mr Hird  
Mr Humphries  
Mr Kaine  
Mrs Littlewood  
Ms McRae  
Ms Reilly  
Mr Stefaniak  
Mr Whitecross  
Mr Wood

Mrs Horodny  
Mr Moore  
Mr Osborne  
Ms Tucker

Question so resolved in the affirmative.

Question put:

That the amendments (**Ms McRae's**), as amended, be agreed to.

The Assembly voted -

*AYES, 13*

*NOES, 4*

Mr Berry  
Mrs Carnell  
Mr Corbell  
Mr Cornwell  
Mr Hird  
Mr Humphries  
Mr Kaine  
Mrs Littlewood  
Ms McRae  
Ms Reilly  
Mr Stefaniak  
Mr Whitecross  
Mr Wood

Mrs Horodny  
Mr Moore  
Mr Osborne  
Ms Tucker

Question so resolved in the affirmative.

Motion, as amended, agreed to.

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**MEMBERS' INTERESTS - GAMING MACHINE ISSUES**  
**Motion**

**MRS CARNELL** (Chief Minister) (11.48): Mr Speaker, I ask for leave to move a motion relating to members' interests in issues concerned with gaming machines.

Leave not granted.

**MRS CARNELL:** I move:

That so much of the standing orders be suspended as would prevent Mrs Carnell from moving a motion - - -

**Mr Berry:** No; she can have leave.

Leave granted.

**MRS CARNELL:** I think the motion is being circulated now. I move:

That this Assembly, noting that:

- (1) Mr Osborne currently receives a substantial remuneration that is primarily derived from gaming machines;
- (2) Mr Whitecross, Mr Berry, Ms Reilly, Mr Wood, Mr Corbell and Ms McRae receive a substantial financial benefit as members of the Australian Labor Party that is primarily derived from gaming machines,

urges these Members to abstain from voting or participating in any debate, motion or legislation relating to the gambling industry which incorporates the operation of gaming machines.

Mr Speaker, this motion is very straightforward and I will be very brief. I want to make it clear from the outset that this motion does not imply corruption on the part of any member of this chamber. What it does do, however, is identify a clear conflict of interest that confronts some members, a conflict of interest that must be resolved by this Assembly today because this is a - - -

**Mr Berry:** Mrs Pot; conflict of interest.

**MRS CARNELL:** We will find out. This really is a very important issue, Mr Speaker. I am sure everybody except possibly Mr Berry believes it is too. This Assembly will shortly begin to debate a range of issues surrounding the operation and availability of gaming machines in the ACT as well as other issues surrounding gambling. Currently, as members are aware, the availability of class C gaming machines is restricted only to licensed clubs in Canberra. As we also know, this is a very contentious issue.



It was revealed earlier this week that in the last two years alone the Australian Labor Party's ACT branch received donations totalling \$604,000, Mr Speaker, from two licensed clubs - there could have been others as well - the Canberra Labor Club and the Tradesmen's Union Club. That is \$300,000 a year. That is a significant amount of money. Mr Speaker, it is clear that these donations by these two clubs are primarily derived from the profit generated by turnover on class C gaming machines which remain the exclusive province of licensed clubs, at least at this stage. In other words, the ALP, and, by extension, its members in the Legislative Assembly, derive a substantial financial benefit from this exclusivity.

Mr Speaker, when this Assembly comes to debate or vote on any possible extension of the availability of gaming machines, or any other related issue that could affect the income of licensed clubs in this way, this benefit and this exclusivity would, and does, constitute a clear conflict of interest for members of the ALP. Mr Speaker, I do not think there are any ifs or buts on this; \$300,000 a year is not a small amount of money. It is not a donation of \$100 or \$200; \$300,000 a year, or \$604,000 - - -

**Mr Moore:** It is the best part of a million dollars by the time it comes to an election.

**MRS CARNELL:** Yes, Mr Moore is right. It comes very close to a million dollars over a three-year term. That is a very significant amount of money. For this reason, and because issues of conflict of interest must be determined on the floor of the Assembly, the Government decided to put this motion before all members today.

Mr Speaker, the motion also identifies Mr Osborne through his association with a licensed club and the remuneration that he receives from that organisation. He is also receiving a benefit that is primarily derived from gaming machines and the exclusivity that is currently enjoyed by clubs. Mr Osborne, of course, has publicly declared this conflict of interest and this remuneration on a number of occasions, Mr Speaker. I am sure that members have heard Mr Osborne make the comment that he does not believe that he should vote on these sorts of issues.

In conclusion, members of the Assembly have the opportunity today to urge those MLAs who have been named in this motion to abstain from voting or participating in any debate, motion, or legislation relating to gaming machines because of the very clear conflict of interest that exists. Mr Speaker, I come back to the amount of money involved. The arguments that we have had about conflict of interest in this place have always been related to direct financial gain, and \$604,000 over two years is a significant number of dollars in anybody's terms, Mr Speaker. If this motion is passed, I would hope that Mr Osborne and members of the ALP would heed any resolution of this Assembly. I would hope and assume that members involved would not participate in debate or vote on issues that could potentially produce a significant financial benefit to them or to the party that they are involved in.

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Mr Speaker, this is an important issue. Gaming machines and gambling are an important issue for the community generally. I think that when we have debates in this place there must be no indication whatsoever, or no view that the community could have, that that debate is tainted in any way by a conflict of interest that might exist for anybody on the floor of this house. The debates must be handled in a way that is above any of those sorts of innuendos that might exist, or any perceptions that could exist. I think, Mr Speaker, that \$604,000 is an awful lot of perception.

**MR WHITECROSS** (Leader of the Opposition) (11.55): Well, well, well; Mrs Carnell has risen to the bait, Mr Speaker, and has decided to put her money where her mouth is on this issue.

**MR SPEAKER:** She actually just sat down from debate.

**MR WHITECROSS:** Mr Speaker, she has finally decided that she has to put her money where her mouth is and come out and justify this smear campaign that she and Mr Moore have been conducting against the Labor Party in order to try to preclude us from the debates on gambling and in order to procure for themselves some political advantage. We welcome the opportunity to have this debate, Mr Speaker, but I think Mrs Carnell and her colleagues are going to regret ever raising this issue, because the principle that they are establishing is a principle they will not be able to live with. It is a principle they will not be able to live by.

It is all very well, Mr Speaker, for Michael Moore to buy into the issue of conflict of interest because you have received a donation from a political party. Michael Moore can buy into that to his heart's content because he does not get any. So he is happy to establish a principle which says, "No-one likes me enough to give me a political donation, so I do not think anyone else should get one, and I do not think you should vote on anything involving an organisation from which you get a political donation". Michael Moore does not have a problem. He has a position which I do not agree with. He has a position for his motivations I question; but, Mr Speaker, he has a position he can live with, but you cannot and the Government cannot.

This is a position the Government cannot live with. It is a position which, if it pursues it, it will regret. If it wishes to pursue the principle that members in this place cannot vote on issues where interest coincides with the interests of contributors to their political campaigns, it will have to abide by that rule itself. Let me assure you that it is not a rule that you are going to enjoy abiding by. You all ought to think very carefully about this hole that Mrs Carnell has dug for you. You all ought to think very carefully about whether you want to go down this track. You know that at the end of the day, Mr Speaker, an argument about conflict of interest in relation to political donations is an argument you cannot live with.

Let us start at the beginning here, Mr Speaker. What is conflict of interest? Conflict of interest, according to the Chief Minister, is direct financial benefit. Mr Speaker, I do not receive any direct financial benefit from any club. I am a member of a number of clubs, but I receive no direct financial benefit from any club. That is simply the case. I receive not one cent personally from any club. That is the case with all my parliamentary colleagues. So, in terms of direct financial benefit, Mr Speaker, the Government does not have a leg to stand on.

What do the standing orders say about this, Mr Speaker? What do the standing orders say about the kind of conflict of interest which might preclude you from voting? The standing orders talk about direct or indirect interest in a contract with the Territory. If you have a direct or indirect interest with people who are recipients of taxpayers' money under a contract with the Territory, then that ought to be precluding you from a vote and the Assembly can direct you to stand down from the vote. That is the principle that has been established in the standing orders.

I notice that Mrs Carnell has not had the guts to come in here today and propose an amendment to the standing orders which says that anybody who receives a donation to their political campaign or their political party's campaign should be able to be directed to or should exclude themselves from debate on an issue. Mrs Carnell has not done that, and she has not done it for one reason, Mr Speaker, and that is that she cannot live with the consequences of that. She wants to make one rule for the Labor Party and another rule for herself. She wants to exclude the Labor Party from this debate and to score political points off the Labor Party, but she does not want that rule to apply to her. She does not want that rule to apply to her, Mr Speaker, so that is why she will not amend the standing orders. That is why she wants to create a special rule just for us, just for the Labor Party. Mr Speaker, even the factual basis of the motion - that we receive a substantial financial benefit - is incorrect. We do not receive any substantial financial benefit. The factual basis of the motion is simply wrong.

Mr Speaker, let us talk about where this might go if the Government pursues this. Over the two years that Mrs Carnell has been talking about in her media releases the Liberal Party received over \$1m in contributions from a whole range of sources. The principle that the Liberal Party wants to establish is that, if you have received a contribution to your political campaign from somewhere, then that should preclude you from voting on issues where those donors have interests. Mr Speaker, the Liberal Party received a million dollars in donations. Is the Liberal Party saying that they are not going to vote on any issue where the interests of their donors are affected?

Let us look at some of the sources of those funds. They have received over \$200,000 from their property investments. They own a commercial property in Canberra and they rent it out. They receive over \$200,000 in rents from that property. Are they saying that, as a commercial property owner in Canberra, as someone with an interest in the commercial property sector in Canberra, they should be precluded from votes on issues which affect the interests of their commercial property?

**Mr Humphries:** That particular property, yes.

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**MR WHITECROSS:** I have not noticed Mr Humphries or Mrs Carnell coming forward and saying, "We will not be voting on this issue because we have an interest in commercial property and we recognise that any decisions we make about commercial property developments in Canberra or the operation of commercial properties affect the financial viability of our buildings and therefore of our property investments. Therefore, we are going to preclude ourselves from the debate". I do not think so.

I have never heard Mr Humphries talk about it, and there is a good reason - he does not want to. The only reason he is raising it now is that Mrs Carnell has shot from the lip, as usual, and not thought through the consequences. Now Mr Humphries, Mr Kaine, Mr Stefaniak and you, Mr Speaker, find yourselves in the situation of establishing a principle which is going to preclude the Liberal Party from all debates about matters affecting commercial property in Canberra. More than \$200,000 is substantial and they cannot walk away from that. But, Mr Speaker, it goes on. They have also received \$12,000 from the Licensed Clubs Association. I did not hear - - -

**Mr Humphries:** So have you.

**MR WHITECROSS:** Indeed, but we are talking about you now, Mr Humphries. The Liberal Party received \$12,000 from the Licensed Clubs Association. I have not heard Mr Humphries say, and I did not hear Mrs Carnell say in her speech, "We had better not vote on matters affecting licensed clubs because we got \$12,000 from the licensed clubs". Here she is saying that we should not vote on matters concerned with licensed clubs because we have received contributions from licensed clubs, but she has received them too. She is trying to weasel some line through the sand here that \$12,000 is a little donation and that what we get is a big donation; that therefore she is allowed to pocket her money without a conflict of interest, but we are not allowed to receive donations.

**Mr Humphries:** I take a point of order, Mr Speaker.

**MR WHITECROSS:** Mr Speaker, let us look at other contributors to the Liberal Party. He does not like it.

**Mr Humphries:** I do not like it when Mr Whitecross completely distorts what is being put forward. No-one suggested that the Labor Party should not receive money. They should not be - - -

**MR WHITECROSS:** I raise a point of order, Mr Speaker. Mr Humphries is just debating the matter.

**Mr Humphries:** This must be a very painful sort of point of order for Mr Whitecross. Mr Speaker, we are not suggesting that there should not be the receipt of moneys. There simply should not be the receipt of moneys and voting on issues in this Assembly.

**Mr Berry:** I take a point of order, Mr Speaker.

**MR SPEAKER:** I am about to rule that there is no point of order in Mr Humphries's comments, but I have to hear them first. I am not a clairvoyant, unfortunately. Proceed, Mr Whitecross.

**MR WHITECROSS:** The Liberals have received donations from the licensed club industry, but such is their hypocrisy and duplicity that they are not arguing that they should be excluded from debates on these matters; only that we should.

Mr Speaker, let us look at some other contributors to the Liberal Party. Delfast, a courier company, contributes to the Liberal Party. Is the Liberal Government saying, are the Liberal Ministers saying, that the ACT Government can have no dealings with Delfast because they contribute to the Liberal Party? I have not heard them say that, but Delfast do have dealings with the Liberal Party. Is that a conflict of interest? Should that issue be addressed? Project Coordination, a developer in Canberra, made contributions to the Liberal Party. Project Coordination is the contractor for a number of Government projects, some big Government projects.

**Mr Humphries:** Did it give money to you too?

**MR WHITECROSS:** Mr Humphries, we are talking about the principle here. The principle that the Liberal Party wants to establish is that if you received a donation from someone you can have nothing further to do with them. You cannot make decisions affecting them; you cannot debate issues affecting them. That is the principle that the Liberal Party is trying to establish. Whether it is a big donation or a small donation, the principle stands. If you have made a donation you have a conflict of interest and you should walk away. Project Coordination is doing millions and millions of dollars worth of work for the Government. It is a contributor to the Liberal Party, but the Liberal Party is not saying that it should be precluded from making those decisions or awarding those contracts.

The Master Builders Association, Mr Speaker, gave donations to the Liberal Party. The master builders have significant interests in land development and significant interests in the building industry in Canberra. I do not remember Mr Humphries saying, "I cannot speak on matters affecting land and planning in the ACT because I received a donation from the Master Builders Association. I cannot make decisions about future land releases in Canberra because the MBA, who develop land in Canberra, made a donation to my political party". None of these issues have been raised, Mr Speaker. That is the cross that you are making for yourselves if you go down this track. It is a very simple principle. Conflict of interest is about relationships. If they are going to say that any donor has established a relationship which creates a conflict of interest, Mr Speaker, then that is a principle they have to apply to themselves as well as to us.

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Mr Speaker, perhaps most significantly, it ought to be noted that the Liberal Party has received over \$100,000 - I think \$120,000 in two years - from the 250 Club for their political campaigns. I challenge Mr Humphries to go to his friend Tony Hedley and get Tony Hedley to tell us who is in the 250 Club and who made the donations. If he wants to play this conflict of interest game he is going to have to ensure that all members of the Assembly know who those disguised donors, through the 250 Club, were, so that we can judge whether they have a conflict of interest.

**Mr Moore:** You could have done that if you had supported my amendments to the Electoral Act.

**MR WHITECROSS:** Not retrospectively, Michael. Mr Speaker, the fact is they have got over \$100,000 in donations and we do not know where from; yet these people have the gall to come in here and start lecturing us about conflict of interest. They have got secret donations amounting to \$120,000 from business interests in Canberra. We do not know who they are and we are not in a position to judge on conflict of interest; yet they want to lecture us.

Mr Speaker, the Labor Party's position is clear and transparent. There are no mysterious donors on the Labor Party list. They are all obvious and aboveboard. There are no secret 250 clubs on our donations list. We have not been trying to disguise who has been giving money to us, as you and your friend Tony Hedley have. Mr Speaker, let us be clear; the Labor Party has nothing to hide. Anybody who goes to the Labor Club knows that the Labor Club is associated with the Labor Party and donates to the Labor Party. Anyone who votes for the Labor Party knows that the Labor Party receives political contributions from the Labor Club. It is all open. It is all transparent. (*Extension of time granted*)

Mr Speaker, anyone who votes for the Labor Party knows that we receive contributions from the Labor Club. It is all open and aboveboard. The reason why we have declarations of financial contributions to political campaigns is precisely so that everybody knows where everyone stands. Unlike the Liberal Party, the Labor Party has never tried to get around those laws. It has never tried to disguise its donations. It is all out in the open with the Labor Party, Mr Speaker. Everybody knows where we stand. I do not mind being judged on whether or not my policies are affected by my political contributions. That is a matter for people to decide. But, Mr Speaker, when people in this place start arguing that certain people should be excluded from the debate and certain people should be included, that is not good enough.

The other person who has been contributing to this debate is Mr Moore. Mr Moore has been arguing that poker machines should be extended to hotels and to taverns in Canberra. He has introduced legislation to say so. In conjunction with introducing that legislation, Mr Moore has been engaging in a smear campaign on the Labor Party about our contributions from clubs, designed to intimidate the Labor Party into supporting his extension of gaming machines to hotels or designed to intimidate the Labor Party out of opposing his extension. Mr Speaker, we are not going to be intimidated because he is on a campaign to get poker machines for hotels. We are not going to be intimidated out of participating in the debate and trying to have fully informed public debate.

Mr Speaker, we have set down a strategy which will provide the information necessary to make an informed judgment about whether poker machines should be extended to hotels or not. At the end of the day, that is a matter which we will judge once we have seen what the social and economic impact study says. Let me be clear; we will not be intimidated into voting for it just because Mr Moore tries to turn up the political pressure on us with a smear campaign about our political contributions. We will not be doing it. We will not be intimidated. We will be doing our job as the Labor Party. As the party concerned with social justice and the fabric of society, we are going to be looking at the social and economic impacts of gaming. We are going to be making informed decisions on it. If that means an extension is possible, we will support an extension. If that means pulling back, we will pull back. We are going to make those decisions based on an informed debate, not based on intimidation and a smear campaign from Mrs Carnell or from Mr Moore.

Mr Speaker, our position on this is clear. We have never disguised the sources of our funds. They are all out in the open. It is the Labor Party that supported and introduced the public disclosure rules. It is the Labor Party that has abided by the principles of them. It is the Liberal Party that tries to disguise its donations. It is the Liberal Party that wants to have one rule for the Labor Party and another rule for the Liberal Party.

If Mrs Carnell is serious about her principle that anyone who has received a donation from any political party should be precluded from making decisions, if Mrs Carnell wants to establish a principle that anyone who has received a donation to their political party should be precluded from any debate and from any decision in this Assembly, or in their role as a Minister, then let her come into this place with a standing order which says so, not with a weaselly motion which urges us to do one thing while she continues to hide behind her rock. If members in this place are going to have a rule, it is going to have to be a consistent rule. I urge members not to engage in what is a political campaign by the Liberal Party to attack one of their opponents.

**Mrs Carnell:** We are not attacking you. We are just asking you not to vote on this issue.

**MR WHITECROSS:** It is not a campaign based on any measurable element of principle coming from Mrs Carnell. Mrs Carnell has no principles. Her approach today has nothing to do with principles. Mr Speaker, we are not going to be intimidated by her.

**Mrs Carnell:** I raise a point of order, Mr Speaker.

**MR SPEAKER:** Order! Mrs Carnell has objected to the term that she has no principles.

**Mr Berry:** I do not know why she would.

**Mrs Carnell:** I take a point of order, Mr Speaker.

**MR SPEAKER:** Sit down, Mr Berry. Would you please withdraw.

**Mr Berry:** You cannot order him to withdraw that. Calm down. It is an expression of view.

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**MR SPEAKER:** It is a slur upon the character of the member.

**MR WHITECROSS:** Under which standing order, Mr Speaker, am I being asked to withdraw?

**MR SPEAKER:** Standing order 55 says:

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

It is a personal reflection.

**MR WHITECROSS:** Mr Speaker, on the basis that it is a personal reflection, I will withdraw it.

**MR SPEAKER:** Thank you, Mr Whitecross.

**MR WHITECROSS:** Mr Speaker, I believe that this has to be strongly rejected. It is a political stunt by one political party to attack another political party. That is all it is. The Liberal Party received \$1m in donations. Let them apply these principles to themselves. Is \$200,000 from commercial property investments too much? Is \$120,000 in secret donations from the 250 Club too much? Where is their conflict of interest in there? When the Liberal Party come into this place with honesty and integrity and a consistent position, we can debate this again. I urge members on the crossbenches not to involve themselves in a silly stunt by Mrs Carnell.

**MR KAINE** (Minister for Urban Services) (12.16): Mr Speaker, the question of conflict of interest is not one that has taken up a lot of the time of this Assembly over the last nine years, and I did not expect that it would take up much time now either. The fact that the Leader of the Opposition became so agitated over this issue makes me wonder. I have never seen him so agitated in all the time that he has been in this place. Consider his body language, his shaking of the finger and his drinking of water. I think he drank a whole glass of water during one small participation in this debate. The fact that he is so agitated makes you wonder why. He went way beyond the terms of this motion.

**Ms McRae:** Why do you not talk about the issues?

**MR KAINE:** That is what I am going to do.

**Ms McRae:** Why do you not do it?

**MR KAINE:** I would like you to do the same. This motion, Mr Speaker, merely talks about abstaining from participating in debate or legislation that has to do with the operation of gaming machines, not with gambling generally, not with donations from clubs, not with secret donations which Mr Whitecross chose to define as secret.



He seems to have adopted the approach that if you use a scattergun and fire it often enough the issue will go away. I submit that, from the point of view of members of the Labor Party, they ought not to treat it in such a cavalier fashion, because they are the potential victims if they ignore the warning inherent in this motion.

Mr Whitecross says that he has never received a direct financial benefit. We are talking about poker machines. We know that the Labor Club, if we just focus on that, makes a significant income from poker machines. We know that it, in turn, makes a significant contribution to the Labor Party and we know that that significant contribution to the Labor Party is used for election campaigns. There is almost a dollar for dollar relationship between the amount of money that comes out of the Labor Club into the Labor Party and the amount of money that is spent on election campaigns.

The six people sitting opposite here are not only members of the Labor Club but also elected members of the Labor Party who had a direct benefit when that \$300,000 a year that is contributed by the Labor Club was spent in getting them elected to this place. They simply cannot deny the fact that each one of them has received a direct financial benefit as a result of the money that is contributed by the Labor Club to the Labor Party. It is not good enough for Mr Whitecross simply to get up, wave his arms around, get very agitated and say, "I have not received a direct financial benefit". He has. It is irrefutable.

He then launched into the broader attack. As I say, if you fire the scattergun often enough you might disperse the issue. He said, "What we are doing is ensuring that anybody who has received a donation has a pecuniary interest, a conflict of interest". That is an absolute nonsense. It is an absolute nonsense because both of the major parties receive significant contributions from all kinds of people and those moneys are used for a number of things. He focused on \$120,000, or \$200,000 I think he said, as the figure that is raised by the Liberal Party from the building that it owns and rents out. I have seen the books. As far as I know, that money is almost entirely used on the administration of the party. None of it is used for conducting election campaigns. We go out and we seek donations to the party to finance election campaigns, just as the Labor Party does. There is no relationship whatsoever between the money that the Liberal Party receives by way of rental of commercial accommodation on the one hand and the money that the Labor Party gets by way of a direct donation from the Labor Club which, again, is directly derived from the operation of poker machines. There is just no relationship between the two things.

Mr Whitecross alleged that contributions from the 250 Club are secret donations. They are not secret. If they were, how does he know about them? They are not secret because they are declared by the party in its annual return to the Electoral Commission. There is nothing secret about it. I am sure Mr Whitecross knows as well as I do who many of the members of the 250 Club are. There is no secret about the membership of it. It is not a secret society in any way. The response from the Labor Party raised questions in my mind about the conflict of interest question that I did not have before. It was just sitting listening to Mr Whitecross and his peculiar overreaction to the suggestion prompted me to speak on the issue. I think the question of the conflict of interest is a serious one. It is not one to be shrugged off lightly, not one to be pushed aside on some sort of spurious argument that says, "It does not apply to me".

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The motion put forward by the Chief Minister serves to protect the interests of members of this place, not to accuse them of anything. It is simply to preserve their interests and make sure that they do not find themselves on the receiving end of litigation at some time in the future on the grounds that they were direct beneficiaries; they had a direct conflict of interest; they voted on poker machines in clubs and, therefore, they were in breach of the conflict of interest provisions. I think they need to take this issue very seriously and think about it - not just get hot under the collar and agitated, as the Leader of the Opposition did, and pretend that there is no problem. There may well be a problem which he should be thinking about very seriously.

**MR OSBORNE** (12.23): Mr Speaker, I thought I should get up and speak on this motion as I made paragraph (1). It says:

Mr Osborne currently receives a substantial remuneration that is primarily derived from gaming machines;

I do not know whom you have been talking to, Mrs Carnell, but it is not as substantial as I would have liked. Perhaps she can do something about it for me.

I will speak briefly on this issue, Mr Speaker. In 1992 I came to Canberra from Sydney. I signed a contract with the Canberra Raiders to play rugby league. I took 12 months' leave from the police force. I had no job when I arrived in town and I was fortunate enough to be employed by the West Belconnen Leagues Club five years ago. I have been involved with the club ever since. When I completed my career with the Raiders in 1994, about a month after - in October I think it was - I signed a contract to play football with the club and I have been playing - - -

**Mr Kaine:** You are going to have to join the Cowboys now.

**MR OSBORNE:** You wish, Trevor. I signed a contract to play rugby league with West Belconnen and, as I said, I have been tied up with the club ever since. This issue of poker machines is a very sensitive one. I am aware of that. When you read the standing order, Mr Speaker, it says:

Conflict of interest

A Member who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory ...

I do not need to read it to you, Mr Speaker. When you look at that standing order - and the self-government Act basically says the same - I do not think my situation comes under it, technically. However, Mr Speaker, I believe that on an issue like this all members need to act on what their conscience tells them to do.

I might add, Mr Speaker, that when I signed that contract with West Belconnen they organised a name sponsor with me back in 1994 and that is Olympic, which is a gaming machine company. I have received no money directly from them. They pay money to the club and the club has put them next to me for the last three years. I will say that they have never ever approached me about any issue in the Assembly. The sponsorship is more about me as a footballer than as a politician, but I have never received any money directly from Olympic. If I were to continue to disallow the poker machines into pubs, people could say on one hand that I am doing it only because I am employed by the West Belconnen Leagues Club. On the other hand, if I were to allow poker machines to go into the pubs, they could say I am doing it only because of my sponsor Olympic. So, Mr Speaker, it really is a no-win situation for me. I believe that I need to act on my conscience on this. I do not want the perception ever to be that on any issue I voted because of any undue influence from any party, so I have made my intentions clear on the issue of poker machines. I will not vote on legislation because of that fact.

I think it is very different from this motion. I am personally paid money for playing football by a leagues club for a service I provide.

**Mrs Carnell:** What service?

**MR OSBORNE:** A very good service too, Mrs Carnell. I played two grand finals over the last two years for them and won one, so I think it is a pretty good strike rate. They have never raised any issues with me and, quite frankly, if they did, I would probably go and play somewhere else. I have a good and longstanding relationship with the club. They have been great to me; but I do not want the perception, on the issue of poker machines, because it is very contentious, to be that my vote was swung one way or the other because of my involvement. I have let the Chief Minister know. I have let Mr Smith from the AHA know my stand on that. I have let West Belconnen know. They have all been supportive of it.

However, on this motion, I must admit that I do have some problems with it. I have no problem with ruling myself out - I was going to do that anyway - but I think we need to be very careful when we do go down this path. Members of the Labor Party themselves receive no money from the Labor Club, but they receive a substantial amount. I will support this if the Government agrees not to get involved in any legislation involving people who have donated to their party. I think that is only fair. I thought I should stand up, Mr Speaker, and say that I have no problems with this and just let my thoughts be known. I would hope that, if the Labor Party votes on this, they will act according to their conscience and that they will be comfortable with it. I think what I have done is the right thing to do.

Debate interrupted.

**Sitting suspended from 12.30 to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### ACTION Chief Executive

**MR WHITECROSS:** My question is to Mr Kaine in his capacity as Minister for Urban Services. Minister, on 2CN radio this morning you said, in relation to Mr Flutter's resignation:

I've met almost weekly with Mr Flutter since I became Minister for Urban Services eight or nine weeks ago and we've never had any discussions on the subject of him leaving the service.

Minister, do you expect us to believe you when you say that you have never discussed with your CEO of ACTION the fact that he appeared on the front page of the *Canberra Times* a month ago claiming there was a campaign to destabilise him? Do you expect us to believe you have never raised that with him? What does this say about your competence as a Minister? I ask whether you have taken a leaf out of the book of your predecessor, Mr De Domenico, whose motto was, "I do not know. Wait and see. Who cares?"

**MR KAINE:** I have said, not only on 2CN this morning but also here in this place yesterday, that Mr Flutter at no stage raised with me the question of his leaving the ACT Government employ and I did not raise it with him - unequivocally, without question. Mr Whitecross can try to beat me over the head with a big stick as hard as he likes and he can flex his muscles and be as macho as he likes, but I will do nothing but tell the truth.

**MR WHITECROSS:** I ask a supplementary question. The truth does not put you in a very good light, Minister. I ask the Minister why yesterday he said:

... Mr Flutter has my complete support, and always has had, as the executive director of ACTION. John Flutter has always been a professional public servant and remains so. At no time have I had occasion to criticise him for the way he has done his business. He certainly has had, and still has, my total support.

Why did you say that; yet not raise with him the issue of his fears about destabilisation? Why did you not talk to the chief executive of your department, Mr Gilmour, to inquire why Mr Flutter thought, correctly as it transpires, that someone was out to get him? Why did you not instruct Mr Gilmour to put a stop to the destabilisation?

**MR KAINE:** I said all those things because they were, I repeat unequivocally, absolutely true. I did not raise the question with Mr Flutter, because all I heard was what I read in the *Canberra Times* which was attributed to Mr Flutter. If he felt that he was being destabilised and he thought that I was in some way associated with that, I have no doubt that he would have raised it with me on one of the occasions when I spoke to him. He did not do so. I repeat that I have in no way been associated with any program of destabilisation. I took it to be nothing more than what I still believe it is - newspaper talk.

### **Learning Assistance Program**

**MR MOORE:** My question is to Mr Stefaniak as Minister for Education. Mr Stefaniak, in February the ACT Council of Parents and Citizens Associations wrote to you, following a series of letters, with reference to data from the 1996 midyear learning assistance assessment. They asked for aggregated data for the system in the following terms:

1. the number of students in each Year level in primary and high school and the number identified for learning assistance in numeracy and literacy.
2. the highest and lowest levels of identified need in numeracy and literacy for each Year, as a proportion of the relevant Year cohort, experienced by a school across the system.
3. the number of primary and high schools according to different levels of identified needs in numeracy and literacy at each Year level assessed. We requested the number of schools with levels of identified need falling within the following ranges: less than 10%, 10-19%, 20-29%, 30-39% and over 40%. We also requested the total number of schools for which results are provided for each Year level.

I am just coming to my question, Mr Speaker. I feel that this is necessary. The letter continued:

I wish to emphasise that Council is not interested in identifying particular schools and none of the requests were for information which would identify a particular school or schools.

Your reply, Mr Stefaniak, dated 21 March 1997, was basically, "Too bad". It said, "I am pleased you would not use the information to compare the performance of individual schools in the assessment program, but we will not provide the information". Minister, are you running a closed government department because you are frightened of the public learning of facts about ACT education needs with reference to learning assistance, or will you now accept that this was, for some reason, a slip-up and make that information available?

**MR STEFANIAK:** I thank the member for the question. I do not know whether the member has had a chance to catch up with the P and C council in the last 24 hours or so. Maybe he has not. I understand that members of the P and C council had a meeting with the department in relation to this issue yesterday morning and were quite satisfied with the responses from the department.

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**Mr Moore:** I spoke to Mr Cobbold 10 minutes ago and he would still like to have the information.

**MR STEFANIAK:** That is interesting. I think this is something that the P and C council has been aware of for quite some time. As you are well aware, the P and C council did participate, I think very effectively, in the committee that looked at introducing the new literacy assessments for students in Years 3 and 5. One of the major benefits of that assessment program is that the procedures are standardised across all the schools and the students have the opportunity to participate in a nationally recognised procedure. That certainly was not the position with previous learning assistance testing. You would be aware, Mr Moore, that for the first time we will be providing ACT parents with a personalised report that will describe what their child can do in all the aspects of literacy.

**Mr Moore:** That is irrelevant. I want to know about the data.

**MR STEFANIAK:** I do not think it is. That is confidential to the parent and the child. The Council of P and C Associations was represented on that reference group. At the unanimous request of the reference group set up to advise the Government on the most appropriate procedures for assessments of our students, all achievement data which could identify individuals or schools will remain confidential. We agreed to that recommendation. The P and C council was part of that reference group and totally supported that confidentiality and non-comparisons of schools, as they recognised that in a small system we would be comparing small, identifiable groups of students and not schools.

The Government believes that it is inappropriate to release the learning assistance needs information in the form requested by the Council of P and C Associations, for that very same reason. The learning assistance needs information was provided by schools to the department as working documents which were designed to allocate teaching resources. The data was not necessarily generated in the same way by each school, as they used a non-standardised approach without moderation from one school to another. It was up to the individual schools as to how the learning assistance procedures were implemented. On this basis alone, public comparisons are inappropriate.

The release of the learning assistance information would not benefit a single child or school. You would be well aware, I hope, Mr Moore, that we have already stated that resources are allocated to the lowest achieving 20 per cent of our students, to assist them with their learning needs. The Government and the department have recognised the inconsistency of the information that was generated by the previous methods of learning assistance resource allocation, while acknowledging that it was the best available at the time. With the introduction of the standardised assessment program that I have already mentioned, we will have the opportunity to review our allocation mechanisms for special needs teaching resources. This will ensure that we are targeting our students with learning needs in a more effective manner. Mr Moore, I would be a bit surprised if Mr Cobbold or whomever you spoke to 10 minutes ago really had a problem with that. I think they had lengthy discussions with the department yesterday.

**MR MOORE:** I ask a supplementary question. Mr Stefaniak, you indicated in your answer that learning needs assistance is allocated to 20 per cent of students. As my memory serves me, about \$4.5m is allocated - - -

**Mr Stefaniak:** It is \$5m.

**MR MOORE:** Nearly \$5m is allocated according to these statistics. Surely, it would be in the public interest if the Government said, and surely an open government would say, "If we have the data available, it should be available for other people to look at as well". Minister, are you part of an open government or are you going to continue with this closed government until such time as I put the question on notice?

**MR STEFANIAK:** Mr Moore, I think it is patently obvious that we are running a very open government. We consult a lot more than that lot over there ever did when they were in government. As far as we possibly can, we take needs, aspirations and wishes into account. I think this process is the most successful in Australia. Every other system had all sorts of dramas when they brought in literacy and numeracy assessments and testing. You must recall the controversy in New South Wales in relation to league tables and inappropriate activities there. There have been problems in every State. Here all the groups that have a real interest in students got together and came up with this program which we are now implementing in accordance with the agreement with that group.

In answer to your question, we are hardly running a closed government. When the system results of our assessment program are available later in the year, the Government will provide information to the community. That information will be based on a rigorous and standardised assessment which will provide reliable information about the literacy achievements of our ACT students. It will be in a form that respects the privacy of the individual and the confidentiality that was requested by the reference group.

### **ACTION Chief Executive**

**MR BERRY:** My question is to Mr Kaine in his capacity as Minister for Urban Services. Minister, in an answer to a question yesterday about the future of ACTION CEO, Mr John Flutter, you said that Mr Flutter has always enjoyed your full support. In saying that Mr Flutter had tendered his resignation, you tried to create the impression that he had gone of his own volition.

**Mrs Carnell:** He did.

**MR BERRY:** Mrs Carnell interjects that he did. Minister, how does this reconcile with the statement issued yesterday by the CEO of DUS in which he stated that as a consequence of the reorganisation of ACTION Mr Flutter has considered his career options and has agreed to conclude his executive contract? Minister, to agree to these sorts of things, somebody has to put the proposal. If Mr Flutter agreed, who asked?

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**MR Kaine:** I suppose if the Labor Party continues this they will successfully destroy Mr Flutter's integrity. I presume that is what they are on about.

**Mr Whitecross:** It is your integrity. We want to expose your lack of integrity. You are the one without integrity in this.

**MR SPEAKER:** Order! Mr Kaine is answering the question. Will you be quiet, Mr Whitecross.

**MR Kaine:** The personal denigration - - -

**Mr Humphries:** Mr Speaker, I rise on a point of order. Mr Whitecross said that Mr Kaine lacks integrity. That is a very personal reflection. I ask that he be gracious enough to withdraw it.

**MR SPEAKER:** Under standing order 55. Mr Whitecross, withdraw. Personal reflections are out of order.

**Mr Whitecross:** Mr Speaker, I withdraw any reflection on Mr Kaine's integrity.

**MR Kaine:** Thank you, Mr Speaker, and thank you, Mr Whitecross. The sort of personal denigration that Mr Whitecross seems determined to embark on is not going to achieve him anything in this issue, any more than it is Mr Berry.

I read with interest what was said in this statement put out by Mr Gilmour. I read that as meaning that in view of the changes that are taking place within ACTION - and there are a lot of things taking place there - Mr Flutter had determined to go, but of course he does have a contract and that contract can be terminated only with his agreement. It means nothing more and nothing less than that. I cannot, and nor can Mr Gilmour, unilaterally - - -

**Mr Berry:** You are going nowhere, pal. Hanging him upside down out the window, you said, "We will let you go soon".

**MR SPEAKER:** Order!

**MR Kaine:** This is one of the greatest beat-ups that I have seen the Labor Party engage in, frankly. There is absolutely no substance to it. I am not too sure, Mr Speaker, what it is they hope to gain by it. If all they are trying to do is to destroy my integrity, they will fail. Too many people in this town know me to believe this kind of smear tactic. It will have no effect. While it disturbs me, I am not worried at all about the outcome of that. This sort of thing simply rebounds on the people who throw the mud. It is starting to stick on you, Mr Berry, and you, Mr Whitecross. I have nothing to hide in connection with the decision by Mr Flutter to go elsewhere. You can attack me personally, you can question my integrity and you can throw the mud at me as hard and for as long as you like; but it will have no effect and I will do nothing but do what I have done up until now. I will give you the truth of the matter and nothing less.



**MR BERRY:** I ask a supplementary question. Minister, how do your statements of support for Mr Flutter reconcile with the fact that the self-appointed deputy president or his friend - - -

**Mrs Carnell:** Mr Speaker, you asked for that to be withdrawn yesterday.

**MR SPEAKER:** The person has not been named. I presume you will not do that, Mr Berry. If you do, you will withdraw it.

**MR BERRY:** The so-called self-appointed deputy president, his friend - Mr Gilmour - or someone else in the Government asked Mr Flutter to resign. Minister, how do your statements of support for Mr Flutter reconcile with that? Minister, you are also on record as saying that Mr Flutter was unavailable, for some reason. Is it not true that he was at the ACTION head office as late as 4.30 pm yesterday?

**MR KAINE:** Mr Berry now seems to be alleging some inappropriate action on the part of one or more senior public servants. If he has any evidence of this, I would ask him to put it on the table so that it can be properly examined.

**Mr Berry:** I raise a point of order, Mr Speaker. I asked how Mr Kaine reconciles his statements of support with him allowing Walker or Gilmour to ask Flutter to resign.

**MR SPEAKER:** There is no point of order.

**MR KAINE:** I have not allowed Mr Walker, in particular, to do anything. I repeat that, if Mr Berry has evidence of some inappropriate action on the part of senior officers, I challenge him to put the evidence on the table now. If he has no such evidence, then I suggest that this continued innuendo against me and senior officers of the ACT government service will rebound on him. It is unacceptable under any circumstances for members of the Opposition to level this kind of accusation against senior public servants, unless they are prepared to put their money where their mouth is and put the evidence on the table. That goes for you too, Mr Whitecross. One of these days, if you are dead lucky, you will be sitting on this side and you will have to account to those senior - - -

**Mr Whitecross:** Senior public servants complained on the front page of the *Canberra Times* and you did nothing.

**MR SPEAKER:** Order! You have asked a question, Mr Whitecross.

**Mr Berry:** I asked the question, Mr Speaker, in case you had not noticed.

**MR SPEAKER:** I was reminding Mr Whitecross that he had asked his question. So have you, Mr Berry.

**MR KAINE:** As to the last snide bit of Mr Berry's question as to where Mr Flutter was yesterday, I was informed that Mr Flutter was in Brisbane.

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### **Mental Health Services - Supported Accommodation**

**MR HIRD:** I ask the Chief Minister a question in her capacity as Minister for Health and Community Care. The Assembly will recall that the Government made additional funding available in the last budget to provide for more supported accommodation for people with mental illness. There may be a few in this chamber. Can the Minister inform the parliament how many extra places will be provided to the community through this funding and when they will be available - for the people opposite?

**MRS CARNELL:** Thank you very much, Mr Hird, for the question. It is a matter of record that this Government has increased spending on mental health services by more than \$1.3m over the last two years, which I think is a pretty impressive exercise. Since this Government came to power, we have been reversing the situation that Ms Reilly spoke about - the underspending by the ACT in mental health under the previous Government. That is now reversing. We have spent \$1.3m more over the last two years. Since the release of the *Moving Ahead* statement late last year, I am pleased to report that we have certainly done just that - moved ahead. We are implementing significant changes to the way mental health services are delivered right across Canberra.

As part of the increased funding in the 1996-97 budget, an extra \$150,000 was allocated for more supported accommodation places to help alleviate waiting lists and provide more choice for mental health patients needing living assistance. Late last year expressions of interest were sought from community and non-government organisations to provide these places. I am pleased to advise the Assembly that the Department of Health and Community Care has selected the successful tenderers and is now finalising agreements with these agencies.

The Richmond Fellowship, in association with the Havelock Housing Association, and Centacare will provide a total of 20 new supported accommodation places using this additional funding. These agencies were selected on their track record, commitment and high standards of care for the mentally ill. I am advised that Mental Health Services will assign two staff to work with Richmond Fellowship and Centacare to ensure that the additional places are developed in line with best practice both here and interstate. While it is the Government's intention that these 20 new places will be in a homelike environment and allow for as much independence as possible, they will be supported and supervised by skilled mental health professionals. This decision represents another step forward in broadening the range of community-based options available to residents with mental health problems.

I am also pleased to note that, with the availability of some slippage funding, the Government has decided to allocate an additional \$30,000 over the next 12 months to Barnardos Australia. This will enable Barnardos to provide extra respite care in Canberra for children with mental health problems or children whose parents have mental illnesses. These funds will certainly help to ease the burden for both parents and children who may be going through difficult and stressful periods from time to time. I look forward in coming months to keeping the Assembly and the Social Policy Committee posted on progress with the initiatives contained in our *Moving Ahead* statement. I would also urge all members to participate in the review of the Mental Health (Treatment and Care) Act which is currently under way.

### **B1 Planning Zone**

**MS McRAE:** My question is to Mr Humphries in his capacity as Minister for Planning. Minister, can you inform the Assembly why you have taken so long to complete and implement the new B1 guidelines?

**MR HUMPHRIES:** I thank Ms McRae for the question. I do not believe that the process has taken exceptionally long, when one takes into account that the process has needed to be an involved one that includes some degree of consultation with stakeholders. Members of this place are very quick to condemn the Government for not having taken the trouble to talk to parties affected by decisions and to consult with people who may have an interest in particular proposals that are put forward.

As far as I am aware, there has been extensive work on those issues over the last few months. I have asked my department when I can expect to see the guidelines, and they have indicated to me that the guidelines will be available very soon. I maintain that it is important to do that process properly. I do not resile from the fact that, if the Government is not to be criticised in future for having got those things wrong, then it is important that there be a complete process of examination of the issues before those guidelines reach the Assembly.

The review was commissioned only early last year. I accepted at the time that the review should be a process involving not just the ACT Government but also the Commonwealth Government. In fact, it was funded in part by the Commonwealth Government through the local government development program. The study also considered in detail the weakness of recent developments and their impacts on adjoining residences and streetscapes. The other factor which had to be put into that equation and which was not there before was the work of the LAPACs, including their community value statements, which were created in the course of last year. The guidelines, as a result, will be greatly improved.

I am also aware that the Urban Design Advisory Committee has had an interest in those guidelines. I have attended a number of meetings of that committee where we have discussed the way in which those guidelines will work. I know that that is not acceptable to some people who want to know what is going on, but I maintain that my job as Minister is not to do it quickly but to do it correctly. That is why I have taken the time to do this properly.

**MS McRAE:** I ask a supplementary question. Minister, given that there is at least one project awaiting approval under the old guidelines, how will you counter the rising community perception I have been hearing about that you are stalling the implementation of these guidelines because you have come under pressure to allow projects to be permitted under the old guidelines? I am hearing that you are slowing it down to allow current proposals to be approved under the current guidelines. How will you counter that perception?

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**MR HUMPHRIES:** I do not know how much my word is worth to those community groups. I can tell them that, if they had been listening on a telephone to the conversations between my office and Planning and Land Management, they would have heard me say to my officers a number of times that I want the process drawn to a conclusion as quickly as possible. I say to those community groups that, if there are those concerns and they can present an argument to me that says that someone will be advantaged by having a proposal dealt with under the old guidelines rather than the new guidelines, then I will personally take steps to ensure that those processes do not result in someone profiting from any delay which might be perceived to have occurred in respect of the implementation of the B1 guidelines. If any community group has that concern, they should come forward to me, and I will address those issues; but I am satisfied that the community will be not necessarily totally happy with the new B1 guidelines but happy that they have gone in the right direction. I am determined that no-one should profit from any delay in making sure that those guidelines are right.

### **School Dental Services**

**MS TUCKER:** My question is to Mrs Carnell as Minister for Health. Yesterday I asked a question about the changes to the dental program and the consultation process. Mrs Carnell thought my question was a waste of space because a discussion paper was released in December, but I would like to remind Mrs Carnell that the report on the consultation process, was in fact, was distributed to members only on 1 April. In response to my question yesterday about the consultation process, Mrs Carnell stated that she thought that the community consultation period and the approach were very well done. Similar comments were also expressed in a media release put out on 26 March, saying that there was strong support for the changes to the school-based dental examinations and the user-pay principle. We heard also yesterday about 18 submissions and two public meetings - one attended by no-one, one by two people only - but that there was strong support. It is interesting that Mrs Carnell said that, because in 1992, in a question to Mr Berry about his changes to the school dental services, Mrs Carnell was very concerned that changes might lead to - - -

**Mr Humphries:** I rise on a point of order, Mr Speaker. I appreciate that some questions may need a little bit of a preamble, but this question has run on for some time without any sign of the question itself. I would ask that the question be put on the table.

**MR SPEAKER:** I presume you are going to ask your question now, Ms Tucker.

**MS TUCKER:** I need to explain this for the question to make sense. I understand that under standing orders that is appropriate, Mr Speaker. The point I am trying to make is that when Mr Berry attempted to make changes to the dental service Mrs Carnell was extremely concerned that consultation was not adequate and she thought that one reminder letter to all parents was not enough and that parents of children who would not get any other dental service should be targeted with a further follow-up letter. She said:

Taking into account that that is the only interface that the parents have with the system, how are you or the service appropriately targeting children who will not get any other dental service and ensuring that they are being accessed?

You interjected later:

With no targeting. It is a bulk letter.

You said that we must target people who cannot afford it. My question to Mrs Carnell is: If in 1992 you did not think a letter to parents was sufficient consultation, how can you now stand up here and say that a consultation process conducted mainly in school holidays with no direct correspondence to parents advising them of these proposed changes, and, a couple of public meetings attended by very few people constitute a good process?

**MRS CARNELL:** I thank Ms Tucker for the question, because she has given me an opportunity yet again to run through the consultation approach. Mr Speaker, 1,800 copies of the consultation document were distributed. The major organisations that received a copy with an offer for a personal briefing - - -

**Mr Berry:** How many parents in the ACT have kids in school? There are thousands. Our school system is too big!

**MRS CARNELL:** Mr Berry is not interested. I understand that, but I think it is very important - - -

**MR SPEAKER:** You are addressing the answer to Ms Tucker, so ignore Mr Berry.

**MRS CARNELL:** No; I am addressing it to you, Mr Speaker.

**MR SPEAKER:** Through me, of course.

**MRS CARNELL:** Major organisations that received a copy of this document with an offer of a personal briefing were: Weston Creek Community Service, Woden Community Service, Northside Community Service, Tuggeranong Community Service - - -

**Ms McRae:** Are there any children there? Are there any parents there?

**MRS CARNELL:** Yes. Others to receive it were Southside Community Centre, Belconnen Community Centre Inc., Health Advisory Committee, Multicultural Consultative Council, Canberra Pre-School Society, Association of Community Long Day Care Centres, Child Care Solutions, the Education Department - Vickie Busted, Jill Farrelly and all school principals, with a letter to all of them asking them to circulate it to staff and the school boards - the Catholic Education Office, the chair of the ATSI Community Council, the chair of the Women's Consultative Council, the CPSU, the Australian Dental Association, the ACT Dental Technicians Association, the ACT Dental Therapists Association, Anne Cabbage of ACT Dental Assistants Training,

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the ACT Dental Board, the AIDS Action Council, Transact, the Health Consumers Association of the ACT, the Mobile Youth Health Outreach Service, the Migrant Resource Centre, the Council on the Ageing (ACT), the Council on the Ageing national branch, the ACT Council of Parents and Citizens Associations plus all school principals, ACTCOSS, the Aboriginal Health Centre, Centacare, SHOUT, the president of the Public Health Association, the president of the Community Health Association, the ACT Commissioner for Health Complaints, all MLAs, the Community Information and Referral Service, the Community Advocate, ACROD, ADD Inc., ADFACT, the Central Dental Service and the ACT Health Care Association. They are the ones that we actually posted a copy to and - - -

**Ms McRae:** And me too. You did not count me in. You wrote to me.

**MRS CARNELL:** I did say "all MLAs".

**Ms McRae:** No; me personally.

**MRS CARNELL:** You personally; I am sorry. We sent all of those people a copy of the document and an offer of a personal briefing. Of the 17 or 18 submissions that were received, two were from primary schools. I received four letters. One was from Bill Wood. The only one I got from an Assembly member was from Mr Wood, not from Ms Tucker. We had two community meetings. We had two meetings with staff. We had a meeting with the CPSU. We had a formal meeting with senior Education Department staff. I think that is a pretty impressive consultation program.

**MR SPEAKER:** Ms Tucker, there was a lot of extraneous noise. Would you like Mrs Carnell to read the list again before you ask your supplementary question?

**MS TUCKER:** I think I can live with it. Basically, the parents were not contacted. My supplementary question is: Can Mrs Carnell respond to the concerns that have been expressed to me by parents and dentists? I have had more calls today after the newspaper article. The fact that I did not make a submission is totally irrelevant. I have the right as an MLA to raise these questions in this house, and it is quite irrelevant whether or not - - -

**MR SPEAKER:** That is not a supplementary question, Ms Tucker.

**MS TUCKER:** I just wanted to make that point.

**MR SPEAKER:** Just ask the supplementary question without the vitriol, without the preamble.

**MS TUCKER:** The concerns that have been raised with me today are that there will be a percentage of parents who do not pay, therefore a percentage of children who will not benefit from preventive and educational dental treatment. I would like to know whether Mrs Carnell can explain how she justifies this user pays for preventive dental health care.

**MRS CARNELL:** I think I answered that question yesterday. We will go back to who was consulted with regard to students and to parents. As I said in the very long list - - -

**Mr Berry:** How many parents did you write to? Tell us that. That is what we want to know.

**MR SPEAKER:** Order! Ms Tucker has asked the question, Mr Berry, not you.

**Mr Berry:** Or was it only an accident that a parent got it?

**MR SPEAKER:** There will be an accident here in a moment and you will be out. Continue, Mrs Carnell.

**MRS CARNELL:** I made it clear that we wrote to all school principals, with a letter for them to circulate to staff and to the school boards. My last understanding of school boards was that they had parents on them. We also wrote to the ACT Council of Parents and Citizens Associations. Again, my understanding of the body that actually represents the parents within the - - -

**Ms Tucker:** I raise a point of order, Mr Speaker. My question was: Can you please justify the introduction of user pays to preventive dental health care? I asked for the rationale behind the user - - -

**Mr Humphries:** She did it yesterday.

**Ms Tucker:** No; she refused to answer it yesterday.

**Mr Humphries:** She answered that question yesterday.

**Ms Tucker:** No; she did not. I asked for a cost-benefit analysis yesterday.

**MRS CARNELL:** Mr Speaker, what has that to do with the first question?

**MR SPEAKER:** I have to uphold the point that you have raised, Chief Minister. It is a different question. If you wish to answer it, you may do so; but I thought you did answer it yesterday. I was under the impression that yesterday the Minister went into some detail about the cut in funding from the Commonwealth.

**MRS CARNELL:** Mr Speaker, I am happy to go through it all again. I was just trying to save the Assembly some time.

**Ms Tucker:** Mr Speaker, I want to respond to what you have just said. You said that yesterday I asked for a cost-benefit analysis of Commonwealth funding. I never asked that question yesterday, and it is not what I am asking today.

**MR SPEAKER:** You have asked a separate question today, as a supplementary question. It is up to the Minister for Health whether she chooses to answer that or not.

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**MRS CARNELL:** The approach that we have taken with school dentistry, as I explained yesterday, means that people with pension cards and people on low incomes will be exempted from all payments. That means they will get it free. On top of that, and in line with what Ms Tucker said in her initial question about comments that we and, I think, Mr Moore made in 1992, our concern was that the previous Government was moving away from school-based services. They were moving away from mobile services at the schools. Our concern was about how you were going to get in touch with parents if the service was not at the schools. As I explained yesterday, parents on low incomes may not be as involved with their children's health as some other parents may be. How do you ensure that those children get the services that they need? That was what we were talking about in 1992 - a very appropriate thing to talk about.

The comments about letters in 1992 were made after the previous Government moved away from school-based services to cluster clinics. Mr Moore and I argued very well that if you were going to do that you needed to follow up with the parents more than once to tell the parents that they no longer could expect their children to have their dental services at school; that they were going to have to take their children to another - - -

**Ms Tucker:** I raise a point of order, Mr Speaker. Can I just ask what this has to do with my supplementary question?

**MRS CARNELL:** It has everything to do with it.

**MR SPEAKER:** Be patient, Ms Tucker.

**MRS CARNELL:** We have moved to a mobile dental service. As part of that mobile dental service, as I said, pensioners and low-income earners will get the service free. On top of that, people who are not on low incomes or pensions will pay a one-off amount of money that will cover all dental services, except orthodontics. All children of people who are on low incomes or pensions or, alternatively, who pay a very small amount of money will have their dental services, except orthodontics, covered by the Government. I think that is a pretty impressive improvement in service, particularly with a \$1.3m reduction by the Commonwealth.

### **Dee-Dee's Nightclub**

**MS REILLY:** My question is to Mr Humphries in his capacity as Attorney-General. Minister, can you confirm that \$60,000 of government funds was provided to a private for-profit business to operate an under-18s cafe and disco called Dee-Dee's which went broke and closed within a month?

**MR HUMPHRIES:** Yes, I can. I was present at the launch of Dee-Dee's about three weeks ago. Members will be aware that that project was recommended by the Community Safety Committee. The Government was keen to support the concept. I would hope that, whatever the outcome of this particular exercise, members will still see that a concept like this was certainly worth supporting. A successful tenderer was chosen



by a process at arm's length from the Government. That organisation was selected to run the cafe, the nightclub. It began to do so about three weeks ago, as I said. I was informed yesterday that the operator has ceased to trade. I have asked for a full report on what the situation is and the extent to which the Government may have lost any money in that process.

**Mr Whitecross:** What happened to the money?

**MR HUMPHRIES:** I do not make any apologies for having tried to assist in alleviating the problems associated with under-age drinking in Civic and elsewhere in our city. I think it was a worthwhile exercise, a good project. I know that those opposite are very quick to laugh like hyenas when projects of this kind fall over. They apparently do not care that this was a worthwhile project which might have achieved its goals. If it had achieved its goals, you can be guaranteed that they would not have said anything. Now that it has fallen over, they are very happy to cry, "Look at the mistake you made".

**Mr Wood:** It was harebrained from the start.

**MR HUMPHRIES:** I hear Mr Wood say that it was harebrained. I did not appoint the Community Safety Committee originally. Indeed, I think the recommendation to have that cafe came forward from the committee while it was still under Mr Connolly's control. As far as I am aware, Mr Connolly had no problem with the recommendation. We picked it up, we acted on it and we implemented it, and it has turned out to have failed. I do not make any apologies to this place for having tried and failed, which is much better than having not tried at all.

**MS REILLY:** I ask a supplementary question. Attorney-General, can you inform the Assembly what safeguards you put into place to protect the money that was being put into this business to provide this service? Can you also inform the Assembly whether you were aware of the feasibility study that raised concerns about the viability of the project? Can we get a copy of that study?

**MR HUMPHRIES:** To answer Ms Reilly's question, there was an extensive process of examination of the tenders, I think they were, that were put forward to operate this venture. There was a decision at the end of the day about which party ought to be viewed as successful in that process. The decision ultimately was mine. As I recall, I took advice from my department on that question. I will come back to the house and correct it if I am wrong, but I believe that the decision I took was consistent with the advice I received from my department. Of course, they are the public servants that we have politicised! They are probably all agents of the Liberal Party, Mr Berry, so you cannot take their advice seriously, can you?

As a result of that, a contract was drawn up between the successful operator and the ACT Government. I think it was the ACT Government. There was also some Federal money in this venture. The ACT attempted to put in place a contract which protected its interests as best it could. I will have to find out whether in the circumstances that will do that. It is not true to suggest that the ACT is exposed to the tune of \$60,000.

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Sixty thousand dollars was put into the venture, but only \$20,000 of that came from the ACT; \$40,000 of that was from the Commonwealth. Obviously, the Commonwealth was satisfied enough about this process to put that amount of money in. I maintain that that was an appropriate process to have gone through.

### **Legal Aid**

**MRS LITTLEWOOD:** I refer my question to the Attorney-General. It relates to comments made by Mr Wood on the agreement reached with the Commonwealth on legal aid. Mr Wood claimed that the ACT may be a big loser under the agreement. Can the Attorney-General explain to the Assembly what the agreement he announced in early March will actually mean for the ACT?

**MR HUMPHRIES:** I thank Mrs Littlewood for that question. It appears that not only are we to be attacked for those things that go wrong; we are actually to be attacked for those things that go right. The legal aid debate, or conflict, between the Commonwealth and the ACT is a matter which I do not think I need to tell any member in this place about. Throughout this debate members were briefed by me fairly fully on what was going on. They know what kind of problems the ACT had in pressing its case to the Commonwealth. They know, I hope, that the ACT ultimately was successful in that fight, and we succeeded in having a substantial increase in funding for legal aid in the ACT.

This Government has achieved the largest infusion of funding for legal aid since self-government. I have nothing to apologise or express regret about in that. When the announcement about the successful resolution about negotiation was made, Mr Wood, the shadow Attorney-General, issued a media release that said:

The joint statement by Mr Humphries and his federal counterpart Daryl Williams states that "the agreement will provide for maintenance of legal aid expenditure on commonwealth cases at 95/96 levels".

If this is the case the ACT will receive \$2.36m, an increase of only \$260,000 on the commonwealth's first offer.

**Mr Wood:** If this is the case.

**MR HUMPHRIES:** It was the case, but that was not the amount we were going to receive, Mr Wood.

**Mr Wood:** Because you went into semantics; that is why.

**MR HUMPHRIES:** No. You were wrong; you were wrong; you were wrong. The expenditure on Commonwealth cases in 1995-96 was \$3.006m, not \$2.36m. You got your - - -

**Mr Whitecross:** The Commonwealth funding was not \$3m.

**MR HUMPHRIES:** Mr Wood did not say that the Commonwealth funding was \$2.36m. He said, and I quote his press release, "expenditure on commonwealth cases at 95/96 levels". That was \$3.006m, Mr Wood. It was never \$2.36m. The Commonwealth offered \$2.1m for 1997-98 in their initial offer. In 1995-96 they paid \$2.36m but we spent \$3.006m. The subsidy that we had been giving to the Commonwealth, particularly under several years of Labor government - a subsidy you never were prepared to pick up and address, apparently - was exposed by this process, by the work that we did, and the ACT demanded that that subsidy of \$646,000 by the ACT of the Commonwealth should end. Indeed, the result of that negotiation was that the ACT negotiated \$3.006m - an extra \$906,000 on the Commonwealth's first offer. It was a very embarrassing gaffe for the shadow Attorney-General to make in his first media release.

Mr Wood concluded by saying that the details needed to be provided as soon as possible. After he issued that press release, he got in touch with my office and asked whether he could have the details. I would have thought that the request for details should have preceded the press release saying that the details were not available. Following the provision of the details, he very quickly issued a second press release which rather changed the tone of the thing. Instead of saying "Legal aid; has humphries lost", it quickly became "Two questions to Mr Humphries". The tone very quickly changed.

The first question he asked was, "Will the funding be \$2.36m or will it be \$3.006m?". I have already made it perfectly clear that the ACT would not accept anything less than \$3.006m. That was perfectly explicit and he should have realised that before he put out his press release. The second question was, "Will all the money be passed on to Legal Aid?". I would have thought that Mr Wood, as a former Minister, would know what a specific purpose payment is. It is a payment from the Commonwealth which must be spent on particular matters. Will the money that we have obtained from the Commonwealth be passed on to Legal Aid? Yes, it will.

**Mr Whitecross:** What about the subsidy money you have saved?

**MR HUMPHRIES:** Yes, that will be passed on to Legal Aid as well, Mr Whitecross; but that was not the question Mr Wood asked. I understand the embarrassment of these matters. This morning Mr Whitecross rose in his place and angrily denounced a cheap shot where one party seeks to embarrass another party. We are in a very disadvantageous position vis-a-vis the Commonwealth. We took them on and we won on this issue. Did we get any credit from the Opposition? No, we did not. We got attacked. Here we have an opposition opposing for the sake of opposing, prepared to denigrate the achievements of a government when they come forward. It tells you what kind of government they would make if at the election next February they were chosen to lead this Territory.

### Legal Aid

**MR WOOD:** Mr Speaker, my question to Mr Humphries is on legal aid. Mr Humphries, is it not a fact that you put out a joint media statement with Mr Daryl Williams, the Commonwealth Attorney, in which you, at his request, deliberately obfuscated the situation, or made it less clear, because he did not want the fact that he had given you more money to be known around the States and to give a bargaining point to the States? If you put out a media statement, Mr Minister, why would you not make it clear and accurate and not subsequently engage in semantics?

**MR HUMPHRIES:** Absolutely not, Mr Speaker. I quote from Mr Wood's press release what he said about the agreement between Mr Williams and me:

... the agreement will provide for maintenance of legal aid expenditure on commonwealth cases at 95/96 levels.

If you confused Commonwealth funding of Commonwealth matters with Commonwealth expenditure on Commonwealth matters, that is not my fault. If you did not understand what we were saying, that is not my fault; but it was perfectly clear. Had you checked with my office beforehand, you would have been under no illusion whatever that we had said that we would accept nothing less than \$3.006m, and we got nothing less than \$3.006m. The front page of the *Canberra Times* got it right the next day. No obfuscation confused them, apparently. The other media reports of that night all understood it to be a complete victory for the ACT. Why were you the only person who could not understand it?

### Totalcare Incinerator

**MR OSBORNE:** My question is to the Minister for the Environment, Mr Humphries. I remind him that it is my second question on the environment. When I asked you a question a couple of weeks ago, you noted that it was my first question on the environment. Here is my second one. I have given the Minister notice of what I am about to ask him. Mr Humphries, you will be aware that a number of concerns have been raised about the burning of waste at Totalcare. From my perspective, one of the problems in debating the issue is the lack of concrete, verifiable information about just what is being burnt there. Will you undertake in this Assembly today to do the following two things as a matter of urgency: Firstly, undertake a verified inventory of all materials currently being stored at the facility for incineration; and, secondly, establish a transparent monitoring system at Totalcare so that every item burnt in the incinerator is recorded and the temperature at which it is burnt is also recorded? Once you have one month's worth of records, will you then table those records in the Assembly so that the members and the public have the opportunity to decide for themselves whether or not the incinerator is safe? Will you then maintain this system so that if any future concerns are raised the public has access to accurate information? I should add, Minister, that I will be placing a motion on the notice paper today which would give effect to these points and several others, if the Government does not believe it can respond to my question. If in the meantime you can convince me the incinerator does not pose a public health problem, I will remove the motion.

**MR HUMPHRIES:** I thank Mr Osborne for his second question in this place on the environment.

**Mr Osborne:** And hopefully the last.

**MR HUMPHRIES:** Not the last, no doubt. I am sure about that. I welcome this question because the questions are being asked first and the accusations, if any, made later. That stands in contrast to the position taken by the former director of the Conservation Council, who did it the other way round - much to the regret of most people observing this process.

**Ms Horodny:** We will see about that.

**MR HUMPHRIES:** Ms Horodny interjects, "We will see about that". I have engaged in correspondence with Mr Darlington since the time that these allegations were made and I have asked him to prove the allegations that were made. Ultimately, he came back to me and said, "Can you prove that the incinerator is safe?". I would have thought that was a rather strange question to pose, given that he was the one who, with a couple of others, issued a press release saying the incinerator is not safe and is spewing out toxic chemicals that are affecting the people of North Sydney - North Canberra.

**Ms McRae:** North Sydney? It must be pretty bad.

**MR HUMPHRIES:** I have no doubt that it would have reached North Sydney if Mr Darlington's claims had been pursued; but they were nipped in the bud, fortunately. Let me make it perfectly clear. I have not yet had put to me a single iota of evidence to suggest that there is anything unsafe about the incinerator at Mitchell. It is a state-of-the-art incinerator with a very high standard of environmental output; that is, it is careful in the environmental outputs that it produces. The allegation about it producing cyanide was based on a misreading of a technical document.

**Ms Horodny:** Oh!

**MR HUMPHRIES:** It was, Ms Horodny. I put it back to anybody who has criticised that statement that they should show me where I am wrong in making that assertion, and so far nobody has. I maintain that, to the best of my knowledge, that incinerator is quite safe and that it has never once produced any dangerous chemicals or substances to affect people anywhere near it in the ACT. However, Mr Osborne has raised a concern which I think is a quite reasonable concern, namely, that, these issues having been put on the table, fears will be generated in the community about these sorts of issues and they should be allayed. I am therefore prepared to accede to much of what Mr Osborne has suggested, in order to allay those fears.

I will have prepared an inventory of all waste material currently being stored at Totalcare for incineration. Totalcare already complies voluntarily with a manifest system which records all wastes which are received from interstate, particularly from New South Wales, for incineration. I will undertake to have Totalcare management establish a similar recording system for all wastes received for incineration from within the ACT.

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I should point out that virtually all, if not all, of the dangerous chemicals referred to have come from interstate; but, if any have come from the ACT, then they will be picked up with the manifest system, which will now be applied to internally sourced waste. The temperature at which the incinerator is operating is already monitored. I will have established a system which records which substances are incinerated on each day. We will be able to correlate the temperatures of the incinerator with the things that have been burnt in it at a particular time.

**Ms Horodny:** You have not been doing that in the past, have you?

**MR SPEAKER:** Order! Mr Humphries is answering Mr Osborne's question, Ms Horodny. You will have a chance shortly.

**MR HUMPHRIES:** I maintain that the temperature at which the incinerator has always operated has protected the integrity of what is emitted from the smokestack at all times.

**Ms Horodny:** Why do you not table that evidence?

**MR HUMPHRIES:** I have already indicated that. I have already told the Assembly that the incinerator never operates at below 900 degrees Celsius. The effect of that is that all substances put into the incinerator are harmlessly disposed of. However, in a surfeit of caution to further emphasise that point, I am prepared to back that up by actually producing a table or documentation to show what is being burnt and at what temperature it is being burnt. Once one month's worth of records has been obtained, I will table those in the Assembly.

Of course, new environment protection legislation is going to arrive in the Assembly soon. Under that legislation the Totalcare incinerator will require an authorisation to operate. Totalcare management have agreed to operate under a voluntary code of practice pending passage of that new legislation. To ensure continuation of the monitoring which Mr Osborne has requested, I will have those things that he has requested incorporated into the code of practice and subsequently into the authorisation. The code of practice and authorisation will be available for public inspection, as will any records kept pursuant to the code and the authorisation.

I think that that demonstrates an extremely high level of environmental care. It exceeds the standards applied at any other incinerator in New South Wales, if not in Australia, in terms of disclosure of material being disposed of.

**Ms Horodny:** That is because they are not burning pesticides.

**MR HUMPHRIES:** We hear from Ms Horodny that they are not doing it very well either. I think that the standards being met are very high. These measures will ensure that they are both met at a very high level and shown to be met at a very high level.

### **Environmental Defenders' Offices**

**MR CORBELL:** My question is to Mr Humphries in his capacity both as Minister for the Environment and as Attorney-General. Minister, are you aware of threats made by the Commonwealth Attorney-General to withdraw funding from the environmental defenders' offices right around Australia, including funding of \$35,000 granted to the Environmental Defender's Office here in the ACT? Minister, what action have you taken to raise with the Commonwealth Attorney-General the issue about the threatened closure of this vital community legal centre, which provides Canberra residents with free advice and assistance on environmental and planning law issues?

**MR HUMPHRIES:** I am not aware of any threat from the Commonwealth Attorney-General's office. When I have raised the issue with him and urged him not to fund the ACT Environmental Defender's Office or, for that matter, other environmental defenders' offices, and indeed when other Environment Ministers around Australia have similarly urged him, or at least his colleague the Federal Minister for the Environment, not to do that, the argument has been that this is not a matter which he is inclined to accede to at this point in time. To correct the basis of Mr Corbell's information: As far as I am aware, there is not any threat from the Commonwealth Government, but I believe that a number of State or Territory governments would be quite happy for that to occur.

I do not believe that we require a separately funded Environmental Defender's Office in the ACT, because we have an office which performs a similar function. That is the ACT Commissioner for the Environment. My view is that, to the extent to which the Environmental Defender's Office has a different role to that of the Commissioner for the Environment, it is quite appropriate and possible for the funding which now goes to the Environmental Defender's Office to go to the Commissioner for the Environment and have his role augmented to cover those additional matters. As far as I am aware, the issue has been raised with the Commonwealth by other Ministers for the Environment around Australia. Certainly, the Western Australian Minister has raised the same issue and I think a couple of other States have as well. I maintain that that is an appropriate use of resources in a small jurisdiction like the ACT.

**MR CORBELL:** I ask a supplementary question. Minister, I find it extraordinary that you take this position, considering that your counterpart, the shadow Environment Minister in the Liberal Party in New South Wales, actually supports the retention of these offices. If you have in fact written to Mr Williams, the Commonwealth Attorney-General, urging him not fund these organisations, will you table the letter?

**MR HUMPHRIES:** First of all, if I am to be consistent with the New South Wales Opposition, I am sure I would have as many difficulties in complying with that undertaking as you would in conforming with the views of the New South Wales Government, which I am sure you - - -

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**Mr Corbell:** So you do not agree with him?

**MR HUMPHRIES:** If you let me finish, Mr Corbell, you will get your answer. I am sure that Mr Corbell would not like to bind himself to that kind of undertaking. On the issue of having written to the Federal Attorney-General, I do not believe I have written to the Federal Attorney-General. I have written to the Federal Minister for the Environment about that issue. I will take the letter out and, if it is appropriate, I will table it in this place.

### **Rainwater Tanks**

**MS HORODNY:** My question is to the Chief Minister in her role as Treasurer and also as one of the shareholders of ACTEW. Recently, Mrs Carnell, I was reading the Liberal Party's policy statement on the environment that you released for the 1995 elections. I noticed that it says that a Liberal government will "provide a rebate to residents who install rainwater tanks at their place of residence". It also says that a Liberal government will "encourage ACTEW to facilitate the greater use of rainwater tanks by residents, particularly for outdoor purposes". Could you tell me, Mrs Carnell, what your Government is doing to implement these promises?

**MRS CARNELL:** Just hang in. Wait and see. Wait for the budget.

**MS HORODNY:** I ask a supplementary question. That was a very clear answer. Thank you for that, Mrs Carnell. Could you tell us whether you are also ensuring that ACTEW monitors water use by the ACT Government to identify and eliminate waste, as you also promised in your policy statement?

**MRS CARNELL:** I understand that ACTEW are doing that. In fact, environmental audits of ACT government buildings are ongoing. Better use of energy and better use of water are things that we are encouraging ACTEW to become more involved with. They are already doing that. A section of ACTEW - I think it is in Ecowise - are doing the environmental audits, I understand with great success. I understand that there has been some success already in decreasing power use and water use, particularly in government buildings, where we have a significant capacity to reduce power and water usage. It is something that I think we need to do more work on. In discussions that I have had recently with ACTEW we have been talking about how we would adapt these sorts of approaches to Housing Trust properties and others. They are the sorts of things we are looking at doing in the future. I think all of those things will be useful to the ACT environment.

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



## Chlorofluorocarbon Gases - Disposal

**MR KAINE:** Yesterday Ms Reilly asked me a question that had to do with CFC gases at the ACT landfills. I took the question on notice, but at the time I did note that perhaps it was more appropriately a question for the Minister for the Environment. It will get up the Leader of the Opposition's nose, but I was right again. There is already a question on notice on this same subject from Mr Wood which is being dealt with by the Minister for the Environment. When he answers that question, it will also answer the question raised by Ms Reilly.

### PUBLIC SERVICE Paper and Statement

**MRS CARNELL** (Chief Minister): Mr Speaker, I table a letter written to me by the six chief executives of the ACT Government. The reason I table this document is that today in question time Mr Whitecross and Mr Berry asked some questions about Mr Flutter and again talked about the politicisation of the Public Service. I think this letter is important and I seek leave to make a short statement on it.

Leave granted.

**MRS CARNELL:** I think it is important for me to read this letter into the *Hansard* record. Then I will make a short statement. The letter says:

Dear Mrs Carnell

We are writing regarding comments made yesterday in the Legislative assembly by Mr Wayne Berry MLA and subsequently reported in today's Canberra Times suggesting appointments to the ACT Public Service have become politicised. Mr Berry suggested "the Senior Executive Service has been stacked with friends of the Liberal Government".

We felt it necessary to take the unusual step of writing to you in light of the very serious nature of these allegations being made by Mr Berry and the impact such allegations, if left unchallenged, might have on the reputations and careers of senior staff in the ACT Public Service.

It is important to put on the record that we can see no evidence to support Mr Berry's assertions. We object very strongly to claims that we are "friends" of any political party.

We and many other senior executives have all worked for both liberal and labor governments throughout our careers. Indeed most of us have worked longer for labor governments, at both federal and state levels, than for liberal ones. Some of us have actually worked on the staff of labor Ministers.

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Clearly the inference we must take from Mr Berry's comments is that should at some stage the Labor Party come into Government it may move to terminate our contracts because of our perceived partisan allegiance. The reported comments not only reflect on our professional objectivity, but may dissuade highly qualified officers from other jurisdictions or the private sector from seeking ACT appointments if there is a perception that their tenure is linked to the life of the government.

Nevertheless we want to assure you that we will continue to work professionally and diligently to support the Government of the day and the Legislative Assembly in the efforts being made to manage and develop the ACT.

It is our intention to write in similar terms to the Leader of the Opposition, Mr Andrew Whitecross MLA.

It is signed by David Butt, Fran Hinton, Annabelle Pegrum, Rod Gilmour, Tim Keady and John Walker. On the issue of politicisation, let us examine the facts. Of the six chief executives in the ACT Public Service, where were they working prior to their appointments to this Government? Mr Keady was a senior executive under the New South Wales Labor Government - not exactly a political appointment. Ms Hinton was a senior executive under the ACT Labor Government - not exactly a political appointment. Ms Pegrum was a senior executive under the ACT Labor Government. Mr Gilmour was a senior executive under the New South Wales Labor Government. Mr Butt was a senior executive under the Queensland Labor Government. Mr Butt also worked on the personal staff of Neal Blewett when he was Minister for Health. I think he was Dr Blewett's senior adviser at one stage. Again, that was not exactly a political appointment. Mr Walker was a chief executive under the New South Wales Labor Government - again, not exactly a political appointment.

Many comments have been made in this place about the supposed politicisation of the Public Service and in particular about the political activities of Mr Walker. It might be interesting to those opposite to know that Mr Walker has been a member of a political party. When we appointed him, I did not know that that was the case. What party was it? He was a member of the Labor Party in New South Wales. Mr Walker has never been a member of the Liberal Party. I have no idea how any of my chief executives vote, but I do know that their previous appointments were all with Labor governments. This does not seem to warrant any comments about politicisation. The comments that those opposite have made about chief executives - - -

**Mr Berry:** You are squirming.

**MRS CARNELL:** Mr Berry, you make me sick. You make me sick on this one because these are people the vast percentage of whom are working seven days a week to get this economy on track for the benefit of the ACT, and all they get from this Assembly in return is comments about politicisation. This Government has probably made two

political appointments. They were the Master of the Supreme Court and the Discrimination Commissioner. I suppose they could be vaguely political, but we will not get into that. The issue is that we in this Government have not appointed any of our staff to Public Service jobs - something that happened not just once under the previous Government. The professionalism of our Public Service is something that is very important to all of us here.

**Mr Berry:** Not some of them, though. A dozen or so are not so important.

**MRS CARNELL:** Mr Berry says that to a dozen or so it is not very important. Over the last two days we have listened to comments about politicisation of people who obviously are not politicised. They have worked for Labor governments more than Liberal governments. It is not fair to the people involved. It is not fair to people putting an enormous amount of effort into the ACT. The Government is fair game for the Opposition. It is fine for the Opposition to get stuck into us; but our senior public servants are not fair game in this place, unless those opposite have some evidence that they are doing something wrong.

**Mr Berry:** People leave because of you.

**MRS CARNELL:** The fact is that there have been no sackings from the Senior Executive Service. There have not been more. I think we have one of the best senior public service teams in this country.

### **CANBERRA/NARA PEACE PARK Papers and Statement**

**MR OSBORNE:** Mr Speaker, I seek leave to table some documents and make a short speech on those documents.

**MR SPEAKER:** What are they in relation to?

**MR OSBORNE:** The front page of the *Canberra Times* in relation to the peace park issue and some minutes from the RSL finance committee's meetings of 1993 and 1994.

Leave granted.

**MR OSBORNE:** Yesterday I made some comments in regard to Ms Jacqui Rees and her involvement with the RSL. I said that she had been on a \$1,000 a month retainer from the RSL since 1993, a position she resigned from only last week. Ms Rees said that she had not been on a retainer. I would just like to table minutes from two RSL finance committee meetings. The minutes for 14 October 1993 state:

The National President advised that further to National Executive Minute Item 31 of August 1993 -

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“That the National Executive agrees in principle to the appointment of a National Media Consultant at a fee to be negotiated. The appointment is to be approved at the December 1993 National Executive.

... ..

Mrs Jacqui Sekules -

which I believe is her married name -

has been appointed for a two month probationary period at a fee of \$1000 per month ...

In the minutes for 7 February 1994, item 5, “Media Consultant”, states:

The National President advised the committee that he was very happy with the professional advice he is receiving from Mrs Sekules and recommended that she be appointed as the RSL National HQ Media Consultant until 31 December 1994 at a fee of \$1000 per month reviewed annually, plus approved expenses.

I just hope that next time Ms Rees speaks on the peace park she mentions the fact that up until last week she was the media consultant for the RSL - a fact she denied in the *Canberra Times* this morning.

Finally, Mr Speaker, I have some great news. Japan has apologised for the war. The front page of the *Canberra Times* of 5 December 1957 carried the headline “Kishi offers apology for Japanese war”. I will just quickly read the article. It states:

The Prime Minister of Japan, Mr Kishi, yesterday apologised, on behalf of Japan, for happenings during the Second World War.

“It is over 12 years since hostilities ceased and over six years since the formal conclusion of peace, but notwithstanding that passage of time it is my official duty, and my personal desire, to express to the people of Australia our heartfelt sorrow for what occurred in the war,” Mr Kishi said.

Mr Kishi, who spoke through an interpreter, was replying to a toast proposed by the Prime Minister, Mr Menzies, at a Parliamentary luncheon in his honour at Parliament House.

His speech was greeted with loud applause from more than 150 Senators and members from both sides of the Parliament.

Hopefully, that puts an end to this whole debacle about Japan apologising. I table that *Canberra Times* extract from 1957. I hope someone passes that on to Mr Howard.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on 1997-98 Draft Capital Works Program - Government Response**

**MRS CARNELL** (Chief Minister and Treasurer) (3.48): Mr Speaker, for the information of members, I present the Government's response to Report No. 26 of the Standing Committee on Planning and Environment entitled "The Government's 1997-98 Draft Capital Works Program", which was presented to the Assembly on 27 February 1997, and I move:

That the Assembly takes note of the paper.

I wish to thank the committee for its work and cooperation in considering the draft program in what was a tight timeframe available prior to this year's budget. The recommendations are positive and confirm the changes implemented by the Government over the past two years. The role of the committee in these changes and improvements is also acknowledged and appreciated. It is good to see that, as an Assembly, we are ahead of other jurisdictions in having the Government's draft capital works program forwarded for public scrutiny prior to consideration in the annual budget.

I am pleased to advise that all of the committee's recommendations are to be taken up by the Government. Many of the recommendations relate to access by, and consultation with, the community. This is a priority for the Government, particularly in relation to our customer commitment charter. The recommendation for placing the draft program on the Internet and Austouch terminals is sensible and progressive and recognises the age we live in. Future draft capital works programs will also give greater detail of community consultation processes associated with the proposals. This will include the groups consulted and dates of major meetings.

The committee made reference to monitoring the extent to which key planning and management functions are passed to the private sector. I wish to assure the committee and the Assembly that appropriate professional advice and skills will be retained in agencies as well as being available to agencies from external experts in Totalcare and the private sector. The committee also recommended that the Government pursue the construction of major roadworks in the region for which Commonwealth funds have been earmarked. The Government takes every opportunity with the Commonwealth to ensure that access to these tenders is available to our local suppliers and contractors. I am sure the Assembly endorses and supports this priority.

Finally, Mr Speaker, the committee's report noted a number of areas where further information and briefings are to be provided by agencies. I have asked Ministers to ensure that all outstanding issues are followed up and every assistance is provided to the committee. In closing, I again thank the committee for its positive report. I commend the Government's response to the Assembly. I think this process has shown what can be achieved if the Assembly works cooperatively rather than adversarially.

Question resolved in the affirmative.

**SUBORDINATE LEGISLATION  
Papers**

**MR HUMPHRIES** (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations and regulations.

*The schedule read as follows:*

Land (Planning and Environment) Act - Land (Planning and Environment) Regulations (Amendment) - No. 7 of 1997 (S88, dated 8 April 1997).

Magistrates Court (Civil Jurisdiction) Act - Magistrates Court (Civil Jurisdiction) Regulations (Amendment) - No. 6 of 1997 (S76, dated 27 March 1997).

Registration of Births, Deaths and Marriages Act - Determination of fees - No. 58 of 1997 (S83, dated 3 April 1997).

**QUESTIONS WITHOUT NOTICE  
Environmental Defenders' Offices**

**MR HUMPHRIES:** Mr Speaker, in answer to a question at question time, I indicated that I would consider tabling a letter to the Federal Minister for the Environment concerning the Environmental Defender's Office. I now do so.

**PAPERS**

**MR STEFANIAK** (Minister for Education and Training): For the information of members and pursuant to section 14 of the Annual Reports (Government Agencies) Act 1995, I present the 1996 report for the Canberra Institute of Technology, together with the consolidated financial statements and the Auditor-General's report, and the financial statements and the Auditor-General's report for the Australian International Hotel School. I commend those organisations for the production of this detailed report on time. A lot of effort went into it. Members might like to look at page 5. Unlike some of the previous Government's reports which had just the Minister's photo, this one has a number of members of the Assembly photographed with the late Norm Fisher at a party here last year on his retirement.

I also table the 1996 report for the Vocational Education Training Authority and Accreditation and Registration Council, pursuant to sections 8 and 15 of the Vocational Education and Training Act 1995.

**FEDERAL PARLIAMENT'S ATTITUDE TO THE A.C.T.  
Discussion of Matter of Public Importance**

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

That the ACT Legislative Assembly express its concern at the Federal Parliament's paternalistic approach to this Assembly and the people of Canberra - as typified by the Andrews Bill and the failure of the Prime Minister to use the Lodge as his official residence.

**MRS LITTLEWOOD (3.53):** Mr Speaker, I rise today to express concern at the treatment that has been and is being handed out to this Assembly and the people of Canberra by the Federal Parliament - the big brother knows best approach. In 1978 a referendum took place on the issue of self-government and, as we know, the resounding result was no; 63 per cent of Canberrans were against the idea. Despite that result, the Federal Parliament decided that the ACT would have self-government, and therefore the Commonwealth passed the Australian Capital Territory (Self-Government) Act in 1988, with the first sitting of this Assembly taking place on 11 May 1989.

Here we are, almost 10 years later: Canberra, a city developed as a Rolls-Royce model, a national showcase, the seat of government, a place for all Australians to be proud of, self-government at work, democracy at work. It is a bit of a joke, really. Let us look at the record. Just what has happened over the past 10 years? The frequent kicks in the head we have received from consecutive - I stress that - Federal parliaments have done little to assist our fledgling self-governing Canberra. Do we have self-government or are we just a poor excuse for hiving off both moral and economic responsibility by the Federal Government? Just what has the Federal Parliament done to assist us, its offspring? I suggest very little. I equate the actions of our Federal colleagues with those of a parent who has abandoned its child. Like a child who leaves home for the first time, the knowledge that home is there is not only a comfort but, in some cases, almost an economic necessity.

How has our parent the Federal Parliament assisted us? Since self-government, our general purpose funding has declined by \$194m. During the Federal Labor Government reign, there were 18,507 retrenchments in the Australian Public Service. I will repeat that for those people who believe that Mr Keating did not do that: During Labor's reign, under both Hawke and Keating, there were over 18,000 retrenchments of public servants. In fact, retrenchments went from 32 in 1982-83, to 3,084 in 1988-89 and to 5,612 in 1994-95. Under the Federal Liberal Government, I understand that retrenchments are running at 5,000. I think you will agree, Mr Speaker, that the cumulative effect of these retrenchments has been of very little help to a new city endeavouring to find its way.

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It does seem contrary to section 59 of the Australian Capital Territory (Self-Government) Act, which states:

The Commonwealth shall conduct its financial relations with the Territory so as to ensure that the Territory is treated on the same basis as the States and the Northern Territory, while having regard to the special circumstances arising from the existence of the national capital and the seat of government of the Commonwealth in the Territory.

Given the actions of the Federal Parliament towards us, I am very pleased that section 59 did not say that we were going to be cut loose and left to our own resources. As I mentioned, this city was developed along Rolls-Royce lines but we have been funded for a Morris Minor - hung out to dry. Brendan Nicholson in the *Canberra Times* - - -

**Mr Berry:** No; that was Mr Flutter.

**MRS LITTLEWOOD:** Mr Flutter can look after himself, I think, Mr Berry. He seems to be doing pretty well with you on his case.

Brendan Nicholson wrote an article for the *Canberra Times* on Saturday, and I would like to quote some of it:

... the Commonwealth underestimated considerably the demand for welfare services with the lack of private-sector welfare organisations creating a greater demand for public funding.

... ..

ACT public housing costs were high because the Commonwealth left the ACT with a legacy of aged and poorly maintained homes. At self-government, there was a backlog of maintenance of \$15.1m.

... ..

The use of Canberra's hospitals by non-residents was a prime example. Twenty-one per cent of bed days were taken by non-residents.

... ..

The result was a dispersed city well endowed with open space and public services. The neighbourhood school policy, for instance, resulted in an over-provision of about 13,000 school and pre-school places.

... ..



The present funding allocation for road maintenance grossly underestimated the ACT's needs ...

... ..

By the time of self-government the ACT acquired an ageing stock of grandiose roads which have now proven to be more show than substance with considerable arrears in maintenance.

... ..

Meeting the Commonwealth's special planning requirements, for instance, added about \$3m to the cost of the new magistrates court building and caused lengthy delays ...

Those are some of the things we have inherited from the Federal Parliament. I am not suggesting that we want a hand-out, but the national capital aspect of Canberra needs to be recognised by the Feds and appropriate financial arrangements put in place. It is not the duty of Canberra taxpayers to fund the national capital. Our responsibility is to fund our city of Canberra. There are two very different aspects of our city, and that should not be forgotten. All I want is a fair go for the people of Canberra and for my electorate. While I fully support the concept that we Canberrans accept our responsibility to develop our city, we need to be given a fair go.

In more recent times, Canberra has been subjected to a big brother, paternalistic approach by the Federal Parliament. Look at the Andrews Bill. The passing of this Bill by our Federal colleagues has, in effect, gagged the people of Canberra. We now do not have a voice on this very important issue of euthanasia. It had been my intention to implement a referendum on euthanasia. I would like to have heard what the people of Canberra had to say, but now it does not matter. We will not have a voice. Mr Speaker, I refer you to comments from the Senate Standing Committee on the Scrutiny of Bills in regard to the Andrews Bill. It stated:

This bill seeks to take away from the people living within those democracies an ability they now have to elect an assembly with power to legislate about a matter of great moment.

... ..

This threatens the certainty which ought exist for its citizens when any one or more of the Territories passes valid law.

The Commonwealth Parliament, while undoubtedly having the power to pass this bill, would, by so doing, create a situation where some Australians are treated in a way different from other citizens because it curtails their present right to self-government in circumstances where, were they to live in the States, it could not do so.

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Mr Speaker, those comments say volumes. The passing of the Andrews Bill was a sad day for democracy and a slap in the face for the people of Canberra.

What else does big brother on the hill have for us? The Prime Minister has decided that he will not live in the Lodge; the Lodge will not be his official residence. What does that say to the people of Canberra and the rest of Australia? I wonder how the people of America would view Bill Clinton not residing in the White House but moving to Little Rock? I wonder whether Mr Howard realises the impact it has had on four- and five-star hotels operating in Canberra. Their occupancy rate for 1996 was down by 6 per cent, while elsewhere in Australia these rates rose by 10.5 per cent. Current ABS surveys show that 125 jobs have been lost in that area. While 125 jobs may not be important to those on the hill, I can assure you, Mr Speaker, that they were very important to those who held them and to the Canberra economy. Thank heavens, the two- and three-star establishments are so far holding firm. But why have the occupancy rates of the four- and five-star places, where business people and senior management stay in Canberra when doing business, dropped off? I suggest that it is because the Prime Minister is not residing here. I know that that is the view of some of the hotel managers. If Federal politicians can gain votes in their own electorates only by kicking Canberra, then I suggest that they should be working harder within their electorates and getting off our backs.

I conclude my comments by reminding my Federal colleagues, my Liberal colleagues on the hill, in a very loud voice, that while Liberal seats in this Assembly may well be expendable and while seats for Liberals in the House of Representatives may be expendable, the ACT's Liberal Senate seat is far from expendable. The Federal Liberal Party would do well to remember that and get off our backs.

**MR HUMPHRIES** (Attorney-General) (4.03): Mr Speaker, I regard this as a matter of some considerable public importance. A couple of points clearly emerge from what Mrs Littlewood has had to say. The first of those is that the disregard the Commonwealth Parliament has had for the ACT is fairly endemic; and, secondly, the approach is not limited to any one particular party in the Federal Parliament but seems to be typical of a number of parties, certainly of both major parties. I think it is clear from what the ACT Government has had to say about these issues in recent days - some of those issues have been discussed in this place today - that it is not afraid to raise issues in an aggressive - - -

**Mr Berry:** You are more interested in confrontation with them than you are in getting solutions, though.

**MR HUMPHRIES:** I think we see what the real agenda is here from the Labor Party's point of view. It seems to be about competition in these areas on political levels rather than fighting for what is best for the Territory. Clearly, Mr Berry does not give us any credit for the exercises in which we have taken the Federal Government to task. I want to make something very clear about this debate. This debate is about the Federal Parliament's paternalistic approach to the ACT. It is not about which party has treated the ACT worst - the Liberal Party or the Labor Party. What Mrs Littlewood had to say

demonstrated extremely clearly that this Territory has not had any particular friends in either of the parties that have formed government at the Federal level and, as the most recent incident - the euthanasia legislation - demonstrates, it has not had particular friends among members of the parliamentary parties that make up the Federal Parliament.

I stand in this place as a person whose first and overwhelming loyalty has to be not to the party I represent in this place but to the electors I represent in this place. I wish Mr Berry and his colleagues would adopt the same kind of priority. It appears, however, that they do not. In the seven or so years that I have sat in this place, during which there was a Federal Labor government looking over Canberra, I cannot recall a single occasion, not one single occasion - perhaps my memory can be refreshed - when Mr Berry and his colleagues attacked the Federal Labor Government for some decision they were taking that was adverse to the interests of Canberra. There were very limited occasions where there was veiled criticism of the Federal Government - - -

**Mr Berry:** Our Prime Minister lived here.

**MR HUMPHRIES:** Unfortunately, it is not just about living here, Mr Berry. It goes a long way beyond that. Your Prime Minister also cut the Federal Public Service and Canberra's employment base very severely.

**Mr Berry:** Unemployment levels were never as high as they are now.

**MR HUMPHRIES:** Youth unemployment levels certainly were, Mr Berry. Youth unemployment, for your information, Mr Berry, was higher than it has been under this Government. Youth unemployment was extremely high under your Government, and that was, at least in part, the result of decisions made by your Federal colleagues on the hill, your Federal Labor colleagues in the Federal Labor Government. What did you say about that at the time? Mr Temporary Deputy Speaker, Mr Berry was conspicuous in his restraint in not talking about the Federal Labor Government. He was conspicuous in his restraint on that subject. It is quite clear that Mr Berry's first priority is protecting the backs of his Labor colleagues and his second is protecting the backs of the people of Canberra.

I want to put on record my very clear position that I believe it is the duty of every member of this place, first and foremost, to argue for the interests of the people of Canberra because they are the people who have elected us to this place. It is they whose interests have suffered in a number of decisions, and it is they who deserve to be defended by members of this place, first and foremost. The Andrews Bill, for example, received wide support in the Federal Parliament from both sides of the chamber. I am not sure about the crossbenches; I do not know whether, apart from Senator Harradine, there were any members of the crossbenches who supported the legislation. I suspect that the crossbenches were less supportive of the legislation than were the major parties, but that is speculation. I do know that there has been demonstrated in that legislation a highly paternalistic attitude to the people of Canberra.

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I do not support euthanasia. In this place I spoke very strongly against euthanasia. But I also do not support the Federal Parliament exercising powers of the kind it did in the case of the Andrews Bill to override the proper determination by the people of Canberra of what they wanted on that subject. I did not believe then and I do not believe now that it is appropriate for the Federal Parliament to bestow self-government on the people of the ACT, as they did in 1988, and then to withdraw the privileges, the responsibilities, that carries with it as they see fit. As Mr Moore said this morning in the course of his comments about the euthanasia legislation, it leaves a question mark at the back of all legislators' minds in both the ACT and the Northern Territory as to the occasions on which some decision we might care to make might be overridden potentially by the Federal Government or the Federal Parliament.

I think we ought to be the masters of our own destiny. We ought to be seeing the directions for our Territory's future, and there is clearly a strong paternalistic approach by the Federal Parliament towards the ACT and its people. That is typified by comments made regularly by members of both major parties and others denigrating the concept of Canberra, denigrating Canberra as a generic term when they mean the Federal Government or possibly the Federal Parliament. I oppose that kind of generalisation because it fails to acknowledge that there is a large community of people in this place who have interests that are very different from those of the Federal Government and the Federal Parliament. Sometimes they are servants of the Federal Government and the Federal Parliament, very often they are dependent on the health and vitality of the Federal Public Service; nonetheless, they are a discrete community from the Federal Government. They should not be tarred with the decisions of the Federal Government. They are entitled to be recognised by the Australian people as a community with separate interests and appropriate needs that need to be addressed.

The very underpinnings of the system of democratic government, I think, were dealt a blow by the Andrews Bill, and that is on two fronts. The Andrews Act, as it now is, discriminates on the basis of residence, and the Act also strikes at the principle of self-determination. The Act does not create a law that applies to all Australians. That is the key, I think, of the objection I have. It is an Act that applies only to those citizens who live in the two Territories - the Northern Territory and the ACT - and incidentally in the external Territories; it applies only to those people. A parliament duly constituted in another State is able to legislate for these matters and could do so tomorrow. The ACT and Northern Territory parliaments cannot. When the Federal Parliament used words to express its desires for the course of self-government, which it created in 1988, there would have to have been an element of rhetoric in that, given what has subsequently happened.

I repeat that I have no misgivings or qualms about stating clearly and explicitly that my first duty is to the people of the ACT. I would hope some others in this place would take a similar approach, and I would hope they would join us in acknowledging that the approach of the Federal Parliament has been paternalistic and has been dismissive, and that we are entitled to greater respect for our views, for our decisions made by the elected members of this place, than has been shown us in recent days.

The ACT's financial position is clearly far less generously endowed than we were all led to believe would be the case and than we all assumed just a few years ago when self-government was granted and since. The article by Mr Nicholson to which Mrs Littlewood referred demonstrates very clearly that the ACT has a very considerable problem in being able to wind back areas of neglect by the Commonwealth Government and to restate and to establish a level of services and funding for those services which is commensurate with that applicable in other parts of Australia. The needs of this jurisdiction are very different; they require, in some cases, greater levels of funding, and in almost every case the basis of those greater needs can be sheeted back to the fact that we are the seat of Federal government.

For example, we have a higher cost in replacing our electricity system in the ACT because we have a system of backyard reticulation rather than front yard reticulation, as most other communities in Australia have. That is a very heavy cost to the ACT. It is a cost deliberately imposed on us by the Federal government. The fact that we have been granted self-government ought to carry with it certain rights and responsibilities by us to deal with those things. Our responsibility is to face up to what those costs are, to manage them as best we can, to deal with them, to find ways of meeting those costs; but our rights or our privileges are that we can look to the Commonwealth for some assistance in being able to address those greater costs because of those greater needs, which in turn flow from the Commonwealth's control previously of the ACT.

I want the ACT to be able to face the future with some greater certainty than it has now. We need to confront, as a parliament and as a community, the unfortunate attitude of our Federal colleagues of all parties. I hope members will join in this debate and express that view very clearly. I know that some members will be tempted to forget about the point being made by this matter of public importance and just put the boot into the Federal Liberal Government; but if they do so they miss a very important point, and that is demonstrated by those figures in Mr Nicholson's article. These problems predate the present Government. They are far more widespread than the present Government, and they are longstanding problems which we need to confront, not so much as a policy of a particular government or a particular parliament but as a mind-set about Canberra as a whole, a mind-set within the Australian nation. We have to change that, and I hope this debate will make some small contribution to doing that.

**MR MOORE (4.16):** It seems to me that there comes a time when parliaments must decide what they are going to do about this sort of situation. We have a situation where one parliament's prerogative overrides that of another parliament. Interestingly enough, with reference to the Federal Government, it is only 10 years or so since exactly the same thing applied to them. The British Parliament retained the power to change the Australian Constitution until the Australia Act, and that was passed by both the British Parliament and the Australian Parliament in the mid-1980s. Australia negotiated with the British Parliament in order to resolve this very problem. They sorted out the problem for themselves, and then 10 years later they turn around in a most hypocritical fashion and exercise the very power they had negotiated to ensure would not be exercised on them.

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We clearly now have a responsibility to go past the complaining stage of what has just happened to us. What has happened is appalling, and this morning I made some scathing comments about Federal members who supported this legislation. I think it is right for all of us to thank the members who stood up for the Territories. I know that there are some members who were opposed to euthanasia but who opposed the Andrews Bill because they sought to protect the rights of Territories to make their own decisions. To those members I say thank you. To members who supported the Territories in whatever way, I say thank you, and I think members here would agree with me as far as that goes.

To the other Federal members and senators who supported the Andrews Bill, I cannot be vehement enough in my disgust at the actions they took. It is not about the issue of euthanasia, because in this parliament I have lost that debate before and never have I expressed this vehemence against members who voted against me on this particular issue. The vehemence is about using that power to override another parliament after they had established that parliament. Can you imagine the view of members such as John Howard, who have been in the Federal Parliament for longer than 10 years, had the British Parliament sought to do exactly the same to the Australian Constitution? It would have been totally unacceptable.

It is time for us to begin negotiations to establish a joint Act, an Act of this parliament and the Federal Parliament, that clarifies the power of this parliament, that gets a joint agreement between us and the Federal Parliament as to where we can legislate and where we cannot, so that we can be protected from this sort of legislation. We have a model upon which to base it: The legislation that passed through the Australian Parliament and the British Parliament, the Australia Act. I presume that such negotiations should be carried out in conjunction with the Northern Territory and perhaps Norfolk Island.

I urge the Chief Minister to take up the suggestion, to begin the research, and to do it in conjunction with the Speaker, whose responsibility this parliament is, to begin the preparation for such negotiation. Until we have established such an Act, until we have established such a method of ensuring just what our power is and what our power is not, there will hang over every piece of legislation put through this Assembly a shadow. We simply cannot continue to work in that way without at least trying to achieve something, at least trying to do something about it.

Perhaps the current members of the Federal Parliament will not agree to it, but we should begin the negotiations now. There will be times when the Federal Parliament will want us to act on their behalf. It happens regularly with joint meetings of Australian heads of government that there are negotiations to ensure a coordinated approach. It would seem to me that in those sorts of forums we are likely to get much more support than was exhibited in the attitude of members of the Federal Parliament and, most appallingly, the Prime Minister. This is indeed a very important issue that has been raised by Mrs Littlewood. It is a matter of vital public importance, and it is time for us now to start looking forward and to begin to make the appropriate changes.

**MR STEFANIAK** (Minister for Education and Training) (4.22): Mr Temporary Deputy Speaker, I rise to support the comments made by my colleagues Mrs Littlewood, Mr Humphries and Mr Moore. This is a vital issue of public importance. Going around during that first Assembly election, the most difficult question people asked was: Why do we need it and how are we possibly going to be better off because of it? One of the main things they highlighted was: How are we going to be financially any better off? Surely, this is going to cost us. That was a very difficult and very proper question that people put. Quite clearly, the Federal Government had a responsibility when it gave this Territory self-government not only to let the Territory govern - and that means let the Territory pass its own legislation and not have things like the Andrews Bill interrupt and affect that process - but also to ensure that adequate funding was given to the Territory, adequate funding was given to recognise the Commonwealth role Canberra plays and the role of national institutions. I do not think that funding is adequate. We saw the Territory get about \$500m in untied grants in 1989. That has now dropped to about \$280m a year. Thankfully, that is going to come to an end shortly, and with CPI it will rise. However, on any conservative estimate, we have been diddled. I would estimate that we have been diddled to the tune of about \$100m a year. The \$280m we now get is effectively a 50 per cent reduction in real terms, because we were getting \$500m or thereabouts in 1989. That is point No. 1.

My colleague Mr Humphries referred to a very good article in the *Canberra Times* last weekend which highlighted the inadequacies of the Federal infrastructure and the funding that has been given to the Territory in terms of maintaining that infrastructure. Five or six weeks ago I saw some startling percentage figures that I had not seen before. I do not have them in front of me, so this is just my recollection. In terms of percentage funding per head of population, the little old ACT was like New South Wales and Victoria. We were about 0.88 or 0.89 per cent per person. The Northern Territory was around 5 per cent, or about five times more than we get per head of population here. I know they have distance problems and I know they have other specific problems, but the ACT does not have some of the advantages of that Territory or other States in the Commonwealth.

We do not have any mineral wealth. We do not have manufacturing industries. We have a limited amount of industry. We rely very much on innovation and people and also the tourism industry. We do not have the same basic business base that some of the other States have and that the Northern Territory has, and there are significant disadvantages there that the Federal Parliament has not recognised at all. There are some severe financial problems imposed on the Territory by Federal governments of all political persuasions, and it is something that has bugged ACT governments of any political persuasion since 1989.

The Opposition keep referring to our being in a recession. I think we have been in a recession for quite some time. My colleague Mr Humphries mentioned such things as youth unemployment, which is very much a Federal issue as well as being of concern to us locally. I can recall during the 1993 Federal election, when I was a candidate, youth unemployment regularly being around 50 per cent. I hope someone from the Opposition does speak on this matter. This Government is not afraid to criticise its Federal counterpart, even though we are of the same political persuasion.

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Like Mr Humphries, I cannot remember any time when the then ACT Labor Government got stuck into its Federal counterpart. I do think that is necessary. I think State and Territory governments of all persuasions should regularly get stuck into the Federal Parliament when they need to.

Turning to the points raised so far in this debate, Mrs Littlewood is quite correct in stating that the Federal Parliament does have a paternalistic approach to the Territory. What is the point of giving the Territory self-government and making us responsible for our affairs if that paternalistic approach continues? The paternalistic approach is exemplified by such things as the Andrews Bill. I have consistently voted against Mr Moore's euthanasia Bills and will continue to do so. However, that is a matter for the Territory, not for the Federal Parliament to dictate to the Territory. Their approach is completely inconsistent with giving the Territory an Assembly and the power and ability to look after matters that relate to it.

There are many good things the current Prime Minister and Government are doing for Australia. It is a difficult job, and they did inherit a very bad situation from the previous Government.

**Mr Berry:** Rubbish!

**MR STEFANIAK:** It is not rubbish, Mr Berry. However, Mrs Littlewood is quite right in highlighting here the failure of Mr Howard to use the Lodge as his official residence. It is most important that he does that because that in itself, I think, affects confidence in Canberra and in the Territory. The Lodge goes with the job. In many jobs, you move with the job and your family moves with you. Those things just happen. I think it is very important for this Prime Minister to have a rethink about where he lives, because it is important that he does come and live in Canberra rather than residing in Sydney. Mrs Littlewood was quite correct in putting that in her matter of public importance.

I support Mrs Littlewood's matter of public importance. There are many issues of crucial importance to future directions for Canberra and the ACT. There are many matters of concern we have constantly with the Federal Government, no matter of what political persuasion it is. A number of members here have been Ministers, have gone to ministerial meetings, and on a regular basis have come up with various problems in relation to the Federal Government and the way it deals with this Territory.

As Mr Humphries has said, it is time the Federal Parliament had a serious change of mind and readjusted its attitude, woke up to itself, in relation to the ACT. We are a self-governing Territory. That legislation in 1988, when it was introduced in the Federal Parliament, conferred self-government on the ACT. The actions of successive Federal governments in many areas have not lived up to the spirit of that legislation, and I think it is about time that a number of members in the Federal Government stopped Canberra bashing, looked at the reality and acted in a much more responsible way. When that occurs, I think we will all be better off, and that is something I hope will happen with the passage of time. It is something we constantly need to keep pushing with the Federal Parliament, with our counterparts there of all political persuasions. If we do not do it, no-one else is going to.



**MR BERRY** (4.30): Mr Temporary Deputy Speaker, I note that Government members opposite did criticise the current Government and other governments for the impact of their actions on the Australian Capital Territory. I will defend the Labor governments because I think there was never a Labor government that would have tolerated its Prime Minister not living in the Lodge in the ACT. In turn, that sent a very strong message to the rest of Australia that this place meant something. There was never a Labor government that despised the Public Service, and that was well known across the rest of Australia and throughout the Public Service.

The Prime Minister of Australia under the last Labor Government lived in the ACT, not only when he was Prime Minister but before as well. That Prime Minister had a commitment to the Federation and was not caught up in a time warp, as is the case with the current Prime Minister. Mr Howard has behaved disgracefully, and the Liberals opposite are correct to criticise him. What they do not criticise him for is his indifference to the company, if you like, in a company town, that is, his consistent expressions against the public sector and, therefore, Commonwealth public servants. The end result, of course, is that the company town suffers, and that is not surprising. It has been a quite deliberate action, and it was in the wake of an act of deceit. We were promised before the last Federal election that no more than 2,700 jobs, I think the figure was, were in question in the ACT. That was a lie, was it not? We are looking down the barrel of 10,000.

**Mr Corbell:** It was 2,700 across Australia.

**MR BERRY:** Yes. I am reminded that it was 2,700 across Australia. We are looking down the barrel of 10,000 in the ACT at this stage. Let us not forget the other promises either - the promise to build a museum at Yarramundi Reach and so on.

There is no question about it that Prime Minister Howard has inflicted serious damage on the Australian Capital Territory. I read in the *Canberra Times* the other day a comment from Peter Reith in relation to the ACT, when he was being interviewed by a journalist about the Government's approach to the Territory. I think his throw-away line was, "Well, they did vote Labor, didn't they?". In other words, "We are going to punish them for voting Labor". That is the sort of approach we have seen from the Federal Liberals. They want to punish their detractors, and that approach continues to impact on the Territory. It has to be continually highlighted, and to the extent that the Carnell Government has highlighted that they are to be congratulated; but the pressure needs to go on and stay on.

I heard those opposite, in particular Mrs Littlewood, talk about the Andrews Bill. We have all expressed a view about the Andrews Bill and how it makes us less equal than the rest of Australia and so on. It reminded me of the opportunity Mrs Littlewood missed in relation to the euthanasia debate. When she was taking up her position here, she made it pretty clear that she was pro-euthanasia; but when it came to the crunch she missed the opportunity to increase the pressure on the people who looked like supporting the Andrews Bill. Had this Assembly passed the euthanasia Bill, I think that would have amounted to double pressure on those politicians up on the hill on both sides of the parliament. I cannot forget the huddle in this place when it seemed, certainly from my vantage point, that a number of people from the Government were trying to persuade Mrs Littlewood to exercise her conscience in one way or another.

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This matter of public importance is not new in relation to criticisms that have come from this place. The Federal Government has been paternalistic towards the ACT. Indeed, the Prime Minister himself has been quite willing to punish the ACT; there is no question about that. He makes clear his dislike of the ACT and he makes clear his dislike of public servants. I would be ashamed to have a leader of that ilk. Let us not forget that the last time the ACT's unemployment rate equalled that of the rest of Australia was when this Prime Minister was Treasurer. Every time this Prime Minister comes on the scene anywhere on the government benches, it is plain bad news for the ACT.

I am pleased Mrs Littlewood has raised this matter of public importance today because it is indeed a matter of public importance for the whole of the Territory. I think it has been a brave move on her part. I would be deeply ashamed of the Federal Government, and I am sure that there are those amongst the Liberals who are and who are ashamed to belong to the Liberal Party, and they ought to be, because what has been happening to the ACT is the most shameful piece of work in the history of the city. I urge the Carnell Government to continue putting the pressure on the Federal Liberal Government and to make sure that the pressure they put on is effective. The Andrews Bill is history now, and Michael Moore has made points in relation to how the Government should be energetic in pursuing a course of action that will give this Territory and its residents the opportunity to be at least as equal as residents in the other States.

**MR CORBELL** (4.39): This MPI is to be welcomed, purely because it sends some form of message from this Assembly to the Federal Parliament about how we believe our affairs should be governed. We believe that our affairs should be governed by the people of the ACT, through their democratically elected representatives. For bringing this MPI on, Mrs Littlewood is to be commended.

However, there is a point that I want to make on the MPI that goes straight to the heart of this matter. At the last Federal election, people in the ACT were given the choice of what sort of government they wanted, which was the best party, and which government would do the best thing by Canberra as well as by the rest of Australia. The people in Canberra knew very clearly what sort of political party would do the best thing by them, and they voted for the Australian Labor Party. They voted for the Australian Labor Party in all three Federal seats in the House of Representatives. They threw out the Liberal member in the southern seat and elected a Labor Party member, Annette Ellis. They elected a new member for the central seat, Mr Bob McMullan, and they returned the very long-serving and very well respected member for the northern seat, Mr John Langmore. Overwhelmingly did they do this.

**Mr Humphries:** Who?

**MR CORBELL:** The people of Canberra, Mr Humphries. I know that the Liberal Party often finds it a bit hurtful that they got only one out of four; but, unfortunately, that is a fact of life. I think they will find that, even though our numbers have gone down and we will have only two Federal seats in the House of Representatives next time, we will see Labor Party members returned in both of those seats. I think it is very important to make the point that when it comes to Federal government people in Canberra understand which is the party that represents the interests of the national capital: It is the Australian Labor Party.

The next point I want to address is the issue that has come up in debate about Public Service numbers in the ACT. The Liberal Party is always good at throwing around numbers, and they seem to have perpetuated the myth, and it is a myth, about the number of people they argue the Labor Party dismissed from the Australian Public Service. If the Liberal Party deigned to do a bit of homework for once, instead of throwing around rumours, which they are very good at doing, they would find that in the last three years of the Federal Labor Government Public Service numbers in Canberra increased, and they increased by several thousand. We supported the Public Service in Canberra. We supported what it meant to have an impartial, fair and professional public service.

The Australian Labor Party in the ACT has never been afraid of criticising the direction of Federal governments, whether they be Liberal or Labor. I am sure Mr Humphries would know that there was often tension and friction between the previous Federal Labor Government and the Australian Labor Party in the ACT. The Australian Labor Party in the ACT has always taken a very strong position against policies that have affected Canberra. You have only to look at issues such as privatisation. The privatisation and outsourcing of government agencies and departments have led to the loss of jobs and, where that has occurred, the Australian Labor Party has always criticised it. I think it is very clear that the Australian Labor Party has a strong and very fine record when it comes to defending the ACT.

The other point I want to make is in regard to tourism, and this is a point Mrs Littlewood raised. Tourism in the ACT is an industry we all value highly, and we value it highly because it brings jobs to the Territory, it provides jobs for young people, and it assists our economy. It also allows people to get an understanding of what the national capital is about and appreciate the nature of the capital and the unique qualities this city has. Since the election of the Howard Liberal Government we have seen a marked fall - more than marked, a dramatic fall - in the number of people visiting our city. This has occurred for a couple of reasons. You could say that it has occurred because John Howard refuses to live in the national capital - perhaps the only head of government who has refused to do so. You could also say that that has happened because the Federal Minister for Tourism, Mr John Moore, has actively and openly degraded the national capital in front of Tourism Ministers and tourism executives from around Australia - a point I tried to raise in this chamber yesterday.

The attitude of the Federal Liberal Government towards this town is nothing short of disgraceful.

**Mr Humphries:** It is not a motion about the Federal Liberal Government; it is about the Federal Parliament.

**MR CORBELL:** The attitude also of the Federal Parliament and the majority of coalition members towards this town has also been a disgrace. I think it is very clear that this MPI needs to send a clear message to the Federal Parliament. We need to say that we are a legislature that can make its own decisions, that we are competent enough, that we have the authority and indeed the obligation on behalf of the people of the Territory to govern in their best interests. In that respect, this MPI is to be welcomed. We as a legislature have that authority.

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One final point I want to make is in regard to Mr Moore's proposal to address the issue of defining what powers this legislature has compared with the Federal Parliament. Mr Moore's proposal would, in the long term, resolve the problem, but it could be a very difficult process to go through. I would proffer as an alternative an amendment to the self-government Act. I understand that the Act has a section which allows the Federal Parliament to overrule legislation made by the ACT Legislative Assembly. You could, quite simply, amend the self-government Act and delete that section. That would not stop future Federal parliaments from reinserting the clause or overruling the Act in other ways, but it would at least signal the intention of the Federal Parliament that it is no longer prepared to interfere with the duly elected processes of the ACT Legislative Assembly, and it would in some ways put a stop, a caution, on the Federal Parliament doing that. I think that is worth considering also. I thank the Assembly for its time, and I hope this MPI is supported - I am sure it will be - and that a clear message is sent to the Federal Parliament.

**MR TEMPORARY DEPUTY SPEAKER** (Mr Hird): The discussion is concluded.

**EXECUTIVE BUSINESS - PRECEDENCE**  
**Suspension of Standing Orders**

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

That so much of the standing orders be suspended as would prevent the order of the day, Executive business, relating to Members' interests in gaming machines, being called on forthwith.

**MEMBERS' INTERESTS - GAMING MACHINE ISSUES**  
**Motion**

Debate resumed.

**MR MOORE** (4.47): It is a very interesting time for this Assembly in many ways. In fact, the most recent debate on a matter of public importance has indicated that. In terms of democracy, there are also some fundamental questions before us. Do we want to go down the path of the United States democracy, where the election of a president costs how many millions of dollars; where the election of a congressman costs how many millions of dollars; where the election of a member to a State parliament costs how many hundreds of thousands and, in some cases, millions of dollars; where donations are made equally to the political parties, not because a business or a particular concern believes that a particular political entity will suit their purposes and will be better for the community? If you believe that, you give your donation to one political party.

But where donations are put to two political parties who are opposing each other, it is quite clear that the money is put there with the belief that some kind of influence goes with that money; otherwise, why would it be done? It clearly illustrates that some kind of influence goes with the money or that some kind of more reasonable access to members goes with the money. To have members stand up here and say, "Yes, we declare openly what money goes to our party" - and, indeed, that is much clearer with the Labor Party return than it is with the Liberal Party return; they say, "We declare openly what it is; therefore, it has no effect" - is simply not good enough. Nobody is suggesting that there is any illegality about it. But I have to say to you, Mr Speaker, that when the British Parliament considered the cash for questions issue they had to face the fact that there was nothing illegal about the notion of cash for questions. That campaign in the United Kingdom has resulted in the word "sleaze" appearing daily on the front page of almost every European paper that is published in English. It has enveloped the United Kingdom.

We are at a point where we have to say, "What is acceptable and what is not acceptable? What is the role that money plays in influencing members? At what point do we draw the line between what is an appropriate amount of money and what is not an appropriate amount of money? Should we draw a line?". Indeed, I think that was a question put by way of interjection by one member earlier. We do, of course, draw lines about this. We do it in our Electoral Act, where we say that certain donations do not require a declaration, up to a certain level for an individual member; and to a higher level for a party - and, I think, for quite good reasons. We have already made a judgment about a certain amount of money being a reasonable amount of money to be seen as not to have a significant influence. But, Mr Speaker, there is nobody in the Canberra community that I know who would believe that \$300,000 a year would not have some influence.

The notion that passing legislation or even debating issues that might have an impact on whether that \$300,000 could or could not continue, as is the case with gaming machines, is an issue that we simply cannot and should not ignore. This motion, Mr Speaker, calls on the Labor members to recognise this issue. It is a motion that calls on; it is not a motion that demands, or that says. If it did do that, Mr Speaker - - -

**Mr Berry:** It coerces.

**MR MOORE:** It certainly has about it an element of coercion; it is certainly designed specifically to try to encourage. I think "encourage" is a better word than "coerce".

**Mr Berry:** Bludgeon.

**MR MOORE:** Mr Berry is using the words "bludgeon" and "coerce", trying to take it further and further. No; if that were the case, it would be simply a motion that would instruct members to do it. I would oppose such a motion.

**Mr Berry:** Why do you not have the guts to do it?

**MR MOORE:** Mr Berry, members of this Assembly are attempting to draw to your attention that there is a conflict of interest that is quite clear here.

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**Mr Berry:** You hypocrite!

**MR MOORE:** The irony is, Mr Berry, that you have stood in this Assembly again and again to draw attention to conflicts of interest. Mr Berry calls me a hypocrite. He has stood here in this Assembly again and again drawing attention to other people's conflicts of interest; yet in his interjection he has the gall to call me a hypocrite. Mr Speaker, methinks the pot is calling the kettle black. It seems to me the Labor Party is nervous; and so they should be.

Mr Whitecross stands up and talks about the smear campaign of the Labor Party that I am running. It is not a smear campaign; it is an exposition. I have simply read their declaration under the Electoral Act. I have said publicly for some time, for some months, that the Labor Party has been getting a certain amount of money from gaming machines through their licensed club. As Mr Whitecross says, "Everybody knows that. We declare it". That amount of money means that, if they vote on a particular issue, then the community will have to question whether they actually have the ability to stand aside and look impartially at the issue. I would say to members of the Labor Party, "You do not have the ability to look impartially, because when you vote on this, when you speak on this issue, in the back of your mind you will know that if this goes against you there may be a reduction in the little less than a million dollars over three years that goes into your party's funds".

Mr Speaker, that is a good enough reason for us to raise this issue with the Labor Party, draw their attention to it and say, "What you need to do is act in a different way; you need to recognise this; you need to follow the path taken by Mr Osborne and say that it is far better for you to separate yourselves from this issue". Mr Whitecross can stand up here and say, "Mr Moore can smear us as much as he likes, but our decision will not be based on intimidation from the Liberals or from Mr Moore". The very thing that we are concerned about is that he can stand there and say, "We are not going to be influenced by this sort of approach". What are you being influenced by? That is the question that is going to be asked within the Canberra community.

What does influence? We all know that, as much as we may try not to be influenced by it, money has an influence. It is very hard to say no to people to whom you owe something; it is very hard to say no to a process to which you are wedded. It is that distinction that is the critical one; it is that distinction that we are asking you to recognise. The decision you make here will have an influence on the amount of money that goes to your party. The decision you make with reference to gaming machines has an effect on how well you can campaign, because of the resources that money provides for you. That is what it is about. It is about that perception; it is about that influence. You have the prerogative to stand aside from it, and I would encourage you to do so.

I believe it is inappropriate for you to take part in a debate on gaming machines. I believe it is inappropriate for you to vote on issues associated with gaming machines. Mrs Carnell has put this motion. I support it; I agree with it. I want to tell you up front, before we get to the substantive motion, that I believe it is inappropriate for you to debate it or vote on it. This motion urges you members of the Labor Party to abstain, but it leaves the final decision to you.

**MR BERRY** (4.58): Mr Speaker, I am pleased to have the opportunity to respond to some of the comments that were made by Mr Moore. The first thing that comes through in Mr Moore's speech is the envy, because he would not be able to gather a group of people together to form a party which would support the way he operates in this place. Leave that aside; let us look at the hypocrisy. This is the person who said that there was not a skerrick of evidence about the conflict of interest which applied in respect of the Chief Minister of the ACT. If Mr Moore or Mrs Carnell had the courage of their convictions they would try to apply the conflict of interest standing order which applies in this Assembly.

**Mr Moore:** On a point of order, Mr Speaker: I believe that Mr Berry is reflecting directly on a vote of the Assembly and misleading the Assembly at the same time, because I am quite sure that is not what I said.

**MR BERRY:** What? If Mr Moore had a skerrick of interest and principle about this issue, he would apply the conflict of interest standing order; he would seek to move a motion to prevent people from voting. Indeed, they cannot use that standing order because there is no conflict of interest within the meaning of the standing orders. There is no conflict of interest - not to the extent that applied in respect of Mrs Carnell. You could not use that standing order in respect of the Labor Party, and you know it. That is why you have not tried it on. This is no more than a political stunt. It sets new standards in which people may well be interested. It is anti-party from Mr Moore, because they are his challenge. When a collective puts their energies into having certain people elected to perform a particular political task - - -

Debate interrupted.

## ADJOURNMENT

**MR SPEAKER:** Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

**Mr Humphries:** I require the question to be put forthwith without debate.

Question resolved in the negative.

## MEMBERS' INTERESTS - GAMING MACHINE ISSUES

### Motion

Debate resumed.

**MR BERRY:** Let us look at the Liberals' position. Here they are criticising Labor Party members because the clubs make a contribution to the Labor Party. The interesting things that Michael Moore commented on and which are occurring in the UK are precisely democracy at work, and the people will have their say in respect of that.

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**Mr Moore:** How is cash for questions democracy at work?

**MR BERRY:** No; the fact of the matter is that the people in the United Kingdom are about to vote on what sorts of politicians they want. The frailties of the Conservatives have been exposed, and I suspect they are going to get thrown out.

Mr Speaker, the situation in the ACT is very clear. The Labor Party has never denied its attachment to the Labor Club. In fact, the Labor Club was developed by a bunch of Labor Party people who wanted a club which expanded Labor's interests and philosophies throughout the Territory. The Labor Club makes donations to the Labor Party because it is the party which is acting consistently with the objectives of the Labor Club; it is their football team, if you like. We have no direct interest in this issue.

I think Mr Osborne has decided that he is not going to vote on this motion. I do not think Mr Osborne should worry about it, because the money he receives from the club is - - -

**Ms Tucker:** He is voting on the motion.

**MR BERRY:** Is he? Well, he expressed a view about his perceived conflict of interest. I do not think he should concern himself with it, and he should be voting on this motion. He receives the income from the club, quite openly, and he plays football for it. If he stops playing football they will stop paying him; it is as simple as that. He has declared his position. In due course he will go to an election and people will decide whether or not he has done the right thing.

The same applies in respect of the Labor Party. This motion, of course, is a lie because it says:

... receive a substantial financial benefit as members of the Australian Labor Party ...

I have not received a financial benefit. I have not received a substantial - - -

**Mrs Carnell:** You get paid.

**MR BERRY:** Nobody is paying me, except the people of the ACT.

**Mr Whitecross:** The motion is wrong.

**MR BERRY:** The motion is wrong; it is stupid. It is stupid, wrong and vindictive, and it is a lie that is being put about this place by the Liberals and Michael Moore. It is a lie in respect of Mr Osborne as well. It reads:

... currently receives a substantial remuneration that is primarily derived from gaming machines;



It is a lie to say that about Mr Osborne. It is a lie to say it about members of the Labor Party - an absolute and outright black lie. It is not something that you lot opposite are uncomfortable with, I can tell. For you to come in here and urge people who have been elected by the community not to vote on certain issues because of a political move by you is absolutely disgraceful and just shows that you will go to the gutter on any issue if it suits you. Mr Moore could not see a skerrick of conflict of interest when it came to Mrs Carnell regulating her own pharmacy, but he tries to describe this as a substantial financial benefit flowing to members of the Australian Labor Party in this place. That is an absolute lie.

Mr Speaker, the Liberals will create a monster for themselves if they pursue this course. Let us look at their record. Take the Advance Bank, for example. The Liberal Party banks with the Advance Bank. The Advance Bank and the St George Bank have a monopoly on the Kick Start program.

**Mrs Carnell:** Bendigo Bank are in now.

**MR BERRY:** At first they had it. Is that a conflict of interest? A number of organisations in Tasmania have donated \$20,000 to the Liberal Party. We would like to know who they are, what their interest in the ACT is and what they will get in return. Let us look at the motor trades. The Motor Trade Electoral Action Committee donated \$1,750 to the Liberal Party. After the election, the Liberals dropped the Labor strategy of getting more independents into the market. What a coincidence! Should the Liberals be making decisions on petrol prices? Mr Speaker, how about Manuka? Only this morning the Assembly voted on the redevelopment of Manuka. The Liberals voted; yet they received a donation from a Manuka trader. Under Mrs Carnell's new rules, she should have ruled her party out. No. What hypocrisy! We end up with a new principle that has been developed here. You give donations to your enemies so they cannot vote on certain issues. What a joke!

Let us look at Mrs Carnell's \$1m. This will show up the hypocrisy that comes from the Liberals. Total donations to the Liberal Party in 1994-95 were \$453,499; in 1995-96, \$598,660. The secret 250 Club in 1994-95 donated \$99,500 or thereabouts; in 1995-96, \$50,854.

**Mrs Carnell:** It is not \$300,000, is it?

**MR BERRY:** Mrs Carnell thinks that, if you receive \$100,000, it is okay. (*Extension of time granted*) The Liberal Party's earnings from being a commercial property developer in 1994-95 were \$108,500; in 1995-96, \$120,500. From Becton Group Construction, in 1995-96, they received \$17,000; from the Licensed Clubs Association, in 1994-95, \$12,000; from Project Coordination, in 1994-95, \$3,500; from the Master Builders Association, in 1994-95, \$2,500; from the Motor Trades Association, in 1995-96, \$1,750; from Millers of Manuka, in 1995-96, \$1,500. That is \$1m. If you apply the Carnell principle, the Liberals will have to exclude themselves from any debate on ACT property issues, real estate issues, any commercial contact with any of their donors, petrol pricing, the motor industry or the Manuka redevelopment. What a joke! It is one rule for the Labor Party and another one for you; that is what it is.

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What makes you people so envious is that you could not gather a decent group of people around you to support you out there in a club. That is what has upset you most. Who contributes to the 250 Club? What about the Tasmanian companies? What are their interests in the ACT? How do we know the Government has not already made decisions beneficial to members of the 250 Club or to these Tasmanian companies? It is a big secret.

**Mrs Carnell:** It is no secret.

**MR BERRY:** I have already mentioned the Advance Bank. The Liberals also received moneys from the ACT clubs industry; so why are they not excluded from the debate? This is just plain hypocrisy and indeed stupidity, Mr Speaker. The notion of conflict of interest is clear. The Liberals are wanting to widen its application and apply it to gaming. You must apply it to all issues before the Assembly. It is just plain stupid. Mrs Carnell interjected that the 250 Club is not secret. I therefore challenge her to give me a list of all the members of it and the amounts of money that they have donated. Michael Moore and Kate Carnell are trying to intimidate Labor MLAs to agree to extend gambling in the ACT, without any social and economic impact study. We are not going to sit back and cop that. Mrs Carnell, this is no more than a cheap political stunt.

Mr Moore has decided to attach himself to the Australian Hotels Association. That is the path he has chosen.

**Mr Moore:** Not because of the donation, though; not because of the big donation.

**MR BERRY:** They know you are worth nothing; they would not give you anything, either. You get only what you are worth in this town, Michael. Admitting that you received nothing is an admission of your failure. The fact of the matter is that there is no conflict of interest in relation to this matter. The Labor Party will not be supporting the motion. We will be voting on issues which affect our constituents.

**MS TUCKER (5.11):** Mr Speaker, the Greens are not prepared to support this motion, because we believe we would really be opening up a can of worms and we do not know where it would end. The issue of conflict of interest is, obviously, very complex. The Liberal Party, apparently, receive huge amounts of money from business. Does this mean we should prevent them from making policy decisions on those issues?

**Mrs Carnell:** Yes, if it directly affects that business.

**MS TUCKER:** I am happy to listen to the arguments; but it is not as clear to other people as it is to you, obviously, that, if you have that amount of money coming into your campaign, you are not in some way compromised in your decisions as a government or even as an opposition. If Labor is in government next term and I vote for this motion, would that mean, therefore, that I should also prevent Labor as a government from making decisions about gambling taxes? It could get to the situation where it was totally absurd.

Mr Moore sees a difference in how much money is received. We heard this morning that, apparently, the Liberal Party receives \$200,000 from one particular source. Is that okay; but, if it is \$600,000, it is not? Where is the line? I need to hear a discussion where there is a real distinction made between what is acceptable and what is not. I am happy to get into it with Mr Moore or other people in another forum, but I repeat that this is not the forum to make a decision on that sort of issue. Mr Osborne has said that he is happy to debate our gambling motion. He sees it quite differently and as legitimate for him to enter into this debate, even though he will not debate the more specific legislation regarding poker machines because of his relationship with a club. He understands that the question of an inquiry into the overall management and conduct of the gambling industry is a different matter to Mr Moore's legislation or our legislation, which will be debated later.

I believe that Labor could demonstrate that they are able to have an impartial position on these very important issues by supporting our inquiry, and I will talk more about that later. But, really, it is a very big step to disenfranchise six members of this place on an issue as important as this. You are not only disenfranchising six members; you are - - -

**Mr Moore:** We are not disenfranchising them; we are asking them to disenfranchise themselves.

**MS TUCKER:** Okay; you are asking them to disenfranchise themselves. But it is a very big step if they choose to do that, and your having asked them to do it is a big step, because you are also, basically, disenfranchising all the people who voted for them. I do not believe this motion defines clearly enough the boundaries where conflict of interest begins and ends and, as I said before, the issue is too complex to be dealt with in this way. I believe the community will be watching very closely how Labor votes on gambling, and it will be on their heads if they appear to be compromised. I think if it were me, and I knew that I was receiving that amount of money, whether I was Labor or Liberal, I would always want to be seen to be very squeaky clean on any of these sorts of issues. I am hoping that Labor will actually show their impartiality by supporting our inquiry.

**MR HUMPHRIES** (Attorney-General) (5.14): I wish to make a brief contribution, Mr Speaker. I think the important point that perhaps Ms Tucker has overlooked is that it is, of course, difficult to draw the line, in some instances, between cases where a very minor conflict of interest situation may be said to arise and cases where a major one is said to arise. In that continuum, there are lots of shades of grey. I do not pretend that this motion comprehensively explains to the Assembly or the community exactly where that line should be drawn in all cases. But to acknowledge that there are shades of grey is one thing; to pretend, on the basis of that, that you therefore do not have to worry about outrageously obvious cases where there is a perception at least of a conflict of interest is another matter altogether.

There is no doubt, Mr Speaker, that a party which receives \$600,000 over two years from a couple of large licensed clubs and then goes ahead to make a decision about those clubs which directly affects the interests of those clubs is in a very different situation from, for example, an organisation which owns a building and receives rent from that building.

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It is like arguing that, because you are a householder and have a house and you pay rates on your house, you are excluded from voting on matters affecting rates in the Territory. It is such a silly argument.

**Ms Tucker:** Two hundred thousand dollars is a lot.

**MR HUMPHRIES:** But it is a commercial building. It is only rent from a commercial building.

**Mr Whitecross:** It is money in your pockets.

**MR HUMPHRIES:** Indeed it is; but it is only one building and it is only one set of rent from that building. If we had to vote on a Bill directly affecting that property, of course we would have to abstain, as the Chief Minister has indicated. But this is a matter on a vastly different scale, and I am sorry you cannot see that. Does Ms Tucker not think that the perception is created that when a party getting \$600,000 over two years votes on legislation affecting its income stream via poker machine revenues - - -

**Ms Tucker:** That is why they need to be very careful about what they do; but there could also be a perception that you are compromised.

**MR HUMPHRIES:** Ms Tucker has said that the Labor Party needs to be very careful. That is what this motion says. The motion says that the parties concerned - Mr Osborne and the Labor Party - ought to be very careful. That is all the motion says. That is exactly what the motion says. It notes that there are these substantial benefits from these sources and it "urges these Members to abstain from voting or participating in any debate, motion or legislation relating to the gambling industry which incorporates the operation of gaming machines". That is what the motion says.

Turning to Mr Berry's comments, because of the distortions he engaged in during this debate, it is pretty clear that he either does not understand what the motion says or deliberately distorts what it says in order to make some sort of point. He mentioned the \$1m, so called, the Liberal Party receives. How much of that \$1m relates to public funding, Mr Whitecross?

**Mr Whitecross:** You know.

**MR HUMPHRIES:** Yes, I know, and you probably know; but you did not tell the Assembly that when you said that the Liberal Party gets \$1m in donations.

**Mr Whitecross:** We are talking about political donations, political contributions.

**MR HUMPHRIES:** You cannot describe public funding as a donation, Mr Whitecross.

**Mr Whitecross:** Political contributions - \$200,000 in rent, \$150,000 from the 250 Club.

**MR HUMPHRIES:** You did not say “political contributions”; you said “donations”. Here is the distortion we are engaged in. He tells the Assembly that the Liberal Party gets donations of \$1m and fails to mention that at least \$400,000 of that is public funding. There is a bit of a difference, is there not, Mr Whitecross? Talk about secretive!

**Mr Whitecross:** It is not a secret; it is in public documents.

**MR HUMPHRIES:** You did not tell that to the Assembly, did you? It did not suit your rhetorical flourish. Mr Speaker, obviously this motion is not going to succeed today; but I make no bones about supporting it because I think it is important to put on the record that, with an order of interest of this size from the Labor Party - a massive amount of money coming from gaming machines in these two or three licensed clubs - - -

**Mr Whitecross:** You get a massive amount of money from a secret organisation.

**MR HUMPHRIES:** It is not a secret organisation. The 250 Club is no more secret than - - -

**Mr Whitecross:** Well, give us the membership. Tell us who donated what. Go on.

**MR HUMPHRIES:** You tell me who donated what in fundraising for the Australian Labor Party, Mr Whitecross.

**Mr Whitecross:** You have it all.

**MR HUMPHRIES:** No, we have not. You have the same amount of information about internal donations from the 250 Club as we have about internal donations from the Labor Party. When someone puts money on a plate at a function or makes a donation which is under the amount prescribed in the Electoral Act, which I think is \$1,500 - when those things occur - we do not know the details of those donations. The position with the 250 Club is exactly the same as the position with donations made by members of the Labor Party to the Labor Party. It is precisely the same. Describing it as a secretive organisation is no reflection on that organisation because it is exactly the same as the Labor Party itself in that respect.

Mr Speaker, I think the Labor Party will stand condemned if they are prepared both to vote against this motion - that is one thing - and also to ignore the spirit of this motion, because they will have to explain to the community why they were prepared to make critical decisions about matters affecting their income stream from which they derived a direct and ongoing benefit. It is no lie to say that every Labor member of this place - you, Mr Whitecross; you, Mr Berry; you, Mr Corbell; every one of you - derives a direct benefit from that money from gaming machines. A dollar put into each of those gaming machines in the Labor Club is a dollar going, sooner or later, in most cases, to the direct benefit of one of you six people. It is a direct benefit to you people; that is both the reality and the perception, which is important as well.

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**Mr Whitecross:** How?

**MR HUMPHRIES:** Because it elects you, Mr Whitecross, to this place.

**Mr Whitecross:** No; the people elect me.

**MR HUMPHRIES:** No.

**Mr Whitecross:** Yes, they do.

**MR HUMPHRIES:** No. You would not spend that money - half a million dollars - each year, if you did not believe that money elected you, as well as the votes of people.

**Mr Whitecross:** Go and read the Electoral Act. The voters elect me.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** Mr Whitecross, you spend money to get elected, as do most people in this place, and the money is very relevant to your election. Do not insult the intellect of all of us here by trying to deny it. It does have a very direct bearing on your election, as you well know. If Mr Whitecross and his colleagues cannot see the conflict that that engenders in the minds of the ACT population, I have great pity for them.

**MRS CARNELL** (Chief Minister) (5.22), in reply: Mr Speaker, I think the question that everybody has to answer today is: If those opposite, the ACT Labor Party, act in a way that would retain the exclusive access of clubs to poker machines, would they be acting in a conflict of interest situation? The question is a really important one. If the Labor Party in this place acts in a way - - -

Opposition members interjected.

**MR SPEAKER:** Order! Mrs Carnell has the call.

**MRS CARNELL:** If the Labor Party in this place acts in a way that would retain the exclusive access of clubs to poker machines, would that be a conflict of interest? That is the question.

**Mr Berry:** No.

**MRS CARNELL:** Mr Berry says no, it would not; it would not be a conflict of interest. That is a very interesting approach because, as we have already heard, the Labor Party gets some \$300,000 a year from at least two clubs. They could get some more from other clubs; I do not know.

**Mr Berry:** The motion is a lie, Mrs Carnell.

**MRS CARNELL:** Mr Speaker, if you would like to throw him out, that is fine.

**MR SPEAKER:** Yes; actually I am going to - - -

**Mr Whitecross:** You have your orders.

**Mr Humphries:** It is a pointed suggestion.

**MRS CARNELL:** It is a pointed suggestion. Mr Speaker, the issue of exclusivity is the issue that is important here. The issue is not who gives what to particular parties, but the fact that in the ACT Assembly we have a piece of legislation that maintains exclusive access of clubs to poker machines. I think it is important to read just a little from the Canberra Labor Club's general manager's report in their annual report, which I think really sums it up.

**Mr Whitecross:** Another public document!

**MRS CARNELL:** Yes, another public document; absolutely. It says:

This result -

they are talking about the result for last year -

will allow the Canberra Labor Club to continue in its ongoing financial and other support to the Belconnen Community ...

That means the people of the ACT, the Labor Party, all those sorts of people that we know that they support. Then it goes on:

This support is only possible by way of the continuation of community based clubs having exclusive access to poker machines.

This is the actual Labor Club saying that. The Labor Club - and it is important - says:

This support is only possible by way of the continuation of community based clubs having exclusive access to poker machines.

It then goes on, and I am quoting exactly, Mr Speaker:

The continuation of the ACT Government's current policy of allowing only legitimate clubs access to poker machines will ensure that this club's commitment to its members and the community will continue for the foreseeable future.

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Mr Speaker, I am very happy to table that document if anybody is interested. That sums it up. It makes it clear that the Labor Club itself is saying it can continue this level of support only if poker machines are retained exclusively by clubs. That level of support, as we know, is some \$300,000 a year to the Labor Party.

**Mr Berry:** You are asking us to abandon all the other clubs.

**MRS CARNELL:** That is from two clubs; I accept that. There could be others.

**Mr Berry:** We are not going to abandon the clubs.

**MR SPEAKER:** Order! You have already spoken, Mr Berry. It is Mrs Carnell's turn now.

**MRS CARNELL:** I think it is very important, then, to look at what conflict of interest actually is.

**Mr Berry:** You would not know.

**MRS CARNELL:** Mr Berry said I would not know. I will quote him because, obviously, Mr Berry thinks he would know. On 19 November 1996, he said:

Conflict of interest can be perceived or actual, and good governance is served when both are avoided, irrespective of any tailor-made rule which may allow one or the other to occur.

On 26 September 1996, Mr Berry said:

The next issue I would like to mention is Mr Humphries's deliberate ignorance of the issue I raised with him in relation to what is the rule of law on conflict of interest. That maxim is determined by what is thought to be the view of the world of the ordinary person in the street. If an ordinary person in the street believes that there is a conflict of interest, then it is fair to assume that there probably is one, according to law. That is the issue I raise.

They are Mr Berry's own comments. Mr Berry said that I did not understand conflict of interest; so it was very important for me to raise what he actually said in this place about conflict of interest on two separate occasions.

We know from public records that there is a direct benefit to the Labor Party from the Labor Club, the Tradies Club and, potentially, other clubs as well. As Mr Moore said, we know that significant donations to political parties benefit the members of those political parties inasmuch as they can run more expensive campaigns and all the rest of it and potentially get more people elected. Mr Humphries made the point that political parties would not spend the sort of money they spend on election campaigns if they did not believe it produced more people being elected. You would spend nothing if money spent on campaigns did not produce results.



**Mr Whitecross:** You do not think there is anything wrong with operating a commercial property for profit and using that money for political campaigning? Do you think that is not a conflict of interest?

**MR SPEAKER:** Order, Mr Whitecross! You have spoken already.

**MRS CARNELL:** We have a situation now where we know that the Labor Party has got significant dollars from the clubs. We know from the document I have tabled that the Labor Club has said that the only way they can guarantee that money is if they have exclusive rights to poker machines and if the ACT Government does not change its legislation. That is all on the public record. Okay, we have got that far. The clubs cannot provide the money without exclusivity, according to them. The Labor Party has the money. The Labor Party is using the money to elect its members and, I am sure, to send them to conferences and to do all sorts of other things that parties tend to do; so there is an absolute direct benefit.

The reality of this situation is very clear. This is not a general conflict of interest; this is a specific issue about exclusivity to poker machine licences by clubs, very simply. We are saying to the Labor Party and to Mr Osborne that, if we are going to debate anything in this place that could affect the exclusive access of clubs to poker machines, then it will, by the very nature of the outline - the very quick, very short outline - that I have just given, produce a conflict of interest in those opposite.

I come back to where I started this speech. Mr Speaker, if the Labor Party acts in any way that would serve to retain or maybe delay any deregulation of poker machines in clubs, then they are directly acting in a conflict of interest situation. It is actually quite simple; it is not a difficult argument. We are saying to the Labor Party - - -

**Mr Whitecross:** It is a standard that you do not apply to yourself. You are a hypocrite.

**MRS CARNELL:** Mr Speaker, Mr Whitecross said that it is an approach we do not adopt ourselves.

**Mr Berry:** No; you do not apply it to yourself.

**MRS CARNELL:** We do.

**Mr Berry:** You do not.

**Mr Whitecross:** No, you do not.

**Mr Berry:** You take the money and put it straight in your pocket.

**MR SPEAKER:** Order!

**MRS CARNELL:** Mr Speaker, I can guarantee that if there were a situation where somebody who was a significant contributor to the Liberal Party - and I would say "significant contributor" would be a contribution of anything over about \$10,000; I would say that would be about right, but I would be happy to debate that - - -

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**Mr Whitecross:** Do you mean like the Licensed Clubs Association who donated \$12,000?

**MR SPEAKER:** Order!

**MRS CARNELL:** That is spot on. Mr Speaker, if we were going to debate anything, either legislation we passed or legislation we did not change, to directly benefit somebody who had contributed to the Liberal Party campaign, I, for one, would not vote; and I know my colleagues feel exactly the same way. I believe that is extremely important.

I come back to the important question that everyone must ask themselves. (*Extension of time granted*) If the Labor Party acts in a way that would restrict access to poker machines to clubs, then, obviously, they are acting in a conflict of interest situation and should not vote and must not vote. Mr Osborne has made the comment that the Labor Party would need to follow its conscience on this. Ms Tucker has indicated that it is something that people should look at very seriously. We agree with all of that, and that is all this motion says.

**Mr Whitecross:** But you do not do it yourself.

**MRS CARNELL:** Very much so. I give an absolute undertaking, and I am sure all of my colleagues do, that we will not vote on anything in this place that gives a direct benefit to anybody who is a major contributor to our party. I think that is only right, Mr Speaker.

**Mr Whitecross:** A major contributor, even though we do not know who they are.

**Mr Berry:** But you regulate your own business; you put the money straight in your pocket.

**MR SPEAKER:** Order!

**Mr Berry:** You regulate your own business and put the money in your pocket.

**MR SPEAKER:** Order!

**MRS CARNELL:** The issue, though, that I am talking about is not the issue here. The issue here is the exclusive access of clubs to poker machines. That is the issue. It is not an issue of political contributions - - -

**Mr Berry:** And you want to knock them off, but you promised not to.

**MR SPEAKER:** Order! You have spoken already.

**MRS CARNELL:** It is not an issue of who contributes to which party or whatever; it is about a very specific situation where poker machines - and the exclusive access to the same - according to the Labor Club, is what is allowing them to continue to contribute to the Labor Party. It is that simple. That is what the Labor Club themselves have said.

**Mr Whitecross:** You get a direct and personal benefit out of our having less electoral funding.

**MR SPEAKER:** Order!

**MRS CARNELL:** Mr Speaker, the Labor Club has said categorically that the reason they can continue to contribute to the Labor Party is - - -

**Mr Berry:** That is why you can be a millionaire. You can stick the money out of your business into your pocket, which you regulate.

**MR SPEAKER:** Would you be quiet, Mr Berry.

**Mr Berry:** You regulate your own business.

**MR SPEAKER:** I warn you, Mr Berry.

**MRS CARNELL:** I will finish here, Mr Speaker. I think I need to make the point again, without interruption, that the Labor Club has said that the only basis upon which they can continue to contribute at their current levels to the community and the Labor Party is if they continue to have exclusive access to poker machines. They go on to say that the ACT legislation and its not changing is the basis of maintaining that contribution at its current level. I think that says it all. Therefore, anything that is likely to change that exclusivity is likely to change the amount of money, according to the Labor Club, that goes directly to those opposite. If those opposite do anything then to maintain that exclusivity, they have acted with a direct conflict of interest.

**MR BERRY:** Mr Speaker, I seek leave to make a personal statement.

**Mrs Carnell:** I did not even speak about you; I quoted you.

**MR BERRY:** You did; you said that I received money directly from the Labor Club.

**Mrs Carnell:** I did not mention Mr Berry's name at all, Mr Speaker.

**MR SPEAKER:** Order! The matter has been - - -

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**MR BERRY:** “Those opposite receive money from the Labor Club”. We receive no money at all.

**MR SPEAKER:** The matter has been looked at before, and I have ruled that, unless an individual is named, then - - -

**Mr Whitecross:** You have ruled both ways on this.

**MR SPEAKER:** No; I have ruled before that a collective statement does not call for a personal explanation or a withdrawal.

**MS TUCKER (5.37):** Mr Speaker, I seek leave to make another comment after listening to Mrs Carnell. Is that possible?

Leave granted.

**MS TUCKER:** I just want to say that I still will not support this motion. However, I listened to what Mrs Carnell said and I am very concerned about the information on what the club says about the poker machines. I just want to put on record that, in essence, I think the Labor Party does have to think very seriously about that issue; that is, the legislation. When the poker machine legislation is being discussed they do have to look very carefully at that.

Question put:

That the motion (**Mrs Carnell's**) be agreed to.

The Assembly voted -

*AYES, 8*

Mrs Carnell  
Mr Cornwell  
Mr Hird  
Mr Humphries  
Mr Kaine  
Mrs Littlewood  
Mr Moore  
Mr Stefaniak

*NOES, 9*

Mr Berry  
Mr Corbell  
Ms Horodny  
Ms McRae  
Mr Osborne  
Ms Reilly  
Ms Tucker  
Mr Whitecross  
Mr Wood

Question so resolved in the negative.

## GAMBLING INDUSTRY - BOARD OF INQUIRY

### Motion

**MS TUCKER** (5.41): I move:

That this Assembly:

- (1) calls on the Government to appoint a Board of Inquiry pursuant to the *Inquiries Act 1991* to inquire into the gambling industry in the ACT and in particular to review the industry and produce a comprehensive industry plan, having regard for the social and economic impacts of the industry. The issues to be examined will include:
  - (a) the creation of an Authority to regulate future growth and conduct in the industry;
  - (b) provision for ongoing funding for research, expanded education and prevention, counselling and community support services;
  - (c) limits on the number of gaming machine licences and the number of gaming machines; and
  - (d) consideration of extension of gaming machine licences to hotels and the casino; and
- (2) is of the opinion that the Board should consult widely, taking care to consult with gambling consumers, organisations who assist problem gamblers, industry, and academics and experts in the field of gambling and problem gambling and could also take account of the approaches and experience of other jurisdictions.

Gambling is a major and rapidly growing industry. Governments all over Australia are increasingly depending on it for revenue. It is much easier than raising taxes. Governments believe that it is acceptable to the community to increase revenue in this way and so continue to support the gambling industry. There is, however, growing concern in the community that the gambling industry is out of control and that government is not acting responsibly, that politicians are more interested in the money and power of the gambling industry than in the downside, the social costs, and that society is paying an increasingly high price for this particular activity.

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The responses of both Labor and Liberal in the ACT to this issue could lead the community to be very cynical about politicians' commitment to showing leadership and responsibility in this area. Mrs Carnell has said that there will be no extension of upgraded machines to hotels this term. What about next term? "Vote for me, and you might get them". No arguments for or against; no addressing the issues. I am encouraged today, however, to learn that Mrs Carnell is willing to have a round table discussion on the issue of an independent inquiry and, hopefully, we will be able to work together on this important social issue.

As for Labor - what can I say? In a last minute attempt to protect the clubs, they come out with a fair and balanced approach to issues facing the ACT Assembly. They now have an opportunity to show that they indeed do have a fair and balanced approach to these issues by supporting this inquiry and not persisting with this absurd strategy they have dreamt up. It is very telling, really. I must say, after the debate we have just had, that it is even more critical that Labor does take this inquiry seriously and support it. It is very telling that Labor, in its strategy, says that it is a balance for issues facing the Assembly. Yes, they are in a spot in the Assembly, because the Greens have come up with a proposal that might indeed worry the clubs and Labor, but the Greens would have thought it was issues facing the whole community, not just the Assembly, that were of concern. The Greens have been working on this issue for over a year now, and I believe that, if we are to have a responsible and planned industry which takes into account the downside of gambling, we must have this inquiry. We depend on gambling in the ACT for about 11 per cent of our revenue; that is about \$50m, more than half of which comes from poker machines. We fund specific gambling support services to the tune of only about \$100,000.

I am putting forward this motion because I believe that we need to put in place a comprehensive process of research - yes, Mr Whitecross wants research too - analysis, discussion, and planning to produce a responsible and far-sighted gambling industry plan for the ACT. The main reasons that have inspired me to pursue this issue and prompted me to put forward the legislation that I have and this motion today are the increasing reliance of governments of all persuasions on the gambling dollar revenue, and the out-of-control growth of the industry, the growth of problem gambling, which is primarily associated with poker machines in the ACT, lack of funding for education and prevention programs, and inadequate funding for counselling and community support services.

We all know that there is a lot of politics around gambling in this town; that has been demonstrated again. If Mr Whitecross is so concerned about problem gambling, he can support my motion today, because the inquiry we are proposing will cover all the issues Mr Whitecross purports to be concerned about but will carry a lot more power and weight. The issues Mr Whitecross wants raised are the sorts of issues we want raised in our inquiry. We are happy, however, to include in our motion - I will seek leave to amend our motion, and this amendment will be circulated now - the detail of what Mr Whitecross wants. Obviously, any inquiry that is charged with the responsibility of coming up with a comprehensive industry plan, having regard for the social and economic

impacts of the industry, is going to look at all the issues Mr Whitecross has put forward in his motion. How could an industry plan be developed without looking at the current state of the gambling industry, the social and economic profile of gamblers, the incidence of people with addictive or excessive gambling problems, the impact of gambling on other social and economic activities, and so on?

If Mr Whitecross had bothered to listen to my speech in the Assembly last December, he would have heard me talk about the growing human fallout from gambling, the jobs in the industry, the revenue and so on. He would have heard me say that in 1994-95 the ACT had the highest per capita gambling expenditure - about \$800 per person. He would have heard me say that the current level of support for services available for problem gamblers is inadequate. So our inquiry has more power than the impact assessment Mr Whitecross is proposing, and it is absolutely necessary that it has. We want the inquiry not only to look at the here and now of the gambling industry but also to advise us on the complex political and economic questions surrounding the future expansion of the industry and the future regulation of the industry. We want the issue of the regulatory framework, possibly through the creation of an authority, examined as part of this inquiry. Mr Whitecross has even put in his motion that the impact study should examine the economic and social costs and benefits of an extension of gaming machines. Labor is apparently not even worried about that part of our inquiry.

Last year gaming taxes from poker machines alone provided 5½ per cent of total tax revenue for the ACT. Taxes on all forms of gambling provided about 11 per cent. Canberra's 68 licensed clubs provide about 2,000 jobs, \$1.1m in liquor licence fees, \$27m in rates and salaries, and about \$2.5 to \$3m to charities. Problem gambling accounts for more than 26 per cent of turnover and has impacted on 14.5 per cent of families. That is in a New South Wales study. All of the help-providing agencies in Canberra are reporting large increases in the numbers of people seeking help with gambling-related problems. Lifeline told us that over 80 per cent of the clients of its gambling counselling service were having problems related to poker machines in particular and that the larger proportion were low-income earners. The Salvation Army reported a big increase in the need for emergency assistance related to problem gambling. The impression from case histories was that many more single mums under financial stress were experiencing problems related to gambling.

In conclusion, the continued unplanned expansion of gambling without adequate safeguards and support services is such an important issue that it must be comprehensively addressed. We cannot afford to continue the current ad hoc approach. This is an opportunity for all members of this place to show their commitment to responsible and far-sighted management of the Territory. As I said, Mrs Carnell and the Liberal Party are interested in having further discussions on this, which is extremely encouraging; but I would still say to Labor that, if they insist on putting up their motion and their impact assessment, they have lost credibility in a major way in the eyes of this community, and it will be on their heads.

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Motion (by **Mrs Carnell**) put:

That the debate be adjourned.

The Assembly voted -

*AYES, 10*

*NOES, 7*

Mrs Carnell  
Mr Cornwell  
Mr Hird  
Ms Horodny  
Mr Humphries  
Mr Kaine  
Mrs Littlewood  
Mr Moore  
Mr Stefaniak  
Ms Tucker

Mr Berry  
Mr Corbell  
Ms McRae  
Mr Osborne  
Ms Reilly  
Mr Whitecross  
Mr Wood

Question so resolved in the affirmative.

### **GAMBLING INDUSTRY - SOCIAL AND ECONOMIC IMPACT STUDY Motion**

**MR WHITECROSS** (Leader of the Opposition) (5.54): I move:

That this Assembly calls on the Government to commission and fund a social and economic impact study of gambling in the ACT by an independent researcher. The issues to be examined are to include:

- (1) the current state of the gambling industry ie. the number of venues, the facilities and activities at the venues, links between location and patterns of gambling and the contribution of the gaming industry to Government revenue;
- (2) the social and economic profile of gamblers, eg. gender, age, ethnicity, income;
- (3) the incidence of people with addictive or excessive gambling problems;
- (4) the effects of gambling on household income, family breakdown, homelessness, emotional and financial problems, socially dysfunctional behaviour, suicide rates, vulnerable groups such as youth, unemployed, retired, non-English speaking background, and bankruptcy;



- (5) the adequacy of support services available for problem gamblers and related social and welfare services eg. financial counselling, the effectiveness of community awareness and educational programs relating to gambling, and community attitudes towards gambling;
- (6) the impact of gambling on other social and economic activities such as sport and other forms of entertainment, business and retail activities, employment (employment directly and indirectly related to the gaming industry), tourism, and recreational and leisure expenditure figures including and excluding gaming expenditure; and
- (7) the economic and social costs and benefits of an extension of gaming machines.

Mr Speaker, I am moving this motion today and seeking the support of the Assembly because I believe that a social and economic impact study is vital if we are to make an informed decision about the future of the gaming industry in the ACT. There is barely any information about the effect of gambling in the ACT, both socially and economically. We know how much we spend and how much revenue we get, but these alone do not provide a sound basis for making decisions. What we do know about gambling in the ACT is that the people of Canberra have become Australia's biggest gamblers. According to an article in the *Bulletin* magazine, we have won this auspicious - or inauspicious - title from New South Wales gamblers, who have held that record since the arrival of the First Fleet. This is why we have to tread very carefully and calmly on issues about gaming and gambling in the ACT. My proposal will ensure that this happens. It is not merely a stalling or delaying tactic, as the Greens would have us believe.

Decisions will have to be made. Other States have made them, albeit using a crash-through approach, without undertaking the necessary groundwork on which to base a sensible decision, and they are regretting that now. The study should be conducted by an independent researcher, to ensure that it produces a balanced report, despite all the vocal and competing interests in the gaming industry in the ACT. It is important that the study does not begin with either a pro- or anti-gambling bias, since the results must be objective, to ensure that any decisions made by the Assembly are made from a solid base of information. The study should provide objective research about the impact of gambling and the likely impact of changes, so that the Assembly can decide how to proceed, whether there is a problem or not, whether they should proceed to extend gambling or, indeed, pull back. We need all the current and potential social and economic costs and benefits before us.

The study should contain quantitative and qualitative research, to ensure a balanced approach. Some quantitative data already exists, such as data about demographics, industry structure and trends, and this needs to be collected and analysed. Other data will need to be found. Quantitative data is important because it informs factually about what gambling is related to and what effects it has. Quantitative data alone, however, will not

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provide the necessary descriptive information about how and why gambling affects people. Qualitative data brings an interpretive dimension to research and should enhance understanding about the variety of issues relating to gambling in our community. It should look at people's values, perceptions and experience to give all of us a valuable insight.

Like the Greens in their motion, Labor is concerned that all stakeholders in the gaming industry in the ACT are consulted. There are diverging interests and opinions about the current state of the industry and where it should go. Government representatives, gambling industry representatives, community and welfare agencies and other sectors of the community which can provide relevant research and data should be given the opportunity to do so. Indeed, the researcher engaged should be empowered, through adequate funding, resources and time, to ensure that all are consulted. The researcher engaged should also consider the experience of other States. Some States have made enormous changes to the gaming industry over the past few years, and the effects of such changes have to be considered. It is also very important that the results of the social and economic impact study are made public. The community has been following this debate, and it is essential that they too are kept informed and listened to so that the Assembly makes a decision that can be held up for public scrutiny.

The proposed terms of reference that Labor has put forward encompass a range of issues on which detailed information is needed before any decisions about the gaming industry can be made in a responsible and informed manner. Such comprehensive information is not currently available, despite assertions to the contrary by the Licensed Clubs Association. Should such terms of reference be adopted, the results of the study will give a very clear indication of the current state of the industry, the extent of the current social problems, and whether there is currently an adverse economic impact due to money being spent on gambling at the expense of other forms of entertainment or other choices about lifestyle.

It is essential that everybody knows how many venues currently have poker machines or other forms of gambling services. We do not currently know whether there are links between location and patterns of gambling. There is no information available about the profile of gamblers in the ACT. For example, do women or men gamble more? Is it those on low incomes or the unemployed who are gambling, or is it people on high incomes, and what is the social cost? I am concerned, for instance, about a comment by the vice-chancellor of Melbourne's Monash University, who recently said:

Gambling is an almost perfect system for taking money out of the pockets of the poor and putting it in the pockets of the rich.

We need to know whether this is occurring in the ACT. We also do not know the extent or incidence of people with addictive or excessive gambling problems in the ACT. How can we vote to extend poker machines into other venues, or conclude whether there are too many poker machines already, without such knowledge? The commonly accepted figure is one or 2 per cent of the population, but how do we know? Another issue that I have picked up in my research on this matter is that each addicted gambler affects seven to 13 people around them. Is this the case in the ACT as well?

In relation specifically to the social costs of problem gambling, what are they? There is a lot of material that draws on personal experience and anecdotal evidence in other States which suggests that such social costs include marriage and family breakdown, homelessness, socially dysfunctional behaviour and suicide. Are these also the results of addictive or excessive gambling in the ACT as well, and what is the incidence? We need a social impact study to find out.

There are two main organisations in the ACT that deal with problem gambling. The Gambling Crisis Counselling Service offers a telephone counselling service which is solely volunteer based. It operates 24 hours a day and receives approximately 100 calls a month, without government funding. One hundred calls a month is significant enough to warrant a social impact study into the effects of gambling in the ACT. Lifeline, the other provider, offers a different type of service. Although it has a 24-hour crisis line, its primary service is providing personal case management services for people with gambling problems. It has personal contact with around 700 Canberrans a year. These services are both very good and very dedicated to dealing with the problem of gambling in the ACT, but how do we know whether they are reaching everyone in need? Lifeline has only recently had to reduce the hours of its gambling counsellor by five hours a week due to funding problems. Lifeline does require further funding and commitment from government and the industry. The funding received by Lifeline is not enough to cover administration costs, nor is it adequate to cover educational and promotional activities.

Education and prevention are integral to ensuring that problem gambling is contained as much as possible. It is very clear that more can be done, and examination of the effectiveness of past programs and suggestions for future education programs is, I believe, necessary. The study will have to be done to prove me correct. Before any such educational and promotional campaigns can be designed, it is essential that the gaming industry and related support services are in tune with community attitudes about gambling. An effective strategy must know whom to target and how to appeal to them. This cannot be adequately achieved without knowing the profile of gamblers in the ACT.

No-one can deny the importance of the gaming industry in the ACT. The tourism potential, the employment and the social entertainment value associated with it are an integral part of the life of the Territory. But just how big a role does gambling play for people in the ACT? How many times do they visit their local club and play poker machines in one week or one month? Are people spending money gambling at the expense of other forms of entertainment or instead of purchasing whitegoods or a new pair of jeans? These are the kinds of concerns that are being raised in Victoria at the moment.

The effect of gambling on the retail sector must be explored in depth. For so long, the Labor Party and the Liberal Party have been talking about the importance of the private sector to the future of the ACT. We must be very careful when considering what the effect of issuing further gaming machine licences will be on the retail sector's and the private sector's ability to grow and flourish. The social and economic impact study I am proposing will also delve into the vexed question of the likely social and economic consequences of extending gaming machines into pubs, taverns, hotels or the casino.

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It would be very easy in these current economic times to go down the path of a State such as Victoria. Gambling taxes provide the Victorian State Government budget with \$1 billion annually, compared to \$500m only four years ago. The ACT economy is in recession, the Government is facing largely self-inflicted budgetary problems of its own, Commonwealth funding has also declined, and the ACT has limited revenue-raising capacity. It will be all too easy for government in the ACT to become the next big gambling junkie in Australia. This is why we need to ensure that we have all the facts before beginning to feed something that could become an addiction. Other governments have become so dependent on gambling that in some States it is now their third or fourth biggest source of revenue. I believe that before any decisions can be made about the other Bills before the house - Mr Moore's Bill in particular - we must know the likely impact of passing that Bill. I will be very open to the results of the study and will assess all the factors before making a decision.

I call on the Government to commission this study expeditiously. There is pressure for change. There are Bills before the Assembly in relation to gambling, and we need information to make an informed decision. This is an important issue. It is an important issue to people in my electorate, it is an important issue to people who vote Labor, and we believe that it should be taken seriously. We need to raise the level of the debate, and a social and economic impact study into gaming in the ACT will help to do that.

Motion (by **Mrs Carnell**) put:

That the debate be adjourned.

The Assembly voted -

*AYES, 10*

Mrs Carnell  
Mr Cornwell  
Mr Hird  
Ms Horodny  
Mr Humphries  
Mr Kaine  
Mrs Littlewood  
Mr Moore  
Mr Stefaniak  
Ms Tucker

*NOES, 7*

Mr Berry  
Mr Corbell  
Ms McRae  
Mr Osborne  
Ms Reilly  
Mr Whitecross  
Mr Wood

Question so resolved in the affirmative.

## ADJOURNMENT

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

That the Assembly do now adjourn.

## Youth Haven

**MRS LITTLEWOOD** (6.10): Mr Speaker, I want to mention that last Friday I had the honour to open the day program for Galilee, which takes place out at Youth Haven in Tuggeranong. I would like to recommend the program to all members of the Assembly. Whether it be in your electorate or not, I urge you to go out and see what is happening out there. They are doing a great job for young people, and it just shows what can happen when people are cooperative.

## Public Service - Separations

**MR HIRD** (6.10): Mr Speaker, the Labor Opposition has attempted to make political mileage out of the fact that Mr John Flutter has elected to leave his post as head of ACTION to pursue another career path. You might have seen the ravings of our colleague Mr Berry in today's *Canberra Times* under the heading "ACTION head quits, ACT PS too politicised". Once again, Mr Berry and his ALP colleagues have short memories. No-one has been as guilty of politicising the Public Service as the Labor Party. Yes, put your hands over your eyes. I know it aches.

Could I just take a moment to refresh their memories about what happened to Public Service senior executives with the helping hand of the Follett Government? We can go right back to September 1991, when we saw the demise of Graeme Haycraft, the CEO of the tourism authority. Let us not forget a fellow named Keith Lyon. Do not forget him.

**Mr Stefaniak**: I remember him, yes.

**MR HIRD**: Yes, remember him, Mr Stefaniak. The first hatchet, Ta-Ta Keith. They called him Ta-Ta Keith. He was followed in the same month by the Chief Planner - guess who? - Geoffrey Campbell. Then there was the Auditor-General, Jim O'Neill, who suddenly disappeared. Another one was Eric Willmot, Secretary to the Education Department, who departed in March 1992, closely followed by Richard Madden, head of the Treasury, one month later. The list goes on and on, Mr Speaker: Michael Sinclair,

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chairman of the ACT Milk Authority, departed in June 1992; Gillian Biscoe, CEO of ACT Health, ta-ta, 1993. Mike Wadsworth is another one, the CEO of ACTION - seeing they are so concerned about ACTION. He went ta-ta, too. The list goes on and on, but I have highlighted a few of the hypocrisies that have been coming out of the mouths of those opposite.

**Mr Humphries:** Breathtaking.

**MR HIRD:** Absolutely. Mr Berry, can I just say that you have got it wrong once again, sir. Need I say any more, Mr Speaker?

Question resolved in the affirmative.

**Assembly adjourned at 6.13 pm**